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LABOR LAWS OF THE UNITED STATES SERIES: No. 3

LABOR LAWS OF THE UNITED STATES, WITH DECISIONS OF COURTS RELATING THERETO

IN TWO PARTS

PART II



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CONTENTS.

PART II.

Text of labor laws reproduced—Concluded. Page.

Montana 1217–1278
Nebraska 1279–1319
Nevada 1321–1354
New Hampshire 1355–1372
New Jersey 1373–1432
New Mexico 1433–1451
New York 1453–1562
North Carolina 1563–1582
North Dakota 1583–1601
Ohio 1603–1701
Oklahoma 1703–1745
Oregon 1747–1781
Pennsylvania 1783–1938
Philippine Islands 1939–1950
Porto Rico 1951–1965
Rhode Island 1967–1989
South Carolina 1991–2008
South Dakota 2009–2028
Tennessee 2029–2069
Texas 2071–2104
Utah 2105–2134
Vermont 2135–2150
Virginia 2151–2177
Washington 2179–2228
West Virginia 2229–2254
Wisconsin 2255–2325
Wyoming 2327–2352
United States 2353–2445

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TEXT OF LABOR LAWS—Concluded.

MONTANA.

CONSTITUTION.

ARTICLE 15.—*Liability of employers for injuries to employees—Waivers.*

Contracts limiting liability.

SECTION 16. It shall be unlawful for any person, company or corporation to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement, whereby such persons, company or corporation, shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employees thereof; and such contracts shall be absolutely null and void.

ARTICLE 18.—*Bureau of agriculture, labor, and industry.*

Assembly may provide for bureau.

SECTION 1. The legislative assembly may provide for a bureau of agriculture, labor and industry, to be located at the capital and be under the control of a commissioner appointed by the governor subject to the confirmation of the senate. The commissioner shall hold his office for four years, and until his successor is appointed and qualified; his compensation shall be as provided by law.

ARTICLE 18.—*Employment of children in mines—Hours of labor of employees on public works and in mines, smelters, etc.*

Age limit of sixteen years.

SECTION 3. It shall be unlawful to employ children under the age of sixteen (16) years of age in underground mines.

Limit of eight hours per day.

SEC. 4. A period of eight hours shall constitute a day's work on all works or undertakings carried on or aided by any municipal, county or State government, and on all contracts let by them, and in mills and smelters for the treatment of ores, and in underground mines.

Enforcement.

SEC. 5. The legislature by appropriate legislation shall provide for the enforcement of the provisions of this article.

REVISED CODES—1907.

Union label to be used on public printing.

State printing to bear union label.

SECTION 254. All printing for which the State of Montana is chargeable, including reports of State officers, State boards, pamphlets, blanks, letterheads, envelopes, and printed matter of every kind and description, save and except certificates of appointment and election to office, shall have the label of the branch of the International Typographical Union of the city in which they are printed.

Penalty.

SEC. 255. Any officer of the State who shall accept any printed matter, save and except certificates named in section 1[254], for which the State is chargeable, which does not bear a label indicating that it was printed in an office under the jurisdiction of the International Typographical Union, shall be subject to a fine of fifty dollars for each and every offense.

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Free public employment offices.

Offices to be established.

SECTION 288 (as amended by chapter 15, Acts of 1911). It is the duty of the common council of any incorporated city of the first or second class within this State, and it shall be lawful for the common council of any incorporated city other than a city of the first or second class within this State, to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The

Reports.

annual report of the commissioner of agriculture, labor and industry shall contain a detailed account of the transactions of all free employment offices within this State, showing the number of applicants for help, the number of applicants for employment, male and female, the number securing employment through said offices, and the expenses thereof.

Employment of children—School attendance.

School attendance required.

SECTION 965. All parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography, physiology and hygiene, and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private, or parochial school, for the full time that the school attended is in session, which shall in no case be for less than sixteen weeks during any current year, and said attendance shall begin within the first week of the school term, unless the child is excused from such attendance * * * upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, * * * or that there is no school taught the required length of time within 2½ miles of the residence of such child by the nearest traveled road: *Provided*, That no child shall be refused admission to any public school on account of race or color. * * *

Certificates.

SEC. 966. No child under fourteen years of age shall be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of trustees in village and township districts not having such superintendent, upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 965 of this article; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language. The age and schooling certificate shall be formulated by the superintendent of public instruction and the same furnished, in blank, by the clerk of the board of trustees or the clerk of the district. Every person, company, or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon the request of the truant officer hereinafter provided for, permit him to examine such age and schooling certificate. Any person, company, or corporation, employing any minor contrary to the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

Illiterates.

SEC. 967. All minors over the age of fourteen and under the age of sixteen years, who can not read and write the English language shall be required to attend school as provided in section 965, of this article and all the provisions of said section shall apply to

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said minors: *Provided*, That such attendance shall not be required of such minors after they have secured a certificate from the superintendent of schools in districts having superintendents, or the clerk of the board of trustees in districts not having superintendents, that they can read, and write the English language. No person, company or corporation shall employ any such minor during the time schools are in session, or having such minor in their employ shall immediately cease such employment, upon notice from the truant officer who is hereinafter provided. Every person, company, or corporation violating the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

Enforcement.

SEC. 969. * * * The truant officer shall be vested with police powers, the authority to serve warrants, and have authority to enter workshops, factories, stores and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise to enforce the provisions of this act [secs. 965–971]; * * *

Inspection of steam boilers.

Appointment of inspector.

SECTION 1639 (as amended by chapter 30, Acts of 1913). There must be appointed by the governor, by and with the advice and consent of the senate, one inspector of boilers, whose duty it is to inspect all steam boilers now in use in the State, not subject to inspection under the laws of the United States, and to examine and grant licenses to steam engineers intrusted with the care and management of steam boilers and steam machinery. The salary of the inspector of boilers is $2,500 per year, and his term of office is four years, unless sooner removed by the governor. The inspector of boilers must execute an official bond in the sum of five thousand dollars.

Qualifications.

SEC. 1640 (as amended by chapter 30, Acts of 1913). No person is eligible to hold the office of inspector of boilers and steam engines who has not had at least ten (10) years of actual experience in the operation of steam engines, steam boilers and steam machinery, and who has not held for at least five years immediately preceding his appointment a first class stationery [stationary] engineer's license of the State of Montana, or who is directly or indirectly interested in the manufacture or sale of boilers or steam machinery or any patented article required to be sold relating thereto.

Assistants.

SEC. 1641 (as amended by chapter 30, Acts of 1913). There shall be three assistant inspectors of boilers, each of whom shall be called assistant inspector of boilers. Such assistant inspectors must be persons who have had at least five years' practical experience in the operation of steam engines and boilers and must have held a first class stationery [stationary] engineer's license within the State of Montana for at least one year immediately prior to appointment as assistant inspectors and must be persons of temperate habits and good character and qualified to perform the duties of their office. They shall be appointed by the governor, by and with the advice and consent of the senate, and be subject to removal at the will of the governor. The salary of each assistant inspector shall be $2,100 per year. Each assistant inspector must execute an official bond in the sum of $2,500.

Clerk.

There shall be a clerk to the State boiler inspector to be appointed by the governor who shall also perform the duties of clerk to the State quartz mining inspector and the clerk of the State coal mine inspector. The salary of such clerk shall be one thousand, five hundred ($1,500) dollars per year, nine hundred ($900) dollars of which shall be charged to the State boiler inspector's department; three hundred ($300) dollars of which shall be charged to the State quartz mining inspector's department; and three hundred ($300) dollars of which shall be charged to the State coal mine inspector's department: *Provided*, That when such clerk ceases to perform the duties as clerk to any one of the de-

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partments no part of such salary shall be charged to that department. Such clerk shall execute an official bond in the sum of $2,000.

Rules for inspection.

SEC. 1642 (as amended by chapter 30, Acts of 1913). The inspector of boilers must have his office at the seat of government, and must adopt rules as nearly uniform as possible for the inspection of steam boilers and prescribe the nature and extent of the examination of applicants for licenses and adopt such rules for the issuing thereof as are required by the provisions of this article, and must adopt such rules as he may deem necessary to carry into effect the provisions of this article.

Inspection before use.

SEC. 1643 (as amended by chapter 30, Acts of 1913). The inspector of boilers must inspect all steam boilers and steam generators before the same are used and all persons who bring into this State any boiler or boilers must notify the boiler inspector stating the number and kind of boilers, where the same had theretofore been located and where they are to be located and operated in this State, and must secure from the boiler inspector a certificate of inspection before said boilers are placed in operation, except in the case of new boilers, which must be inspected within ninety (90) days after they are put in use, and all boilers must be inspected at least once in every year: *Provided*, That where a boiler has not been in use for more than sixty days during the year the inspector may, if he is satisfied that said boiler has been properly cared for and in [is] in good condition, extend such certificate for an additional year without further inspection of such boiler, which extension shall be made without additional charge. Any person failing to give notice to the boiler inspector as herein provided, or who operates such boilers without a certificate from the boiler inspector shall be punished by a fine of not less than one hundred ($100) dollars nor more than five hundred ($500) dollars for each offense, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment. The inspector of boilers must subject all boilers to hydrostatic pressure, which hydrostatic pressure must be 33 per cent greater than the steam pressure allowed on the boilers, providing there are no such leaks on such boilers which prevent the inspector from applying such hydrostatic pressure, and the inspector must satisfy himself by and through interior and exterior examination that the boilers are well made and of good and suitable material; and the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of the proper dimensions and free from obstructions; that the flues are circular in form; that the fire line of the furnace is at least two inches below prescribed minimum water line of the boilers; that the arrangement for delivering the feed water is such that the boilers can not be injured thereby, and that such boilers and the steam connections may be safely employed without danger to life.

Notice.

Violation.

Method of inspection.

Safety valves, etc.

SEC. 1644 (as amended by chapter 30, Acts of 1913). The inspector must also satisfy himself that the safety valves are of suitable dimension, sufficient in number and area, and properly arranged, and that the safety valve weights are properly adjusted so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there are a sufficient number of gauge cocks properly inserted to indicate the amount of water, and suitable gauges that will correctly record the pressure of steam; and adequate and certain provisions for an ample supply of water to feed the boilers at all times, and that suitable means for blowing out are provided, so as to thoroughly remove mud and sediment from all parts of the boilers when they are under pressure of steam, and any renter, user or owner of a boiler or any person or persons who tamper with the safety valve to allow the boiler to carry greater pressure than is allowed by the inspection certificate shall be deemed guilty of a misdemeanor.

Tests.

In subjecting the boilers to the hydrostatic test, the test applied must exceed the working pressure allowed in the ratio of 100 to

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66⅔, provided the valves and other conditions of piping on the boiler will allow the inspector to make such test. But where there are leaks on the boiler which make it impossible to apply such hydrostatic pressure or where the water can not be procured with which to make such test, the inspector may make a hammer test of said boiler and inspect same closely and give to such boiler a rating for steam pressure as its condition will warrant. In all cases the inspector must use judgment in the steam pressure allowed on boilers. Where a boiler is constructed with lap horizontal seams on boilers, dome or drum, a factor of four and one-half shall be used in determing [determining] the safe working pressure allowed on such boiler. But where the boilers are constructed with butt-strap horizontal seams, a factor of four may be used in determining such safe working pressure. But in any case the inspector may use a higher factor if the conditions are such as to warrant it. If boiler rests on side wall on lugs, or is hung by eye beams or is in any way set up so that the weight of the boiler is pulling against the horizontal seam of rivets, a factor of five must be used to determine the safe working pressure allowed on boiler. Where the horizontal lap seams of boiler are exposed to the fire, a factor of five must be used to determine the safe working pressure to be allowed on such boiler. On stay bolts, if new, seven thousand five hundred pounds pressure per square inch shall be allowed. If such stay bolts are corroded or defective the inspector must determine the pressure to be allowed on same. On braces made of solid material, eight thousand pounds pressure per square inch shall be allowed. On welded braces or braces with only one crowfoot, six thousand pounds pressure per square inch shall be allowed. No cast iron shall be used in the construction or reinforcements of any boiler where the pressure allowed on said boiler is more than one hundred pounds per square inch.

Use of bad material, etc.

SEC. 1645. No boiler or steam pipe, nor any of the connections thereto must be approved which is made in whole or in part of bad material, or is unsafe from any cause. Nothing herein shall be construed to prevent the use of any boiler or steam generator which may not be constructed of riveted iron or steel plates, when the inspector has satisfactory evidence that such boiler or steam generator is equal in strength to and as safe from explosion as boilers of the best quality, constructed of iron or steel plates. In any case where for good cause the inspector is unable to make any such inspection or examination of any steam boiler, it is the duty of the assistant inspector to proceed and act in accordance with the requirements of this article [secs. 1639–1659] as fully as the inspector is empowered to do.

Additional inspections.

SEC. 1646. In addition to the annual inspection, it is the duty of the inspector, or of the assistant inspector, to examine at proper times, when in their opinion such examination is necessary, all such boilers as shall have become unsafe from any cause, and to notify the owner or the person using such boilers of any defect and what repairs are necessary to render them safe.

Access to boilers.

SEC. 1647 (as amended by chapter 30, Acts of 1913). It is the duty of the owners or managers of steam boilers to allow the inspector free access to the same. In case the owner or manager of any boiler is notified by the inspector to have said boiler ready for inspection on a day certain and fails to have such boiler ready for inspection at such time, the inspector shall at once seal up the fire box in such boiler and such seal must not be removed from the fire door without a written order from the inspector. Any person tampering with or removing said seal shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than two months nor more than six months, or by both such fine and imprisonment. If the owner or manager of any boiler that has been so sealed desires to have the same inspected before the next regular visit of the inspector to

Penalty.

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the district where said boiler is situated, he must pay all transportation and hotel expenses of the inspector who makes the inspection, in addition to the inspection fee provided by law. It shall be the duty of the engineer operating any boiler or boilers to assist the inspectors in their examination of the same and point out any defects known to him in the boilers or machinery under his charge. Any engineer not complying with this section shall have his license revoked or suspended.

Inspectors may work separately.

SEC. 1651 (as amended by chapter 30, Acts of 1913). In making an inspection of the boilers and machinery herein provided for the inspectors may act jointly or separately but the inspector or assistant inspector making such inspection must in all cases certify the same under the seal of the boiler inspector's office. Any inspector or assistant inspector who willfully and feloniously certifies regarding any steam boilers or their attachments or grants a license to any person to act as engineer contrary to the provisions of this article is punishable under the provisions of section 8446, of the Revised Codes.

Fees.

SEC. 1652 (as amended by chapter 30, Acts of 1913). The inspector or assistant inspectors are authorized to charge a fee of ten dollars for the inspection of each single boiler and its steam connections and five dollars for each additional boiler when connected. The fee for the inspection of each traction engine boiler on wheels shall be ten dollars. The fee for the inspection of boilers in incorporated cities shall be five dollars. Such fees shall be payable at the time of the inspection. In case of the failure of the owner or manager or person in charge of any boiler to pay such fee upon the demand of the inspector, said inspector is authorized to seal the fire box of said boiler and such seal shall not be removed until said fee is paid and the written order of the inspector authorizing its removal is received by said owner or manager. Any person who tampers with or removes said seal without such written order shall be deemed guilty of a misdemeanor and punished as provided by section 1647.

Exceptions.

SEC. 1655 (as amended by chapter 30, Acts of 1913). This article does not apply to locomotives in Montana nor to cast iron boilers, nor to boilers used for heating purposes in private residences, nor to any boiler having a capacity of five horsepower or less; nor are locomotive engineers or persons operating any of the engines or boilers herein exempted from the operation of this article required to procure license from the inspector or assistant inspectors of boilers. It shall be the duty of the owner or user of any traction engine or boiler on wheels, other than locomotives, to notify the inspector of the location of such boiler on or before the first day of June of each year. Any owner or user of such traction engine or boiler who shall fail to notify the inspector shall be deemed guilty of a misdemeanor. Any person purchasing any steam boiler, whether a traction or stationary boiler, shall be entitled to receive from the seller the certificates of inspection issued on such boiler, and any person purchasing any steam boiler, whether traction or stationary, not exempted by the provisions of this section, shall within ten days after such purchase report the fact of such purchase to the boiler inspector and notify such inspector where he intends to locate or operate said boiler. And any person failing to comply with this provision of this section shall be deemed guilty of a misdemeanor.

Bureau of child and animal protection.

Bureau created.

SECTION 1660. There is hereby created a State bureau of child and animal protection, for the purpose of enforcing the laws of the State of Montana, pertaining to children and dumb animals which may now or hereafter exist; and to promote the growth of education and sentiment favorable to the protection of children and dumb animals.

Inspectors.

SEC. 1664 (as amended by chapter 127, Acts of 1911). The secretary [of the bureau of child and animal protection] shall have

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the power to appoint six deputies, one of whom shall have his office in the city of Butte, one in Great Falls, one in Havre, one in Billings, one in Missoula and one in Kalispell. Such deputies shall take and subscribe the same oath required by the principal, and the same shall be of record in the secretary's office.

The deputies shall have the same power and authority as fixed by law in the principal, and shall have a salary of eighteen hundred ($1800) dollars, per annum, payable monthly, out of the public treasury. They shall make full and complete reports every month to said principal showing all their official acts, with names of persons accused and against whom prosecutions may have been instituted, and the results thereof. Said deputies may be removed, at any time by the secretary, and another appointed to fill the vacancy. All deputies shall have authority to investigate cases reported to said bureau from any section of the State of Montana when called or directed to so do by the secretary of said bureau. Reports.

SEC. 1669. The secretary is hereby vested with authority to make arrests of any person, or persons, violating any provisions of the laws relating to wrongs to children and dumb animals, and is hereby further vested with the authority to enter workshops, factories, stores, mines, mills and smelters, and all other places where children may be employed, and do what may be necessary in the way of investigation, or otherwise, to enforce the laws pertaining to minor children and animals. Powers of secretary of bureau.

Arbitration of labor disputes—State board.

SECTION 1670. There is a State board of arbitration and conciliation consisting of three members, whose term of office is two years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board. Appointment of board.

SEC. 1671. One of the board must be an employer, or selected from some association representing employers of labor; and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen. Qualifications.

SEC. 1672. The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes of procedure as are necessary, subject to the approval of the governor. Organization.

SEC. 1673. Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exists between an employer (if he employs twenty or more in the same general line of business in the State) and his employees, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein, who may come before them, advise the respective parties what, if anything, ought to be done, by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report, and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose. Mediation. Decision to be published.

SEC. 1674. The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the griev- Applications to be signed.

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ances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board; as soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given; when such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. When notice has been given as aforesaid, each of the parties to the controversy, the employer on one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board, information concerning the wages paid, the hours of labor and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations, within the State of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the State such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act [secs. 1670–1678] shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the consent of the adverse party. The board shall have power to summon as witness any operative or employee in the department of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board.

Expert assistants.

Decision.

SEC. 1675. Upon the receipt of said application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the governor on or before the first day of December in each year.

Effect of decision.

SEC. 1676. Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intentions not to be bound by the same at the expiration of sixty days therefrom. The notice must be given to employees by posting the same in three conspicuous places in the shop, office, factory, store, mill or mine where the employees work.

Local boards.

SEC. 1677. The parties to any controversy or difference as described in section 1673 of this Code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may be either mutually agreed upon, or the employer may designate one of the arbitrators, the employees, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board

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shall, in respect to the matters referred to it, have and exercise all the powers which the State board might have and exercise, and its decisions shall have whatever binding effect may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the State board. The decision of such board shall be rendered within 10 days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the State board and entered on its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of any city or two commissioners of any county, that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the State board of the fact. Whenever it shall come to the knowledge of the State board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this State, involving an employer and his present or past employees, if at the time he is employing or up to the occurrence of the strike or lockout was employing not less than twenty persons in the same general line of business in any city, town or county in this State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the State board; and said State board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 1673 of this Code. Witnesses summoned by the State board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be certified to the State board of examiners for auditing, and the same shall be paid as other expenses of the State from any moneys in the State treasury.

Powers.

Compensation.

Duty of mayor to give notice of strike.

Witnesses.

SEC. 1678. The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books or records, to be paid out of the treasury of the State, as by law provided.

Compensation.

Protection of employees on street railways—Inclosed vestibules.

SECTION 1727. * * * It shall be unlawful for any person, partnership or corporation owning or operating a street railway in this State, or any officer or agent thereof, superintending, managing the said line of railway, or of the cars thereof, operating electric, cable or other cars, propelled either by steam, cable or

Vestibules.

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electricity, which require the constant services, care, or attention of any person or persons on any part of such car, to require or permit such services, attention or care, of any of its employees, (or any other person or persons,) between the first day of November and the first day of May, of each year, unless such person or persons, partnership or corporation, its said officers or superintendents and managing agents, have first provided the said car or cars with a proper and sufficient inclosure constructed of wood, iron or glass, or similar suitable material sufficient to protect such employees from exposure to the inclemencies of the weather: *Provided*, That such inclosures shall be so constructed as not to obscure the vision of the person operating the car: *Provided further*, That during a fog or fall of snow sufficient to obscure the view of [a] motormen [motorman] he may be allowed to remove the glass in his immediate front so that the same shall not prevent the safe operation of the car.

Same subject. SEC. 1728 (as amended by chapter 104, Acts of 1913). * * * It shall be unlawful for any person or persons, partnership or corporation so owning or operating street railways using steam, electric or cable cars, or any superintendent or managing officer or agent thereof. to cause or to permit to be used upon such line of railway, between the said November first and May first of each and every year, any car or cars upon which the services of any employee such a [s] specified in section one [1727] of this act is required, unless such car or cars shall be provided with the inclosure required by said section 1728 (1) [1727] of this act. Except that the type of cars known as open cars or summer cars must be equipped with wind shield constructed of glass, iron and wood or other suitable material to extend completely across front of said car or cars to protect such employees from exposure to the inclemencies of the weather.

Violations. SEC. 1729. Any person or persons, partnership or corporation owning, operating or superintending or managing any such line of street railway or managing or superintending officer or agent thereof, who shall be found guilty of a violation of the provisions of sections 1727 (1) or 1728 (2) of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars or more than one hundred dollars. Each and every day that any such person or persons cause or permit any of their employees to operate such cars in violation of the provisions of section 1727 (1) of this act or cause such cars to be operated in violation of section 1728 (2) of this act, shall be deemed a separate offense.

Enforcement. SEC. 1730. It is hereby made the duty of the county attorney of any county in which any street railway is situated and operated, upon information given to him by any person that any person or persons, partnership or corporation has violated any of the provisions of this act [secs. 1727–1730], to promptly prosecute such person or persons, partnership or corporation for such violation.

Hours of labor.

Eight hours a day's work for hoisting engineers. SECTION 1734. It shall be unlawful for any person or persons, company or corporation, to operate or handle, or to induce, persuade or prevail upon any person or persons to operate or handle for more than eight hours in twenty-four hours of each day, any hoisting engine at or in any mine. This act shall apply only to such plants as are in continuous operation or are operated sixteen or more hours in twenty-four hours of each day, or at or in any mine where said hoisting engine develops fifteen or more horsepower, or at or in any mine wherein there are fifteen or more men employed underground in twenty-four hours of each day: *Provided, however*, That the provisions of this act [secs. 1734, 1735] shall not apply to any person or persons operating any hoisting engine more than eight hours in each twenty-four hours for the purpose of relieving another employee in case of sickness or other unforeseen cause or causes.

Application of law.

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Violation.

SEC. 1735. Any person or persons, company or corporation, who shall violate any of the provisions of this act, shall, upon conviction, be punished by a fine of not less than ten ($10) dollars, nor more than one hundred ($100) dollars; and each and every day that such person or persons, company or corporation may continue to violate any of the provisions of this act, shall be considered a separate and distinct offense and shall be punishable as such.

Eight-hour day in mines, etc.

SEC. 1736 (as amended by chapter 21, Acts of 1911). The period of employment of working men in all underground mines or workings, including railroad or other tunnels, shall be eight (8) hours per day, except in cases of emergency where life and property is in imminent danger.

Limit of eight hours on public works.

SEC. 1739. A period of eight (8) hours shall constitute a day's work on all works or undertakings carried on or aided by any municipal, county, or State government, and on all contracts let by them, and in mills and smelters for the treatment of ores, and in underground mines, and in the washing, reducing or treatment of coal.

Violations.

SEC. 1740. Every person, corporation, stock company or association of persons who violate[s] any of the provisions of section 1739 (1) of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (100) dollars nor more than five hundred ($500) dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Employing a workman in a mine in excess of the period fixed by this statute is legal negligence; the defenses of assumed risks and contributory negligence are not abolished, however, and the employee's act in working overtime was also a violation of the law and a contributing proximate cause, so that he can not recover damages for the resultant injury incurred during such unlawful employment. 130 Pac. 441.

Limit of sixteen hours on railways.

SEC. 1741. On all lines of steam railroads or railways operated in whole or in part, within this State the time of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators and agents acting as operators, employed in running or operating the locomotive engines or trains on or over such railroads or railways in this State, shall not at any time exceed sixteen (16) consecutive hours or to be on duty for more than sixteen (16) hours in the aggregate in any twenty-four (24) hour period. At least eight (8) hours shall be allowed them off duty before said engineers, firemen, conductors, trainmen, operators and agents acting as operators, are again ordered or required to go on duty: *Provided, however*, That nothing in this section shall be construed to allow any engineer, fireman, conductor or trainman to desert his locomotive or train in case of accident, storms, wrecks, washouts, snow blockade or any unavoidable delay arising from like causes, or to allow said engineer, fireman, conductor or trainman to tie up any passenger or mail train between terminals.

Violations.

SEC. 1742. Any railroad company or superintendent, train dispatcher, train master, master mechanic or other railroad or railway official who shall order or require any locomotive engineer, locomotive fireman, conductor, trainman, operator or agent acting as operator, to labor contrary to the provisions of section 1741 (1) of this act [sic] shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred ($100) dollars or more than five hundred ($500) dollars, or by imprisonment of not less than thirty days or more than sixty days in the county jail; and all railroad or railway corporations operating lines of railroads or railways in whole or in part in this State, shall be liable in damages for all injuries to any person or persons resulting from violations of the provisions of section 1741 (1) of this act.

Relief trains.

SEC. 1743. The provisions of section 1741 (1) of this act shall not apply to relief or wreck trains.

The provision as to employees on railways is constitutional. 93 Pac. 945.

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Payment of wages in scrip.

Wages to be paid in money.

SECTION 1744. It shall be unlawful for any person, firm, company, corporation or trust, or the business manager or agent of any such person, firm, company, corporation or trust, to sell, give, deliver or [issue] in any way, directly or indirectly, to any person employed by him, or it in payment of wages due or to become due, any script [scrip], token, check, draft, order, credit, or any book of account or other evidence of indebtedness payable to bearer or to his assignees, except as hereinafter provided, but such wages shall be paid only in lawful money of the United States, or by check or draft drawn upon some bank in which such person, firm, company, corporation or trust, or the agent or business manager of such person, firm, company, corporation or trust, has money upon deposit to cash the same, and no assignment of any wages due, or to become due to any employee, shall be made to any person, firm, company, corporation or trust, or the business manager or agent of any such person, firm, company, corporation or trust, or to anyone interested, directly or indirectly in any firm, company, corporation, or trust employing said laborer. And any contract to the contrary shall be void: *Provided, however,* This shall not prevent ranchmen, farmers, lumber camps, or mining camps from supplying their employees or paying said employees in other than cash or check where there is no bank or other store than that owned by said employers at which said employees may purchase supplies, or cash their bankable checks received for their labor.

Proviso.

Penalty.

SEC. 1745. Every person, company, corporation or trust, or agent or business manager of such person, firm, company, corporation or trust, who violates any of the provisions of this act [secs. 1744–1745], shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than one hundred ($100) dollars, or more than five hundred ($500) dollars, or by imprisonment in the county jail of not less than one month, or more than six months, or by both such fine and imprisonment.

Employment of children—General provisions.

Age limit.

SECTION 1746. Any person, company, firm, association, or corporation engaged in business in this State, or any agent, officer, foreman or other employee having control or management of employees, or having the power to hire or discharge employees, who shall knowingly employ or permit to be employed any child under the age of sixteen years, to render or perform any service or labor, whether under contract of employment or otherwise, in, on, or about any mine, mill, smelter, workshop, factory, steam, electric, hydraulic, or compressed air railroad, or passenger or freight elevator, or where any machinery is operated, or for any telegraph, telephone or messenger company, or in any occupation not herein enumerated which is known to be dangerous or unhealthful, or which may be in any way detrimental to the morals of said child, shall be guilty of a misdemeanor and punishable as hereinafter provided.

Hiring out children.

SEC. 1747. Any parent, guardian or other person having the care, custody or control of any child under the age of sixteen years, who shall permit, suffer or allow any such child to work or perform service for any person, company, firm, association or corporation doing business in this State, or who shall permit or allow any such child over whom he has such care, custody or control, to retain such employment as is prohibited in section 1746 (1) of this act, whether under contract of employment or not, shall be guilty of a misdemeanor and punishable as hereinafter provided.

List.

SEC. 1748. The commissioner of the bureau of agriculture, labor and industry shall compile and preserve in his office from reports made to him by the county superintendent of schools, as

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otherwise provided, a full and complete list of the name, age, date of birth and sex of each child, and the names of the parents or guardians of each child under the age of sixteen years who is now or may hereafter become a resident of this State, and such list shall be the official record of the age of children in this State.

Certificate.

SEC. 1749. Upon attaining the age of sixteen years any child may make application to the commissioner of the bureau of agriculture, labor and industry for an age certificate, which must be presented to any employer with whom such child may seek employment. The employer, if such employment be given, must countersign the certificate, and return the same to the commissioner of said bureau, who shall keep the same on file in his office. Any person, firm, company, association or corporation who employs or permits to be employed in any occupation prohibited in section 1746 (1) of this act, any child without such certificate showing the child to be at least sixteen years of age, shall be guilty of a misdemeanor and punishable as hereinafter provided, should such child prove to be less than sixteen years of age.

Violation.

Enforcement.

SEC. 1750. To enforce this act the commissioner of the bureau of agriculture, labor and industry, the bureau of child and animal protection and all county attorneys shall, each upon their own volition, or upon the sworn complaint of any reputable citizen that this act is being violated, make prosecutions for such violations.

Penalty.

SEC. 1751. Every person, firm, company, association or corporation who violates any of the provisions of this act [secs. 1746–1751] shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than six months, or by both such fine and imprisonment.

Employment of children in mines.

SEC. 1752. Any person, corporation, stock company or association of persons, owning or operating any underground mine, or any officer, agent, foreman or boss, having the control or management of employees, or having the power to hire or discharge employees, who shall employ, or knowingly permit to be employed, any child under the age of sixteen years, for work or service in any such mine, or the underground workings thereof, or permit or allow any such child to render or perform any work or service whatever in such mine, whether under contract of employment or otherwise, shall be guilty of a misdemeanor and punishable as hereinafter provided.

Violations by parents.

SEC. 1753. Any parent, guardian or other person having the care, custody, or control of any child under the age of sixteen years, who shall permit, suffer, or allow such child to work in any mine having underground workings, or who shall permit or allow any such child over whom they may have such care, custody, or control to retain employment in any such mine, or who, after having knowledge that any such child has taken employment in any such mine, or is performing work or service therein, whether under contract of employment or not, shall fail forthwith to notify the person or corporation owning or operating such mine, or some officer, foreman or employee thereof having the power to hire or discharge employees, of the age of such child, shall be guilty of a misdemeanor and punishable as hereinafter provided.

Penalty.

SEC. 1754. Any person or corporation violating any of the provisions of this act [sec. 1752–1754] shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than twenty-five ($25) dollars nor more than ($500) five hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than six months, or by both such fine and imprisonment.

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Blacklisting—Statement of cause of discharge.

Preventing employment of discharged employee.

SECTION 1755. If any person, after having discharged an employee from his service prevents, or attempts to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, such person is punishable as provided in section 8467 (656), of the Penal Code, and is liable in punitive damages to such discharged person, to be recovered by civil action; no person is prohibited from informing, by word or writing, any person to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge.

Damages.

SEC. 1756. If any company or corporation in this State authorizes or allows any of its agents to blacklist, or any person does blacklist, any discharged employee, or attempts by word or writing, or any other means whatever, to prevent any discharged employee, or any employee who may have voluntarily left said company's service, from obtaining employment with another person, except as provided for in the next preceding section, such company or corporation or person, is liable in punitive damages to such employee so prevented from obtaining employment, to be recovered by him in civil action; and is also punishable as provided in section 8467 (656) of the Penal Code.

Reason for discharge to be furnished.

SEC. 1757. It is the duty of any person, after having discharged any employee from his service, upon demand by such discharged employee, to furnish him in writing a full, succinct and complete statement of the reason of his discharge, and if such person refuses so to do within a reasonable time after such demand, it is unlawful thereafter for such person to furnish any statement of the reason of such discharge to any person, or in any way to blacklist or to prevent such discharged person from procuring employment elsewhere, subject to the penalties and damages prescribed in this chapter.

Hours of labor, etc., on irrigation works.

Eight hours a day's labor.

SECTION 2250. * * * In all contracts let under this act [secs. 2238–2251] eight hours shall constitute a day's work, and no Mongolian shall be employed thereon.

Private employment offices.

License fee.

SECTION 2758. License must be obtained for the purposes hereinafter named, for which the county treasurer must require payment as follows:

* * * * *

4. For each keeper of an intelligence office, ten dollars per quarter.

* * * * *

Laundries to be licensed.

Fee.

Proviso.

SECTION 2776. Every person engaged in laundry business, other than the steam-laundry business shall pay a license of ten dollars per quarter: *Provided*, That this act shall not apply to the women engaged in the laundry business, where not more than two women are engaged or employed or kept at work, and said license shall be for one place of business only.

This statute was held to be constitutional. 33 Sup. Ct. 192.

Earnings of minors.

Payments valid until notice.

SECTION 3757. The wages of a minor employed in service may be paid him until the parent or guardian entitled thereto gives the employer notice that he claims such wages.

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Liability of railroad companies for injuries to employees.

Acts of fellow servants.

SECTION 4286. In every case the liability of the corporation to a servant or employee acting under the orders of his superior, shall be the same in cases of injury sustained by default or wrongful act of his superior, or to an employee not appointed or controlled by him, as if such servant or employee were a passenger.

Railroads—Construction, etc., of caboose cars.

Length and equipment.

SECTION 4338. It shall be unlawful for any person, corporation or company operating any railroad or railway in this State to require or permit the use of any caboose cars, unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door in each end thereof, and with suitable water-closets, cupolas, platforms, guardrails, grab irons and steps for the safety of persons in alighting [from] or getting on said caboose cars, and said caboose cars shall be equipped with at least two four-wheel trucks;

Violations.

SEC. 4339. Any person, corporation or company operating any railroad or railway in this State, violating any of the provisions of section 4338(1), of this act [secs. 4338–4339], shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars ($500), nor more than one thousand dollars ($1,000), for each offense.

Accidents on railroads—Reports and investigations.

Investigation.

SECTION 4379. The said board [of railroad commissioners] or some members thereof, to be deputed by it, shall investigate and make inquiry into every accident occurring in the operation of any railroad in this State, resulting in death or injury to any person, of such gravity as to require the attention of a physician or surgeon, or in the destruction of property greater in value than two thousand dollars. The testimony taken on any such hearing shall be transcribed and filed in the office of the board.

Reports required.

SEC. 4380. It is hereby made the duty of every railroad company operating any line of railroad within this State, promptly upon the occurrence or in connection with the operation of its line within the State, of any accident such as is mentioned in the next preceding section, to report the same to the board of railroad commissioners, in which report shall be stated the time and place of the accident, the names of the persons killed or injured, and the value of any property destroyed.

Powers of board.

SEC. 4381. The said board in making any examination or investigation provided for in this act [secs. 4363–4399], shall have the power to issue subpœnas for the attendance of witnesses, by such rules as they may prescribe. Each witness shall receive the sum of three dollars per day, together with the sum of five cents per mile traveled by the nearest practicable route in going to and returning from the place of meeting of said commission. And no witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation. No person shall be excused from attending or testifying, or producing any books, papers, documents, or any thing or things, before any court or magistrate, or commissioner or board, upon any investigation, proceeding or trial under the provisions of this act or for any violation of any of them, upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him, may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence; and no testimony or evidence so given or produced shall be received against him upon any civil or criminal proceeding, action or investigation.

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Liability of employers for injuries to employees—Waivers.

Contracts invalid.

SECTION 5053. Any contract or agreement entered into by any person, company or corporation, with its servants or employees whereby such person, company of [or] corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employees thereof, shall be absolutely null and void.

Employment of labor—General provisions.

Contract defined.

SECTION 5241. The contract of employment is a contract by which one, who is called the employer, engages another, who is called the employee, to do something for the benefit of the employer or of a third person.

Employees to be indemnified, when.

SEC. 5242. An employer must indemnify his employee, except as prescribed in the next section, 5243, for all that he necessarily expends or loses in direct consequence of the discharge of his duties as such, or of his obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying such directions, believed them to be unlawful.

Ordinary risks.

SEC. 5243. An employer is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed.

Want of care.

SEC. 5244. An employer must in all cases indemnify his employee for losses caused by the former's want of ordinary care.

Acts of superintendents and others in mines, etc.

SEC. 5248. Every company, corporation, or individual operating any mine, smelter, or mill for the refining of ores shall be liable for any damages sustained by any employees thereof within this State, without contributing negligence on his part, when such damage is caused by the negligence of any superintendent, foreman, shiftboss, hoisting, or other engineer, or crane men.

This section takes away the defense of fellow-service in the cases enumerated, but does not affect that of contributory negligence, which, however, must be pleaded unless it appears from the employee's own pleading or proof. 132 Pac. 552.

Contracts.

SEC. 5249. No contract of insurance, relief, benefit, or indemnity in case of injury or death, nor any other contract entered into before the injury, between the person injured and any of the employers named in this act [secs. 5248–5250] shall constitute any bar or defense to any cause of action brought under the provision of this act.

Death.

SEC. 5250. In case of the death of any such employees in consequence of any injury or damages so sustained, the right of action shall survive and may be prosecuted and maintained by its heirs, or personal representatives.

Acts of employees.

SEC. 5251. Every person or corporation operating a railway or railroad in this State shall be liable for all damages sustained by any employee of such person or corporation in consequence of the neglect of any other employee or employees thereof, or by the mismanagement of any other employee or employees thereof, and in consequence of the willful wrongs, whether of commission or omission, of any other employee or employees thereof, when such neglect, mismanagement or wrongs, are in any manner connected with the use and operation of any railway or railroad on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding.

Death.

SEC. 5252. In case of the death of any such employee in consequence of any injury or damage so sustained, the right of action shall survive and may be prosecuted and maintained by his heirs or personal representatives.

A similar law which this supersedes was held to apply to all persons engaged in operating the road, and to be constitutional. 92 Pac. Rep. 469.

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Service without consideration.

SEC. 5253. One who, without consideration, undertakes to do a service for another, is not bound to perform the same, but if he actually enters upon its performance, he must use at least slight care and diligence therein.

Employment on request.

SEC. 5254. One who, by his own special request, induces another to intrust him with the performance of a service, must perform the same fully. In other cases, one who undertakes a gratuitous service may relinquish it at any time.

Accepting written power of attorney.

SEC. 5255. A gratuitous employee, who accepts a written power of attorney, must act under it so long as it remains in force, or until he gives notice to his employer that he will not do so.

Service for consideration.

SEC. 5256. One who, for a good consideration, agrees to serve another, must perform the service, and must use ordinary care and diligence therein, so long as he is thus employed.

Service for personal advantage.

SEC. 5257. One who is employed at his own request to do that which is more for his own advantage than for that of his employer, must use great care and diligence therein to protect the interest of the latter.

Limit of term of contract.

SEC. 5258. A contract to render personal service, other than a contract of apprenticeship, * * * can not be enforced against the employee beyond the term of two years from the commencement of service under it; but if the employee voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

Obedience to orders.

SEC. 5259. An employee must substantially comply with all the directions of his employer concerning the service on which he is engaged, except where such obedience is impossible or unlawful, or would impose new and unreasonable burdens upon the employee.

Usage of place.

SEC. 5260. An employee must perform his service in conformity to the usage of the place of performance, unless otherwise directed by his employer, or unless it is impracticable, or manifestly injurious to his employer to do so.

Degree of skill.

SEC. 5261. An employee is bound to exercise a reasonable degree of skill, unless his employer has notice, before employing him, of his want of skill.

Same subject.

SEC. 5262. An employee is always bound to use such skill as he possesses, so far as the same is required, for the service specified.

Acquisitions by employee.

SEC. 5263. Everything which an employee acquires by virtue of his employment, except the compensation, if any, which is due to him from his employer, belongs to the latter, whether acquired lawfully or unlawfully, or during or after the expiration of the term of his employment.

Accounts.

SEC. 5264. An employee must, on demand, render to his employer just accounts of all his transactions in the course of his service, as often as may be reasonable, and must, without demand, give prompt notice to his employer of everything which he receives for his account.

Goods received may be held until demand.

SEC. 5265. An employee who receives anything on account of his employer, in any capacity other than that of a mere servant, is not bound to deliver it to him until demanded, and is not at liberty to send it to him from a distance, without demand, in any mode involving greater risk than its retention by the employee himself.

Employer's business has precedence.

SEC. 5266. An employee who has any business to transact on his own account, similar to that intrusted to him by his employer, must always give the latter the preference.

Substitutes.

SEC. 5267. An employee who is expressly authorized to employ a substitute is liable to his principal only for want of ordinary care in his selection. The substitute is directly responsible to the principal.

Culpable negligence.

SEC. 5268. An employee who is guilty of a culpable degree of negligence is liable to his employer for the damage thereby caused to the latter; and the employer is liable to him, if the service is not gratuitous, for the value of such services only as are properly rendered.

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Survivor of joint employees.

SEC. 5269. Where service is to be rendered by two or more persons jointly, and one of them dies, the survivor must act alone, if the service to be rendered is such as he can rightly perform without the aid of the deceased person, but not otherwise.

Termination of employment.

SEC. 5271. Every employment in which the power of the employee is not coupled with an interest in its subject is terminated by notice to him of:

1. The death of the employer; or,
2. His legal incapacity to contract.

Same subject.

SEC. 5272. Every employment is terminated:

1. By the expiration of its appointed term.
2. By the extinction of its subject.
3. By the death of the employee; or
4. By his legal incapacity to act as such.

Continuance after death of employer.

SEC. 5273. An employee, unless the term of his service has expired, or unless he has a right to discontinue it at any time without notice, must continue his service after notice of the death or incapacity of his employer, so far as is necessary to protect from serious injury the interests of the employer's successor in interest, until a reasonable time after notice of the facts has been communicated to such successor. The successor must compensate the employee for such service according to the terms of the contract of employment.

Termination at will.

SEC. 5274. An employment having no specified term, may be terminated at the will of either party, on notice to the other, except where otherwise provided by this title [secs. 5241–5295].

Breach of duty by employee;

SEC. 5275. An employment, even for a specified term, may be terminated at any time by the employer, in case of any willful breach of duty by the employee in the course of his employment, or in case of his habitual neglect of his duty or continued incapacity to perform it.

By employer.

SEC. 5276. An employment, even for a specified term, may be terminated by the employee at any time, in case of any willful or permanent breach of obligations of his employer to him as an employee.

Forfeiture of wages.

SEC. 5277. An employee, dismissed by his employer for good cause, is not entitled to any compensation for services rendered since the last day upon which a payment became due to him under the contract.

Proportionate compensation.

SEC. 5278. An employee who quits the service of his employer for good cause, is entitled to such proportion of the compensation which would become due in case of full performance, as the services which he has already rendered, bear to the services which he was to render as full performance.

Definition.

SEC. 5279. A servant is one who is employed to render personal service to his employer, otherwise than in the pursuit of an independent calling, and who in such service remains entirely under the control and direction of the latter, who is called his master.

Measure of term of service.

SEC. 5280. A servant is presumed to have been hired for such length of time as the parties adopt for the estimation of wages. A hiring at a yearly rate is presumed to be for one year; a hiring at a daily rate, for one day; a hiring by piecework, for no specified term.

Monthly term presumed.

SEC. 5281. In the absence of any agreement or custom as to the term of service, the time of payment, or rate or value of wages, a servant is presumed to be hired by the month, at a monthly rate of reasonable wages, to be paid when the service is performed.

Renewal presumed, when.

SEC. 5282. Where, after the expiration of an agreement respecting the wages and the term of service, the parties continue the relation of master and servant, they are presumed to have renewed the agreement for the same wages and term of service.

Employee's time.
Ten hours a day's work.

SEC. 5283. The entire time of a domestic servant belongs to the master; and the time of other servants to such extent as is usual in the business in which they serve, not exceeding in any case ten hours in the day.

Delivery of goods, etc.

SEC. 5284. A servant must deliver to his master, as soon as with reasonable diligence he can find him, everything that he receives

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for his account, without demand; but he is not bound without orders from his master, to send anything to him through another person.

Discharge for cause.

SEC. 5285. A master may discharge any servant, other than an apprentice, whether engaged for a fixed term or not:

1. If he is guilty of misconduct in the course of his service, or of gross immorality, though unconnected with the same; or,

2. If, being employed about the person of his master, or in a confidential position, the master discovers that he has been guilty of misconduct, before or after the commencement of his service, of such a nature that if the master had known or contemplated it, he would not have so employed him.

Service without employment.

SEC. 5295. One who officiously, and without the consent of the real or apparent owner of a thing, takes it into his possession for the purpose of rendering service about it, must complete such service, and use ordinary care, diligence, and reasonable skill about the same. He is not entitled to any compensation for his service or expenses, except that he may deduct actual and necessary expenses, incurred by him about such service from any profits which his service has caused the thing to acquire for its, owner, and must account to the owner for the residue.

Injunctions in labor disputes.

When not to be granted.

SECTION 6121 (as amended by chapter 28, Acts of 1913). An injunction can not be granted:

* * * * *

8. In labor disputes under any other or different circumstances or conditions, than if the controversy were of another or different character, or between parties neither or none of whom were laborers or interested in labor questions.

Wages as preferred claims—In assignments, etc.

Wages to be paid first.

SECTION 6140. In all assignments of property made by any person, association, corporation, copartnership, chartered company or corporation, to trustees or assignees on account of inability of the assignor or assignors at the time of the assignment to pay his or their debts, or in proceedings in insolvency, the wages of the miners, mechanics, salesmen, servants, clerks or laborers employed by such assignor or assignors for services rendered within sixty days immediately previous to such assignment, not to exceed two hundred dollars for each person, are preferred claims, and must be paid by such trustees or assignees before any other creditor or creditors of such assignor.

Exemption of wages from execution.

Thirty days' earnings exempt, when.

SECTION 6825 (as amended by chapter 48, Acts of 1913). * * * there shall be exempt to all judgment debtors who are married, or who are heads of families, the following property:

* * * * *

7. The earnings of the judgment debtor for his personal services rendered at any time within forty-five days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family, supported in whole or in part by his labor; but where debts are incurred by any such person or his wife or family for the common necessaries of life, then the one-half of such earnings above mentioned are nevertheless subject to execution, garnishment and attachment, to satisfy debts so incurred. The words "his family" as used herein, are to be construed with the words "head of family" as used in section 4718 (1694) of the Civil Code.

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Suits for wages—Attorneys' fees.

Fees to be allowed.

SECTION 7167. In an action to establish a claim for salary or wages under the provisions of * * * [Secs. 7302–7308] the court must allow as costs a reasonable attorney's fee to each claimant who establishes his claim as provided in section 7302 of this code.

Wages as preferred claims—In assignments, etc.

Wages to be paid first.

SECTION 7302. In all assignments of property made by any person to trustees or assignees on account of the inability of the person, at the time of the assignment, to pay his debts, or in proceedings of insolvency, the wages of the miners, mechanics, salesmen, servants, clerks, or the laborers employed by such person, to the amount of two hundred dollars each and for services rendered within sixty days previously, are preferred claims, and must be paid by such trustees or assignees before any other creditor or creditors of the assignor.

Order of payment of demands in administration.

SEC. 7303. In case of the death of any employer the wages of each miner, mechanic, salesman, clerk, servant and laborer for services rendered within sixty days next preceding the death of the employer, not exceeding two hundred dollars, rank in priority next after the funeral expenses, expenses of the last sickness, the charges and expenses of administering upon the estate, and the allowance to the widow and infant children, and must be paid before other claims against the estate of the deceased person.

Wage claims in executions, etc.

SEC. 7304. In case of executions, attachments and writs of similar nature, issued against any person, except for claims for labor done, any miners, mechanics, salesmen, servants, clerks, or laborers who have claims against the defendant for labor done, may give notice of their claims and the amount thereof, sworn to by the person making the claim, to the parties plaintiff and defendant to the action in which such execution, attachment or other writ has been issued, and upon the officer executing the same. Service of notice herein required may be made upon the officer charged with the execution of such writ in one or more cases that may be pending against such person, who shall forthwith serve such notice and claim, by copy, upon the said parties, plaintiff and defendant, if found in the county where such action is pending, or upon their respective attorneys employed in such case or cases pending.

Service of notice, payment, etc.

SEC. 7305. The officer serving said notice and claim shall forthwith, after such service of the same, make return thereof, showing such service, where and how made. Service may be made in any case at any time before the actual sale of the property levied upon in such pending action, and unless such claim is disputed by the debtor or a creditor or party plaintiff, such officer must pay such person out of the proceeds of the sale the amount he is entitled to receive for services rendered within the sixty days next preceding the levy of the writ, not exceeding two hundred dollars. If any or all of the claims so presented, and claiming preference under this chapter, are disputed by either the debtor or a creditor, the person presenting the same must commence an action within ten days after notice of such dispute is served upon such claimant, as provided for in the next section, for the recovery thereof; and the officer must retain possession of so much of the proceeds of the sale as may be necessary to satisfy such claim and costs until the final determination of such action; and in case judgment be had, the costs are a preferred claim, which may include a reasonable attorney's fee.

Contested claims.

SEC. 7306. The debtor or creditor intending to dispute any claim presented under the provisions of the last section shall, within ten days after receiving notice of such claim, serve upon the claimant and officer holding such execution, attachment or other writ, a statement in writing, verified by the oath of the debtor or person disputing such claim for services, setting forth that no part of said claim, not exceeding a sum specified, is justly due from the debtor to the claimant for services rendered within the sixty

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days next preceding the levy of the execution, attachment or other writ, as the case may be. If the claimant bring suit on a claim which is disputed in part only, and fail to recover a sum exceeding that which was admitted to be due, he shall not recover costs, but costs shall be adjudged against him; and where such claimant fails to bring suit upon his claim, which is disputed in party [part] only, he shall be deemed to have waived that portion of his claim disputed.

Liens of claimants.

SEC. 7307. Persons having the preferred claims mentioned in this chapter, are entitled to a lien upon the property attached or levied upon, and if said claims are not disputed, or if a judgment is recovered for the same, the officer must pay such claims out of the property, and the original action can not be dismissed without the consent of the owners of such preferred claims.

Act construed.

SEC. 7308. Nothing in this chapter shall be construed so as to affect any lien, incumbrance or mortgage held by any creditor of such employer prior to said sixty days.

Protection of employees, etc., as voters.

Threatening discharge, etc.

SECTION 8172. The following persons shall be deemed to be guilty of the offense of "undue influence," and shall be punishable accordingly by a penalty of not less than two hundred dollars, nor more than five thousand dollars, and by imprisonment for not to exceed two years in the penitentiary:

1. Every person who, directly or indirectly, by himself, or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction by himself or by or through any other person, of any injury, damage, harm or loss of employment, position, trade, influence, or in any manner practices intimidation upon, or against any person, in order to induce or compel such person to register or vote or refrain from registering or voting, or on account of such person having voted or refrained from voting, at any election.

* * * * * * *

Attempting to influence employees.

SEC. 8173. It shall be unlawful for any employer, in paying his employees the salary or wages due them, to enclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or political mottoes, devices or arguments containing threats or promise, express or implied, calculated or intended to influence the political opinions or actions of such employees. Nor shall it be lawful for an employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat or promise, notice or information, that in case any particular ticket or political party, or organization, or candidate, shall be elected, work in his place or establishment will cease, in whole or in part, or shall be continued or increased, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced or increased, or other threats, or promises, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees. This section shall apply to corporations as well as individuals, and any person violating the provisions of this section is 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 imprisonment not exceeding six months in the county jail, and any corporation violating this section shall be punished by fine not to exceed five thousand dollars, or forfeit its charter, or both such fine and forfeiture.

Labor combinations not unlawful.

Agreements of workingmen exempt.

SECTION 8289. The provisions of this chapter [secs. 8284–8289] do not apply to any arrangement, agreement or combination between laborers made with the object of lessening the number of

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hours of labor or increasing wages, nor to persons engaged in horticulture or agriculture, with a view of enhancing the price of their products.

Employment of children—Certain employments forbidden.

Acrobatic and mendicant occupations.

SECTION 8347. Any person, whether as parent, relative, guardian, employer or otherwise, having in his care, custody or control any child under the age of sixteen years, who shall sell, apprentice, give away, let out or otherwise dispose of any such child to any person, under any name, title or pretense, for the vocation, use, occupation, calling, service or purpose of singing, playing on musical instruments, ropewalking, dancing, begging or peddling in any public street or highway, or in any mendicant or wandering business whatever, and any person who shall take, receive, hire, employ, use or have in custody any child for such purposes, or either of them, is guilty of a misdemeanor.

Employment in mines, etc.

SEC. 8349. Every person who receives or employs any child under fourteen years of age in any underground works or mine, or in any similar business, is punishable by a fine not exceeding one thousand dollars.

Sunday labor—Barbers.

Shops to be closed on Sunday.

SECTION 8370. It is unlawful to conduct the business of hair cutting, shaving or shampooing, or to open barber shops for the doing of such business, on Sunday.

Penalty.

SEC. 8371. Any person violating the provisions of this act is guilty of a misdemeanor and upon conviction thereof shall be fined for the first offense, not less than fifteen dollars and not to exceed fifty dollars and for any subsequent violation, a fine not less than twenty-five dollars and not exceeding one hundred dollars shall be imposed.

Negligence of operators of steam boilers.

Negligence endangering human life.

SECTION 8443. Every engineer or other person having charge of any steam boiler, steam engine, or other apparatus for generating or employing steam, used in any manufactory, steamboat, railway, mining, milling or other mechanical works, who willfully or from ignorance, or gross neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, or engine or apparatus, or cause any other accident whereby human life is endangered, is guilty of a felony.

Using uninspected engine or boiler.

SEC. 8444 (as amended by chapter 30, Acts of 1913). Every person * * * who operates or causes to be operated any steam engine or boiler without having the same inspected and the inspector's certificate issued thereon as required by law, or who violates any of the provisions of section 1639 to and including section 1659 of the Revised Codes of 1907 as amended * * * shall be deemed guilty of a misdemeanor and upon conviction thereof, where no other punishment is prescribed, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail of not exceeding six months, or by both such fine and imprisonment.

Penalty.

Using unsafe boiler.

SEC. 8445. Every owner, renter, or user of a steam boiler, who uses a boiler or steam engine which has become unsafe from any cause, or has been notified by the boiler inspector or his assistant, that such boiler or steam engine is unsafe from any defect, or that repairs are necessary, and after such notice, uses the same, is punishable by imprisonment in the county jail not exceeding three months, or by fine not exceeding two hundred and fifty dollars, or both.

False certifications.

SEC. 8446. If the State boiler inspector, or assistant inspector, willfully and falsely certifies regarding any steam boiler, steam engine, or its attachments, or grants a license to any person to act as engineer, contrary to law, he is punishable by imprisonment not

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exceeding one year in the county jail, or by a fine not exceeding five hundred dollars, or both.

Blacklisting.

Penalty.

SECTION 8467. Every person who violates any of the provisions of * * * [sections 1755, 1756 and 1757] of the Political Code, relating to the protection of discharged employees, and the prevention of blacklisting, is guilty of a misdemeanor.

Employment of labor—False representations, etc.

Deception.

SECTION 8469. It shall be unlawful for any person or persons, society, company, association, corporation, or organization of any kind, doing business in this State, to induce, influence, persuade or engage workmen to change from one place to another in this State, through or by means of deception, misrepresentation and false advertising concerning the kind or character of the work, or the sanitary or other conditions of employment, or as to the existence of a strike or other trouble pending between the employer and the employees, at the time of, or immediately prior to such engagement. Failure to state in any advertisement, proposal or contract for the employment of workmen that there is a strike, lockout, or other labor trouble at the place of the proposed employment, when in fact such strike, lockout or other trouble then actually exists at such place, shall be deemed a false advertisement and misrepresentation for the purpose of this act.

Notice of strikes.

Violation.

SEC. 8470. Every person, company, corporation, society, association, or organization of any kind, doing business in this State, violating any of the provisions of this act, is punishable by a fine of not less than one hundred ($100) dollars, nor more than two thousand ($2,000) dollars.

Recovery of damages.

SEC. 8471. Any workman of this State, or any workman of any State, who has been, or shall be, influenced, induced or persuaded to engage with any person mentioned in section 8469 (1) of this act, through or by means of any of the things prohibited by this act, shall have a right of action for recovery of all damages that he has sustained in consequence of the deception, misrepresentation and false advertising used to induce him to change his place of employment, against any person [.] corporation, company or association, directly or indirectly procuring such change, and in addition thereto, he shall recover reasonable attorney's fees to be fixed by the court and taxed as costs in any judgment recovered.

Protection of employees in choice of boarding houses.

Coercion forbidden.

SECTION 8472. It shall be unlawful for any person, firm, company or corporation now operating, or who shall hereafter operate a boarding house in connection with their general business, either directly or through others, to compel an employee to board in such boarding house against his will.

Penalty.

SEC. 8473. 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 not less than one hundred dollars.

Negligence of employees in charge of steam boilers, railroad cars, etc.

Negligence causing death.

SECTION 8478. Every person having charge of a steam boiler or steam engine, or other apparatus for generating or employing steam, used in any manufactory, or on a railroad, or in any vessel, or in any kind of mining, milling or mechanical works, who willfully, or from ignorance or neglect, creates or allows to be created such an undue quantity of steam as to burst or break the boiler, engine or apparatus, or to cause any other accident, whereby the death of a human being is produced, is punishable by

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imprisonment in the State prison, for not less than one nor more than ten years.

Same subject. SEC. 8479. Every conductor, engineer, brakeman, switchman or other person having charge, wholly or in part, of any railroad car, locomotive or train, who willfully or negligently suffers or causes the same to collide with another car, locomotive or train, or with any other object or thing, whereby the death of a human being is produced, is punishable by imprisonment in the State prison for not less than one nor more than ten years.

Intoxication. SEC. 8521. Every person who is intoxicated while in charge of a locomotive engine, or while as conductor or driver upon any railroad car or train, whether propelled by steam or otherwise, or while acting as train dispatcher, or as telegraph operator receiving or transmitting dispatches, in relation to the movement of trains, is guilty of a misdemeanor.

Endangering life. SEC. 8523. Every engineer, conductor, brakeman, switch tender or other officer, agent, or servant of any railroad company, who is guilty of any willful violation or omission of his duty as such officer, agent or servant, whereby human life or safety is endangered, the punishment of which is not otherwise prescribed, is guilty of a misdemeanor.

Mine regulations.

Safety cages, etc. SECTION 8536. It is unlawful for any corporation to sink or work, through any vertical shaft where mining cages are used, to a greater depth than three hundred feet, unless said shaft shall be provided with an iron-bonneted safety cage, to be used in the lowering and hoisting of the employees thereof, said cage to be also provided with sheet iron or steel casing not less than one-eighth inch in diameter; doors to be made of the same material shall be hung on hinges, or may be made to slide and shall not be less than five feet high from the bottom of the cage, and said door[s] must be closed when lowering or hoisting the men: *Provided*, That when such cage is used for sinking only, it need not be equipped with such doors as are hereinbefore provided for. The safety apparatus, whether consisting of eccentrics, springs or other device, must be securely fastened to the cage, and must be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. The iron bonnet of the aforesaid cage must be made of boiler sheet iron, of good quality, of at least three-sixteenths of an inch in thickness, and must cover the top of such cage in such manner as to afford the greatest protection to life and limb from anything falling down said shaft. It shall be the duty of the mining inspector and his assistant to see that all cages are kept in compliance with this section and to also see that the safety dogs are kept in good order. Every person or corporation failing to comply with any of the provisions of this section is punishable by a fine of not less than three hundred dollars, nor more than one thousand dollars.

Stoping limited. SEC. 8537. It is unlawful for any corporation or person operating any mine in this State worked through a vertical or incline shaft, to stope within a less distance than twenty-five (25) feet of the said shaft, when other work is being carried on below said stoping.

Speed of cage. SEC. 8538. It is unlawful for any person or corporation operating any mine in this State worked through a vertical or inclined shaft, where a cage or other device is used for the purpose of hoisting or lowering men to run such cage when men are upon the same at a greater rate of speed than eight hundred (800) feet per minute.

Location of shops, etc. SEC. 8539. It is unlawful for any person, company or corporation, to erect or maintain any building, or inclosure used for a blacksmith shop or drying room within a distance of fifty (50) feet of the mouth of any tunnel or shaft, unless the same shall be fireproof in its construction.

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Penalty.

SEC. 8540. The penalty for violating the provisions of any of the preceding sections is the same as provided in section 8536 (705) of the Penal Code: *Provided*, That when it shall appear that any engineer has violated the express order of his employer in running his engine at a greater speed than 800 feet per minute the engineer alone shall be subject to prosecution, and to the fine imposed by the provisions of this act.

Proviso.

Escape shafts required, when.

SEC. 8541. It is the duty of any person, company or corporation, who shall have sunk on any mine a vertical or incline to a greater depth than one hundred feet, and who shall have the top of such shaft or hoisting opening covered or enclosed by a shaft or building which is not fireproof, and who shall have drifted on or along the vein or veins thereof, a distance of two hundred feet or more, after crosscutting to the same, 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 second escapement shaft, raise, or opening, or an underground opening or communication between every such mine and 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 cases 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 the 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 the foregoing paragraphs must be of sufficient size as [sic] to afford an easy passageway, and if it be a raise, or shaft, must be provided with good and 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.

Proviso.

Application of law.

SEC. 8542. This act shall apply only to quartz mines in which nine or more men are employed underground, and shall not apply to mines not actually extracting ores, by stoping, nor to mines in which the shaft or hoisting opening, or hauling way is not covered by a shaft house, and has no building structure within thirty (30) feet of the shaft or opening, nor to mines in which the hoisting shaft or opening shall be covered by or enclosed in a fireproof shaft or building.

Penalty.

SEC. 8543. The penalty for violating any of the provisions of the preceding section is the same as provided in section 8536 (705) of the Penal Code.

Explosives.

SEC. 8546. No person, company or corporation shall store, deposit or keep in any mine a greater quantity than three thousand pounds of blasting powder, giant or Hercules powder, or other highly explosive substance, and no explosives named in this section shall be stored, deposited or kept in any place where its [their] accidental explosion would cut off the escape of miners working in said mine.

Sale of intoxicants near labor camps.

Sale forbidden.

SECTION 8555. Every person who sells, furnishes or gives away any spirituous or malt liquors, wine or cider, or any beverage containing any intoxicating liquors, within five miles of any railroad grade, irrigating ditch, or canal under course of construction, or on any railroad grade on which track is being laid, or within five miles of any logging camp, sawmill, mine, stone quarry, or sheep-shearing camp in operation is punishable by imprisonment in the county jail not exceeding sixty days, or a fine not exceeding one hundred ($100) dollars or by both such fine and imprisonment. The provisions of this section do not apply to the selling,

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furnishing or giving away intoxicating liquors, wine or cider within the limits of any town or city: *Provided*, That the word "town" or "city," within the meaning of this act, shall include all places and only such places as have a bona fide permanent population of not less than thirty persons over the age of twenty-one years residing within the territory not exceeding one mile square, and excluding from such enumeration all persons who have not resided at least six months in such place, and also excluding all employees, owners or agents engaged in any of the above named businesses: *Provided*, That the provisions of this act shall not apply to any person previously engaged in selling intoxicating liquors at a fixed place of business, established six months prior to the beginning of work in or upon, or the erection of [or] construction, or operation of any of the things enumerated in this act, or to his assigns.

Liability of employers for injuries to employees—Waivers—Extortion.

Contracts releasing from liability.

SECTION 8676. Every person, company or corporation, which requires of its servants or employees, as a condition of their employment or otherwise, any contract or agreement whereby such person, company or corporation is released or discharged from liability or responsibility on account of personal injuries received by such servants or employees, while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employees thereof, is punishable by imprisonment in the State prison not exceeding five years, or by a fine not exceeding five thousand dollars, or both.

Wage debts.

SEC. 8677. Every person, company or corporation, indebted to another person for labor, or any agent of any person, copartnership, or corporation so indebted, who shall, with intent to secure from such other person a discount upon the payment of such indebtedness, willfully refuse to pay the same, or falsely deny the same, or the amount or validity thereof, or that the same is due, is guilty of a misdemeanor: *Provided, however*, That nothing herein contained shall prohibit any employer from fixing regular pay days for the payment of wages or salary earned in the calendar month immediately preceding such pay days, except in cases where the employee is discharged.

Employment of labor—Foremen, etc., accepting fees.

Accepting fees forbidden.

SECTION 8678. Any superintendent, foreman, assistant, boss, or any other person, or persons, who shall receive, or solicit, or cause to be received or solicited, any sum of money or other valuable consideration, from any person for or on account of the employment, or the continuing of the employment of such person, or of anyone else, or for, or on account of any promise, or agreement, to employ or to continue to employ, any such person, or anyone else, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand (1,000) dollars, or undergo an imprisonment in the county jail of not more than one (1) year, or both, at the discretion of the court.

Witnesses.

SEC. 8679. No person shall be excused from attending or testifying, or producing any books, papers, documents, or any thing, or things before any court, or magistrate upon any investigation, proceeding, or trial, for a violation of any of the provisions of this act, upon the ground, or for the reason that the testimony, or evidence, documentary, or otherwise required of him, may tend to convict him of a crime, or to subject him to a penalty, or forfeiture; but no person shall be prosecuted or subjected to any penalty, or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence of documentary, or otherwise; and no testimony or evidence so given, or produced shall be received against him in any civil or criminal proceeding, action or investigation.

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Labor organizations, etc.—Unauthorized use of badges.

Unauthorized use forbidden.

SECTION 8866. Any person who willfully wears the badge of * * * labor organizations, * * * or use[s] the name to obtain aid or assistance within this State, or willfully uses the name of such society, order or organization, the title of its officers, or its insignia, rituals or ceremonies, unless entitled to use or wear the same under the constitution and by-laws, rules and regulations of such order, or of such society, order or organization, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed ninety days in the county jail, or a fine not to exceed two hundred and no-100 ($200) dollars, or by both such fine and imprisonment: *Provided*, This shall not apply to the wives, daughters, sisters or mothers of members of these orders who are in good standing.

ACTS OF 1909.

CHAPTER 18.—*Railroads—Headlights on locomotives.*

Headlights required.

SECTION 1. It shall be the duty of any person, corporation or company operating any railroad or railway in this State, within one year after the passage of this act, to equip all locomotive engines used in the transportation of trains over said railroad or railway with electric headlights of not less than fifteen hundred (1500) candlepower measured without the aid of a reflector, or other headlights of not less than fifteen hundred (1500) candlepower measured without the aid of a reflector: *Provided*, That this act shall not apply to locomotive engines regularly used in the switching of trains.

Violations

SEC. 2. Any person, corporation or company operating any railroad or railway in this State violating the provisions of section 1 of this act shall be deemed guilty of a misdeamor [misdemeanor] and, upon conviction thereof, shall be fined not less than one hundred ($100) dollars nor more than one thousand ($1,000) dollars for each offense.

CHAPTER 75.—*Hours of labor of telephone operators.*

Nine hours a day's labor.

SECTION 1. On all lines of public telephones, operated in whole or in part within this State, it shall hereafter be unlawful for any owner, lessee, company or corporation to hire or employ any operator or operators, other person or persons to run or operate a telephone board or boards for more than nine (9) hours, in twenty-four hours in cities or towns having a population of 3,000 inhabitants, or over: *Provided, however*, That the provisions of this act shall not apply to any person or persons, operator or operators, operating any telephone board or boards more than nine (9) hours in each twenty-four for the purpose of relieving another employee in case of sickness or other unforeseen cause or causes.

Violations.

SEC. 2. Any owner, lessee, company or corporation, who shall violate any of the provisions of this act shall upon conviction be punished by a fine of not less than one hundred ($100) dollars nor more than five hundred ($500) dollars, and each and every day that such owner, lessee, company or corporation, may continue to violate any of the provisions of this act, shall be considered a separate and distinct offence and shall be punished as such.

CHAPTER 95.—*Railroads—Medical aid for injured employees.*

Nearest physician may be summoned.

SECTION 1. In cases of injuries to or received by any railroad trainmen or employee of any railroad doing business in this State, which said injuries shall have been received during the regular course of employment of said railroad trainmen or employee, any one of said railroad trainmen or employee shall have the right,

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and is hereby empowered and given authority to call upon and retain the services of the nearest practicing physician or surgeon to care for and treat any such injured trainmen or employee, during and until such time as one of the regularly employed and paid physician or surgeon of such railroad corporation can and is able to treat and care for said railroad trainmen or employee.

Fee. SEC. 2. In cases where the services of any physician or surgeon other than the regularly employed physician or surgeon of the railroad corporation are retained and hired as provided in section 1, of this act, such physician or surgeon shall be compensated and paid a reasonable fee for such services performed by him as provided in section 1 of this act.

Railroad to pay in reasonable time. SEC. 3. If any railroad corporation refuses or neglects to pay for the services of any such physician as hereinbefore provided for within a reasonable time after such physician and surgeon has rendered the services therefor, such railroad corporation shall be guilty of a misdemeanor.

CHAPTER 97.—*Antitrust law—Labor organizations exempt.*

Exemption of wage agreements. SECTION 2. The provisions of this act [forbidding monopolies and contracts in restraint of trade] do not apply to any arrangements, agreement, or combination between laborers, made with the object of lessening the number of hours of labor or increasing wages.

CHAPTER 107.—*Protection of employees on buildings.*

Scaffolds. SECTION 1. All scaffolds erected in this State for the use in the erection, repair, alteration or removal of buildings, shall be well and safely supported, and [of] sufficient width, and properly secured, so as to insure the safety of persons working thereon or passing thereunder, or by the same, and to prevent the falling thereof, or of any material that may be used, placed or deposited thereon.

Protective floors. SEC. 2. It shall be the duty of every owner, person or corporation who shall have the direct and immediate supervision or control of the construction or remodeling of any building having more than three framed floors, whether some or all of said floors are above or below the established street grade, to provide and lay upon the upper side of the joists or girders, or both, of the first floor below the riveters and structural street [sic] setters, a plank floor, which shall be laid to form a good substantial temporary floor for the protection of employees and all persons engaged above or below or on such temporary floor in such building: *Provided, however*, That where the permanent floor is in place on the floor herein required to be planked, a temporary protective floor, shall not be required.

If the floor or permanent floor of the second floor, or of any other floor above the second, or roof, is being placed previous to the permanent floor immediately below the floor which is being arched or planked, a good substantial temporary floor shall be laid on the joists and girders of the next lower floor. For the purpose of this section the lowest framed floor in the building shall be considered the first floor.

Shields. SEC. 3. In buildings more than three stories high where persons are working on a scaffold or scaffolds on the outside of such buildings, such persons shall be protected by well-secured planking, set over the heads of such persons for the full width of the scaffolding on which they are working if another story or stories are being raised above such persons during the time they are working on such outside scaffold or scaffolding.

Stairways, etc., to be guarded. SEC. 4. It shall be the duty of all owners, contractors, builders, or persons having the direct and immediate control or supervision of any buildings in course of erection which shall be more than thirty feet high, to see that all stairways, elevator openings, flues and all other openings in the floors shall be covered or properly

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protected: *Provided further*, That wherever such building or buildings over three stories high are being erected in any city or town, other than a residence, temporary toilets in or convenient to such building shall be maintained for the convenience of employees.

Violations. Enforcement.

SEC. 5. Any person violating any of the provisions of the foregoing sections shall be fined not less than one hundred dollars nor more than two hundred dollars for each offense. It is hereby made the duty of the building inspector, his deputy or other authorities in any county, city, town or village in the State, through the county attorney or any other attorney, in case of failure of such owner, person or corporation to comply with this act promptly, to take the necessary steps to enforce the provisions of this act.

CHAPTER 136.—*Railroads—Safety appliances, etc.*

Equipment may be ordered.

SECTION 1. The railroad commission of the State of Montana shall have full authority to, after notice and hearing, make and enforce rules and regulations providing for the installation on and equipment of, trains, cars or engines, with safety appliances and shall have authority to inspect the same and enforce regulations with regard thereto[,] such inspection[,] rules and regulations to be from time to time coextensive with the requirements of, and in conformity to, the provisions of the acts of Congress and rules and regulations of the Interstate Commerce Commission as then effective.

Inspection.

SEC. 2. The railroad commission of the State of Montana shall have the power and authority to examine and inspect all brakes and brake equipment and, to, after notice and hearing, make and enforce reasonable rules and regulations with respect to the examination, inspection and repair thereof, with a view of determining the proper measure of efficiency of said brakes and brake equipment. Such rules and regulations to be from time to time coextensive with the requirements of, and in conformity to the provisions of the acts of Congress and rules and regulations of the Interstate Commerce Commission as then effective.

ACTS OF 1911.

CHAPTER 29.—*Liability of railroad companies for injuries to employees.*

Liability declared.

SECTION 1. Every person or corporation operating a railroad in this State shall be liable in damages to any person suffering injury while he is employed by such person or corporation so operating any such railroad, or, in case of the death of such employee, instantaneously or otherwise, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent, upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such person or corporation so operating such railroad in or about the handling, movement or operation of any train, engine or car, on or over such railroad, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves or other equipment.

Acts of fellow servants.

Defective appliances, etc.

Negligence to be measured.

SEC. 2. In all actions hereafter brought against any such person or corporation so operating such railroad, under or by virtue of any of the provisions of this act, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such person or corporation so

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operating such railroad of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Risks not assumed, when.

SEC. 3. An employee of any such person or corporation so operating such railroad shall not be deemed to have assumed any risk incident to his employment when such risk arises by reason of the negligence of his employer or of any person in the service of such employer.

Contracts, etc., exempting from liability.

SEC. 4. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any such person or corporation so operating such railroad to exempt itself from any liability created by this act shall, to that extent, be void: *Provided*, That in any action brought against any such person or corporation so operating such railroad, under or by virtue of any

Set-offs.

of the provisions of this act, such person or corporation may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee, or the person entitled thereto, on account of the injury or death for which said action is brought.

CHAPTER 56.—*Assignments of wages—Wage brokers.*

License required.

SECTION 1. From and after the passage of this act, no person, company, corporation, or association, shall establish or conduct the business of wage broker within the State of Montana, unless such person, company, corporation or association, shall have first procured a license from the proper authorities as hereinafter provided, and shall have executed a bond in such sum as said authorities may require for the faithful carrying out of the provisions of this act, and of the ordinances of any town or city in which such business may be carried on.

Who may grant licenses.

SEC. 2. The board of county commissioners of any county in this State, or, in case said business be carried on in any incorporated city or town, the city council or board of trustees of said city or town, may in their discretion from time to time, grant license to any person or persons, company, corporation, or association to conduct or carry on the business of wage broker upon payment of such sum thereof and upon such terms and conditions as the said board of county commissioners or city council or board of trustees shlla [shall] by resolution or ordinance require.

Wage brokers.

SEC. 3. Any person, company, corporation, or association parting with, giving or loaning money, either directly or indirectly to any employee, or wage earner, upon the security of, or in consideration of any assignment or transfer of wages or salary of such employee, or wage earner, shall be deemed to be a wage broker within the meaning of this act.

Assignment to be specific.

SEC. 4. No assignment of his or her wages or salary by any employee or wage earner to any wage broker for his or her benefit shall be valid or enforceable, nor shall any employer or debtor recognize or honor such assignment for any purpose whatever, unless it be for a fixed and definite part or all, of the wages or salary theretofore earned.

Rate of interest.

SEC. 5. No wage broker shall ask, demand or receive, either as compensation or interest, or in any other manner, directly or indirectly, any compensation or interest for the use of money advanced or loaned by him to any employee or wage earner in excess of twelve per cent per annum, and said compensation or rate of interest shall be computed upon the amount actually advanced to, and received by, the employee or wage earner and shall include all commissions or compensation whatsoever to the wage broker or any other person for making or procuring said loan.

Wife's consent.

SEC. 6. No assignments of his wages or salary to a wage broker by a married man, who shall have a wife, residing in this State shall be valid or enforceable without the consent of his wife evidenced by her signature to said assignment executed and acknowledged before a notary public or other officer empowered to take acknowledgments, and no wage broker or person connected with

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him directly or indirectly shall be authorized to take any such acknowledgments.

Notice to employer.

SEC. 7. No assignment of wages or salary to a wage broker shall be valid or enforceable unless notice in writing of the same accompanied by a copy of the assignment shall be given to the employer within one day from the date of its execution; and all assignments shall be filed in the office of the county clerk of the county where the assignor resides, and no assignment shall be valid unless so filed.

Filing.

Assignments as loans.

SEC. 8. Every purchase by a wage broker of an assignment of the wages or salary of any employee or wage earner, shall be held and considered a loan, in the sum of the amount, actually paid to and received by such employee or wage earner, and shall be subject to all the provisions of this act.

Violations.

SEC. 9. Any person, company, corporation or association and any officer, member, agent or employee thereof violating any or either of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be liable to a fine in the sum of not less than one hundred ($100) dollars nor more than five hundred ($500) dollars for each offense, or to imprisonment in the county jail for a period of not to exceed ninety days, or both.

What notes, etc., void.

SEC. 10. Any note, bill or other evidence of indebtedness and any assignment of wages or salary given to or received by any wage broker in violation of any of the provisions of this act shall be void, as against the creditors of the assignor or transferor [transferrer].

CHAPTER 72.—*Mine regulations—Quartz mines.*

Ventilation.

SECTION 1. It shall be the duty of all mining operators of any and all quartz mines in this State, when working to a greater depth than three hundred feet, or any general manager, superintendent, or foreman acting on behalf of the above, whether said mining property is operated by tunnel, shaft, or other opening, to provide where necessary, feasible and practicable, a suitable and practical method for ventilating said mine either by separate shaft, or other mine working of suitable size or capacity which said ventilating system shall provide for the delivery of air to all portions of said mine that are being operated, and also provide reasonable means for carrying away of noxious fumes, gas, or smoke.

Toilet rooms.

SEC. 2. It shall be the duty of all mining operators to provide suitable and practicable toilet arrangements, or places which may be used for toilet purposes, for the use of employees in mines, such toilets, or sanitary arrangements may consist of a properly constructed toilet car, or receptacle where it is practical and feasible to use the same, that may be taken into the different working levels of a mine, and when such cars, or receptacles are used they shall be sent to the surface each day for proper cleaning or disinfecting. Where proper toilet apparatus is not provided, the employee shall be allowed to go to the surface or other suitable place, which place shall be kept in a reasonably sanitary condition.

Stables.

Underground stables shall be cleaned and droppings in waste taken to the surface each day. This section applies to mines working thirty men or over.

Guarding ways and shafts.

SEC. 3. Underground workings consisting of chutes, manways and winzes, or any opening kept for ventilating purposes, or for the removal of ore, or waste material, shall when necessary be protected by guardrails, or by a suitable cover known as a grizzly, made of good substantial timbers, or metal bars. Shafts at stations shall be protected by guardrails at every level. In vertical manways used by employees exclusively for traveling purposes in addition to proper ladders there shall be suitable landings, placed not to exceed thirty feet apart and so far as feasible and practicable all such manways, or air course used as an escape for men must be kept free from all obstructions.

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CHAPTER 120.—*Mine regulations—Coal mines.*

Title. SECTION 1. This act shall be known as the Coal Mining Code of the State of Montana.

Inspector. SEC. 2. The governor, by and with the advice and consent of the senate, shall appoint one State coal mine inspector qualified as hereinafter provided, who shall hold office for a term of four years from the date of his appointment, unless otherwise removed by the governor.

Qualifications. SEC. 3. No person shall be eligible to the office of State coal mine inspector until he shall have attained the age of thirty years. He shall be a citizen of the United States, a qualified resident of the State of Montana, shall have been actually employed at coal mining ten years prior to his appointment and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines, and the nature and constituent parts of noxious and explosive gases of coal mines, and of the various ways of expelling the same from the said mines. He shall have passed a successful examination by the board of examiners and his certificate of qualification shall have been filed with the governor by the said board of examiners, as provided by law.

Salary. SEC. 4. The salary of the State coal mine inspector shall be twenty-five hundred dollars per annum and all necessary and traveling expenses. The State coal mine inspector shall file with the State treasurer a bond, approved by the governor of the State, in the sum of five thousand dollars ($5,000), for the faithful performance of his duties.

Bond.

Duties. SEC. 5. The State coal mine inspector shall have the right, and it is hereby made his duty, to enter, inspect, and examine any coal mine or any shaft, drift or slope in the process of sinking for the purpose of mining coal in this State and the workings and the machinery belonging thereto, at all reasonable times, either by day or night, but not so as to impede or obstruct the workings of the mine, and when such inspection is contemplated he shall first notify the person in charge of his intention to make such examination. He shall also have the right and it is his duty to make inquiry into the condition of such mine, workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make inquiry whether or not the provisions of the laws providing for regulations of coal mines, or other acts which may hereafter be enacted governing coal mines, have been complied with. The owner, operator or superintendent of such mine is hereby required to furnish the means necessary for such entry, inspection, examination, inquiry and exit. It shall also be the duty of the said coal mine inspector to carefully examine all the coal mines in operation in this State at least every three months and oftener if necessary; to see that every precaution is taken to insure the safety of all the workmen that may be engaged in said coal mine. The said inspector shall make a record of the visit, noting the time and the material circumstances of the inspection. At the time of making his regular quarterly inspection, in the event of the inspector having in his possession any complaint in writing to the effect that the mining code is being violated, he shall notify the employees that he is about to make such inspection, and if the employees, in some proper manner, select one of their number to accompany the inspector on such inspection, he shall permit such employee to so accompany him. In the event of no such selection being made, the inspector may, if he so desire, request some employee to accompany him. The owner or operator shall at all times have the right to personally accompany the inspector while inspecting his property, or to designate some one to so accompany him.

Quarterly inspections.

Conflicting interests. SEC. 6. The said State coal mine inspector while in office shall not act as agent for any corporation, superintendent or manager

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of any mines, and shall in no manner whatever be under the employ of mining companies nor shall he be interested in any coal mining operation either as owner, lessee or otherwise. It shall be the duty of the said State coal mine inspector, on or before the first day of January of every year, to make a report to the governor of his proceedings as such State coal mine inspector and the conditions of each and every coal mine in the State, stating therein all accidents that have happened in or about said mine or mines, and to set forth in said report all such suggestions as he may deem important as to any further legislation on the subject of coal mines. Annual reports.

SEC. 7. For the more efficient discharge of the duties herein imposed upon him, the said State coal mine inspector shall be furnished at the expense of the State with an anemometer, a safety lamp and whatever other instruments or other appliances may be necessary in order to carry into effect the provisions of the acts regulating coal mines. Instruments.

SEC. 8. The State coal mine inspector shall post up in some conspicuous place at the top of each mine visited and inspected by him, a plain statement of the conditions of such mine, showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such statement shall give the date of inspection and be signed by the said inspector. He shall also post a notice at the landing used by the men, stating what number of men may be permitted to ride on the cage, car or cars at one time, and at what rate of speed men may be hoisted and lowered on the cage, car or cars in accordance as hereinafter provided for in this act. He must observe especially that the code of signals provided in the act regulating coal mines between engineer and top men and bottom men, is conspicuously posted for the information of all employees. Notices to be posted.

SEC. 9. In case the State coal mine inspector becomes incapacitated and cannot perform the duties of his office for a longer period than two weeks, it shall be the duty of the governor to deputize some competent person having the qualifications provided in this act to fulfill the duties of the said inspector until the said inspector shall return to the performance of his official duties, and the person deputized by the governor shall be paid by the State out of any moneys in the general fund of the State not otherwise appropriated, for the services rendered at the same rate as received by the State coal mine inspector. Substitutes.

In case of the death, resignation, or removal from office of the State coal mine inspector before the expiration of the term of office, the governor shall appoint a duly qualified person as provided in this act, to fill the vacancy for the unexpired term. Vacancies.

SEC. 10. The State coal mine inspector is hereby made, equally with the county clerk, ex officio sealer of weights and measures, in so far as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the county clerk of any county. Upon the written request of any coal mine owner or operator or ten coal miners employed at any one mine, it shall be his duty to test and prove any scale or scales at such mine against which complaint is directed and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner, lessor or operator to the fact and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and correct weights, and he shall forbid the further operation of such scale until such scales are adjusted. In the event that such test shall conflict with any test made by any county sealer of weights and measures, or under and by virtue of any municipal ordinance or regulation, then the test by such State coal mine inspector shall prevail. Weights and measures.

SEC. 11. For the purpose of carrying out the provisions of this act, the State coal mine inspector shall be furnished by the State Test weights.

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with such sets of standard weights suitable for testing the accuracy of track scales, and of all smaller scales at mines, as may in the judgment of the State coal mine inspector be necessary; said test weights shall remain in the custody of the State coal mine inspector for use at any point within the State, and for any amounts expended by him for the storage, transportation or the handling of the same, he shall be fully reimbursed upon making proper entry of the proper items in his expense voucher.

Inspection refused.

SEC. 12. If any owner, lessor or operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit setting forth his refusal, with the judge of the district court in said county in which said mine is situated, either in term time or vacation, and obtain an order on such owner, operator or agent so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

Charges of incompetence, etc.

SEC. 13. Whenever a petition signed by fifty or more reputable citizens, legal residents of the State, verified by oath by two or more of the said petitioners, and accompanied by a bond in the sum of five hundred dollars, running to the State, executed by two or more freeholders, approved and accepted by the clerk of the district court of the county or counties of their residence, conditioned for the payment of all costs and expenses arising from the investigation of the charges is filed with the clerk of the district court setting forth that the State inspector of mines neglects his duties or is incompetent, or is gulty [guilty] of malfeasance in office or misfeasance in office, it shall be the duty of the district court of the county to issue a citation in the name of the State to the said inspector, to appear, at not less than five days' notice, on a day fixed, before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitioners; such action shall be prosecuted by the county attorney.

Removal.

SEC. 14. If the court finds that the said State coal mine inspector is neglectful of his duties or incompetent to perform the duties of his office, or that he is guilty of malfeasance or misfeasance in office, the court shall certify the same to the governor, who shall declare the office of said State coal mine inspector vacant, and proceed in compliance with the provisions of this act to fill the vacancy; and the costs of such investigation shall, if the charges are sustained, be imposed upon the said State coal mine inspector.

Board of examiners.

SEC. 15. The governor of the State shall within sixty days after the passage of and approval of this act, upon the recommendation of the coal miners of this State, appoint one practical coal miner actively employed in coal mining in the State of Montana, and one mine manager or superintendent, who shall be recommended to the governor by the majority of the coal mine operators of the State of Montana, and one practical coal mining engineer; the three so named by the governor shall constitute a board of examiners to pass upon the qualifications of applicants for State coal mine inspector of the State of Montana. They shall hold office for four years and until their successors, appointed in the same manner, are appointed and qualified.

Duties of board.

SEC. 16. It shall be the duty of the said board to examine into the qualifications of all applicants for appointment to the position of State coal mine inspector of the State of Montana, by conducting a thorough examination as to their knowledge of mine workings, ventilation, gases, fire damp, machinery and actual experience in underground coal mining, and to acquaint themselves with the personal character, habits, and general worthiness of each applicant. The general examination shall be in writing, and the manuscript and other papers of all applicants, together with the tally sheets and the solution of each question as given by the examining board, shall be filed with the secretary of state as public documents, but such applicants shall undergo an oral

Examinations.

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examination pertaining to explosive gases and safety lamps. All candidates shall be allowed the use of such text books as in the discretion of the board may be deemed proper, during the examination. The board of examiners shall confine the examination of applicants to subjects such as are designated in this section. No person shall be certified as competent whose average per cent shall be less than 75 per centum and his certificate shall show what per cent the applicant has attained, and such certificate shall be valid only when signed by a majority number of the examining board. The examining board shall, immediately after the examination, furnish to each person who came before it to be examined a copy of all questions, whether oral or written, which were given at the examination, on printed slips of paper, which shall be marked solved right, imperfect or wrong as the case may be, together with a certificate of competency to each candidate who shall have made at least 75 per centum.

Applications.

SEC. 17. Applications to the said board for examination for State coal mine inspector must be made in writing and accompanied by an affidavit that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has attained the age of thirty years; has had at least ten years' experience in underground coal mining in the United States and at least one year's experience in underground coal mining in the State of Montana.

Names to be filed.

SEC. 18. The board of examiners shall file with the governor the names of all persons who shall have successfully passed the examination. From those so named the governor shall select one person to be State coal mine inspector: *Provided*, That any one who has served capably as State coal mine inspector for one full term, upon making written application to the board setting forth these facts, shall be certified to the governor as properly qualified for appointment, but no man shall be eligible for the appointment as State coal mine inspector, who has any pecuniary interest in any coal mine, either directly or indirectly, as owner, leasee [lessee], or employer, or otherwise.

Vacancies.

SEC. 19. As often as vacancies occur in the office of State coal mine inspector, caused either by death, resignation, removal for malfeasance or misfeasance as provided for in section 14 of this act or as otherwise determined as with other officers of the State, the governor shall fill the same by appointment for the unexpired term by selecting a person whose name is on file in his office as provided for in section 18 of this act.

Oath of examiners.

SEC. 20. The board of examiners appointed under this act shall each take the following oath of office before some person only [sic] authorized by law to administer an oath, We do solemnly swear or affirm that we will perform the duties devolving upon us to the best of our ability, and that in rejecting or recommending applicants for the position of State coal mine inspector for the State of Montana we will be governed by the evidence of qualification to fill the position under the law creating the same, and not by any consideration of political affiliation or personal favors; that we will certify all whom we may find qualified, and who shall have passed the required examination, according to the act and none other, to the best of our knowledge and judgment. The board shall meet for the purpose of examining applicants for the position of State coal mine inspector on the second Monday in December, 1912, in the city of Helena, at the State capitol in the office of the State coal mine inspector, and on the second Monday in December every two years thereafter. The secretary of state shall furnish whatever blanks, blank books, printing or stationery the board may require in the discharge of its duties. Public notice of meetings of the board for the purpose of holding examinations shall be given by the board, by the posting of notices in the post office in the several coal mining towns throughout the State at least fifteen days previous to the date of the examination, and by publication in at least two daily

Meetings.

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papers published in the city of Helena, for ten consecutive days previous to the holding of the examination.

Examinations to be held. SEC. 21. The board shall then proceed to the examination of those who may present themselves as candidates for said office, and who shall have complied with the requirements necessary to entitle such applicant to be examined as provided for in section 17 of this act, and after a thorough examination as to knowledge and qualification of said applicants the said board of examiners shall certify to the governor the names of all such applicants who have successfully passed the required examination for the position of State coal mine inspector as required under the provisions of the law.

Compensation. SEC. 22. The board of examiners shall receive as compensation six dollars ($6) per diem for the time not exceeding ten days actually engaged in the performance of the duties imposed upon them in this act and their actual expenses, such compensation to be paid out of the general fund in the manner provided by law.

Appointment. SEC. 23. The governor shall, from the names certified to him by said board of examiners, appoint a State coal mine inspector for the State of Montana, who shall hold office for the period of time as required by the law creating such office.

Subsequent boards. SEC. 24. Every four years the governor shall in the manner provided in section 15 appoint a board of examiners to pass upon the qualifications of applicants for coal mine inspector, which board shall be constituted, sworn and paid and shall perform the same duties as the board provided for in section fifteen (15) of this act, during the term for which they were appointed, (and from the names certified to by them the governor shall appoint a State coal mine inspector for the State of Montana).

Reappointments. SEC. 25. Nothing in this act [shall] be construed as preventing the reappointment by the governor of any State coal mine inspector, who shall have successfully passed the required examination and qualified as hereinbefore provided for.

Rules of boards. SEC. 26. Each successive board of examiners shall have the power to adopt their own rules and regulations for examination as will best serve the purpose of this act; said rules not to conflict with the manner of examination as prescribed in section sixteen (16) of this act.

Vacancies. SEC. 27. Vacancies upon the said board of examiners shall be filled by the governor, in accordance with the intent and provisions of this act.

County examining boards. SEC. 28. On petition of the State coal mine inspector a judge of the district court of any county where coal is mined shall appoint an examining board of three persons, consisting of the State coal mine inspector, a miner and an operator or superintendent, to be known as the county examining board. The members of said examining board shall be citizens of the United States and legal residents of the State of Montana, and shall hold office for the term of two years or until their successors have been appointed and qualified. The persons so appointed shall, after being duly organized as a board, take and subscribe before an officer authorized to administer the same, the following oath namely: We, the undersigned do solemnly swear or affirm that we will perform the duties of examiners of applicants for the position of mine foreman, mine examiner, or fire boss for the coal mines of Montana to the best of our abilities, and that in certifying or rejecting said applicants we will be governed by the evidence of the qualifications to fill the positions under the law creating the same, and not by any consideration of personal favors; that we will certify all whom we find qualified and none other.

Examinations. SEC. 29. The examination shall consist of oral and written questions on theoretical and practical mining, on the nature and properties of noxious, poisonous and explosive gases found in the mines, and on the different systems of working and ventilating coal mines. During the progress of the examination the use of such text books as the board shall [have] approved shall be allowed applicants during the examination, and the board shall

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issue to those examined and found to possess requisite qualifications, certificates of competency for the position of mine foreman, mine examiner or fire boss; but such certificates shall be granted only to persons of twenty-three (23) years of age, or over, of good moral character, citizens of the United States and residents of the State of Montana, and with at least five years' practical experience in the working of coal mines. All papers and blanks, blank books and stationery used at the examination, to be furnished by the board of county commissioners of the said county and each candidate for examination shall be given such questions, as are required, in writing and each question shall be on a separate paper.

Candidates must return such papers to the board, with answer to questions thereon, attested by his signature. All question papers and answers shall be filed in the office of the county clerk and recorder, in and for the county where examinations are held, and kept by him in some secure place, subject to examination at any time.

Certificates of mine foremen.

SEC. 30. Certificates of qualifications to mine foremen in the coal mines of Montana, shall be granted by the board of examiners herein provided for, to each applicant who shall have passed a successful examination showing his knowledge of mine workings, ventilation, gases, fire damp and his actual experience in underground coal mining. The certificates shall be in a manner and form as shall be prescribed by the State coal mine inspector, who shall keep a record in his department of all such certificates granted. Each certificate shall contain the full name and age and birthplace of applicant and also the length or nature of his previous service in coal mines.

Applications.

SEC. 31. Persons seeking certificates of competency as mine examiners or fire boss must produce evidence satisfactory to the board that they are citizens of the United States, residents of the State of Montana, have had at least five (5) years' practical experience in working of coal mines, at least twenty-three (23) years of age, and of good repute and temperate habits. They must prepare to submit and satisfactorily pass an examination as to their experience in mines generating dangerous and explosive gases, their practical and technical knowledge of the nature and properties of fire damp, the laws of ventilation, and the structure and use of the safety lamp.

Meetings.

SEC. 32. The said board of examiners shall meet at the call of the State coal mine inspector, who shall call them upon receipt of five requests for examination and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mine foreman as above classified, or mine examiner or fire boss and such certificate shall be sufficient evidence of the holder's competency for the duties of said position so far as relates to the purpose of this act: *Provided*, That any person who shall have been employed as mine foreman, continually for a period of one year preceding the approval of this act, by the same firm, person or corporation, shall be granted a certificate without undergoing such examination, but shall not be employed by any other person, firm or corporation without having successfully undergone such examination. No person shall be certified as competent whose average percentage shall be less than seventy-five (75) per centum on his entire examination, and such certificates shall designate the position qualified for and shall be valid only when signed by a majority of the examining board.

Certificates without examination.

Persons from other States.

SEC. 33. The board may exercise its discretion, in issuing certificates of any class, without examination, to persons presenting with proper credentials certificates for the same or a similar position issued by competent authorities in this or other States: *Provided, however*, That for every such certificate issued, the board shall charge a fee of five ($5) dollars.

Fees.

Applicants to register.

SEC. 34. An applicant for examination for any certificate herein provided for, before being examined, shall register his name with

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the State coal mine inspector, at Helena, Montana, and file with him the credentials required by this act, to wit: An affidavit as to all matters of fact establishing his rights to and qualifications for receiving the examination, and a certificate of good character and temperate habits, signed by at least ten (10) of the citizens who know him best in the place in which he lives. Each candidate, before receiving the examination, shall pay to the State coal mine inspector the sum of two ($2) dollars as an examination fee, and those who pass the examination for which they are entered, before receiving their certificate, shall also pay to the State coal mine inspector the further sum of three dollars ($3) each as a certificate fee. All such fees shall be duly accounted for by the State coal mine inspector and turned into the State treasurer at the close of the fiscal year.

Fees.

Compensation.

SEC. 35. The members of the examining board except the State coal mine inspector shall receive as a compensation the sum of five dollars ($5) each day, for a term not exceeding two meetings of five days each in any year, and whatever sum is necessary to reimburse them for such traveling expenses as may be incurred in the discharge of their duties. All such salaries and expenses of the members of the board shall be paid upon vouchers duly sworn to by each member of the said board and approved and ordered by the State board of examiners, and the State auditor is hereby authorized to draw his warrants on the State treasurer for the amounts thus shown to be due, payable out of any money in the State treasury not otherwise appropriated.

Who to have certificates.

SEC. 36 (a) Any person who acts in the capacity of mine foreman, mine examiner or fire boss without a certificate of competency as provided for in this act, shall be deemed guilty of an offense against this act: *Provided, however*, The State coal mine inspector shall have the power to grant permits to persons to perform the duty of mine foreman, mine examiner or fire boss as provided for in this act, who may be employed by any company, corporation, association, person or persons engaged in the operating of any coal mines in the State of Montana until such time as the person so employed has had an opportunity to be examined as to his competency by the board of examiners provided for in this act, but no longer.

Employing uncertified foremen, etc.

(*b*) Every company, corporation[,] association, person or persons operating any coal mine or coal mines in the State of Montana, who employs any uncertified mine foreman, mine examiner or fire boss, except as provided for in section 33 of this act, shal [shall] be deemed guilty of an offense against this act: *Provided, however*, That in cases of emergency any competent man may be employed and act as a temporary mine foreman, examiner or fire boss until a certificate or permit can be obtained, not to exceed a period of thirty (30) days, without violating this act or incurring any of its penalties.

Maps.

SEC. 37. Every operator of every coal mine in this State shall make or caused [cause] to be made an accurate map or plan of such mine, drawn to a scale of not less than two hundred feet to one inch, and as much larger as practicable, on which shall appear the name of the State, county and township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

Underground workings.

SEC. 38. For the underground working the said map shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine, all excavations, entries, rooms and crosscuts, the rise or dip of the seam from the bottom of the shaft, mouth of drift or slope in either direction to the face of the workings, the location of the fan or furnace, the location of the permanent pumps, hauling engines, engine planes and fire walls, the location of any standing water which might prove a menace to life or danger to property from flood, and the line of any contiguous surface outcrop of the seam.

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Maps for each seam.

SEC. 39. A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam, which, after the passage of this act, shall be worked in any mine, and the maps of all such seams shall show all shafts, drifts, tunnels, incline planes or other passageways connecting the same.

Surface boundaries.

SEC. 40. Every such map or plan, or at the option of the operator a separate map, shall show the surface boundary lines contiguous to the workings and pertaining to each mine, also all section or quarter-section lines and corners, town lots and streets, the tracts [tracks] and side tracts [tracks] of all railroads, the location of all wagon roads, rivers, streams, ponds, buildings [,] landmarks and principal objects on the surface within the said boundary lines; and in all cases if of a separate surface map the same shall be drawn on transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the relative location of the lines and objects on the surface to the excavations of the mine.

Maps to be kept, where.

SEC. 41. The original or true copies of all such maps shall be kept in the office at the mine, and true copies thereof shall also be furnished the State coal mine inspector within thirty days after completion of the same. The maps so delivered to the inspector shall be the property of the State and shall remain in the custody of the said inspector during his term of office and be delivered by him to his successor in office. They shall be kept at the office of the inspector and be open to inspection by all persons interested in the same, but such examinations shall only be made in the presence of the inspector and he shall not permit any copies of the same to be made without the written consent of the operator or owner of the property, under penalty of removal from office.

Extensions.

SEC. 42. An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months, prior to July 1st of every year, and the result of said survey, with the date thereon, shall be promptly and accurately entered upon the original maps so as to show all changes in plain or new work in the mine and all extensions of the workings to the most advanced face or boundary of said workings which have been made since the preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the State coal mine inspector, or new copies thereof be furnished him, within thirty days after the last survey is made. Whenever the operator of any mine shall neglect or refuse, or for any cause not satisfactory to the State coal mine inspector fail, for a period of three months, to furnish to the said State coal mine inspector the map or plan of such mine, or a copy thereof or of the extension thereto, as provided for in this act, the said State coal mine inspector is hereby authorized to make or cause to be made an accurate map or plan of such mine at the expense of the owner or leaser [lessor] thereof, and the cost of the same may be recovered by law from said owner, leaser [lessor] or operator in the same manner as other debts by suit in the name of the State.

Final surveys.

SEC. 43. When any coal mine is worked out or is about to be abandoned or indefinitely closed the operator of the same shall make or cause to be made a final survey of all available parts of such mine, and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations and the most advanced workings of the mine, and their exact relations to the boundary or section lines on the surface.

The State coal mine inspector may order a survey to be made of the workings of any mine which is about to be abandoned, or of which he has reason to believe the maps are inaccurate, whenever in his judgment the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine requires it. Such survey shall be paid for by the State.

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Wash rooms. SEC. 44. It shall be the duty of the owner, operator or superintendent of any coal mine in the State of Montana to provide a suitable building, not an engine or boiler house, for the use of the persons employed in such mine for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall not be over 800 feet from and convenient to the principal entrance of such mine when practical to do so. When not practicable to build the washhouse within the said distance and still conform to the other requirements of this section the State coal mine inspector may give written permission to place the building at a greater distance from the mine than that herein specified and the operator shall not be guilty of violation of this section. The said building shall be maintained in good order, be properly lighted and heated and supplied with pure cold and warm water, and be provided with facilities for persons to wash and a suitable locker for each person to be used by him as a repository for his clothes.

If any person shall maliciously injure or destroy or cause to be injured or destroyed, the said building or any part thereof, or any of the appliances or fittings used for supplying light, heat or water therein or doing any act tending to the injury or destruction thereof, he shall be deemed guilty of an offense against this act and subject to a fine as hereinafter provided for.

Weighmen. SEC. 45. The weighman employed at any mine shall subscribe to an oath or affirmation before some officer authorized to administer oaths, to do justice between employer and employee, and to truly and correctly weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this State shall have the privilege, if they desire, of employing at their own expense a checkweighman, who shall have like equal rights, powers and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicouously [conspicuously] posted in the weight office, and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this section, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using a checkweighman as herein provided, or who shall prevent or willfully obstruct any such checkweighman in the discharge of his duty, shall be deemed guilty of an offense against this act. Whenever the State coal mine inspector, or his deputy, shall be satisfied that the provisions of this section have been willfully violated, it shall be his duty to forthwith inform the prosecuting attorney of any such violation, together with all the facts within his knowledge and the prosecuting attorney shall thereupon investigate the charges so preferred, and if he is satisfied that the provisions of this section have been violated, it shall be his duty to prosecute the person or persons guilty thereof.

Checkweighmen.

Scales. SEC. 46. Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines must not arrange or construct them so that fraudulent weighing may be done thereby, and must not knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act.

Cages. SEC. 47. Every hoisting shaft must be equipped with safely constructed substantial cages fitted to guide rails running from the top to the bottom of shaft. Said cages must be furnished with suitable boiler-iron covers to protect persons riding thereon from falling objects and with sheet iron or steel casings on each side, not less than one-eighth inch in thickness, or wire netting of not less than one-eighth inch in diameter. They must be equipped with safety catches, said safety apparatus, whether consisting of eccentrics, springs or other devices, must be securely fastened to each cage and must be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. Every cage must be fitted with iron bars, chains or rings in proper place and sufficient in

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number to furnish a secure handhold for every person permitted to ride thereon. Gates not less than four feet high from the bottom of the cage shall be fitted to each cage and must be used during the regular hoisting or lowering of men: *Provided*, That when such cage is used for sinking only it need not be equipped with such doors as are hereinbefore provided for. At the top landing cage supports, when necessary, must be carefully set and adjusted so as to act automatically and securely hold the cage when at rest.

Passageways.

SEC. 48. At the bottom of every shaft and at every caging place therein a safe and commodious passageway must be cut around such landing place to serve as a travel way by which men or animals may pass from one side of the shaft to the other without passing under or on the cage.

Landings.

SEC. 49. The upper and lower landings at the top of each shaft and the opening of each intermediate seam from or to the shaft, shall be kept free and clear from loose materials and shall be securely fenced with automatic or other gates, so as to prevent either men or materials from falling into the shaft.

Escape shafts, etc.

SEC. 50. For every coal mine in this State, whether worked by shaft, slope or drift, there shall be provided and maintained in addition to the hoisting shaft, slope or drift or other place of delivery a separate escapement shaft, slope or drift or opening to the surface, or an underground communication [communicating] passageway between every such mine and some other contiguous mine, such as shall constitute two distinct and available means of egress to all persons employed in such coal mine. The time allowed for completing such escapement shaft or drift or making such connections with an adjacent mine, as is required by the terms of this act, shall be three months for shafts, slopes or drifts two hundred feet or less in depth or length, six months for shafts, slopes or drifts less than than [sic] five hundred feet in depth or length and more than two hundred, and twelve months for all other shafts, slopes or drifts or connections with adjacent mines. The time to date in all cases from hoisting of coal from main shaft, slope or drift.

Completion of connections.

SEC. 51. It shall be unlawful to employ at any one time more men than in the judgment of the State coal mine inspector is absolutely necessary for speedily completing the connections with the escapement shaft, slope or drift or adjacent mine and said number must not exceed ten men at any one time for any purpose in said mine until such escapement connection is completed.

Clear ways to be maintained.

SEC. 52. Such escapement shaft or opening, or communication with an adjacent mine aforesaid, shall be constructed in connection with every seam of coal worked in such mine, and all passageways communicating with the escapement shaft or place of exit, from the main hauling ways to said place of exit, shall be maintained free of obstructions, at least five feet wide and five feet in height. Such passageways must be so graded and drained that it will be impossible for water to accumulate in any depression or dip of the same, in quantities sufficient to obstruct the free and safe passage of men. At all points where the passageway to the escapement shaft or other place of exit is intersected by other roadways or entries, conspicuous signboards shall be placed indicating the direction it is necessary to take in order to reach such place of exit. Where pillars are being drawn on an entry outside of where other men are working, or where more than 50 per cent of the coal is taken out in rooms, connections for escapement shall be made with some adjoining entry to provide a safe exit for the men.

Distance from escape shaft.

SEC. 53. The distance between the main shaft and escapement shall not be less than one hundred feet where steel headframes are used, nor less than three hundred feet where wooden headframes are used: *Provided*, That where slopes or drifts are driven in or on the coal strata, the distance between the escapement road or travel way and the slope drift or hauling way shall not be less than fifty feet.

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Inflammable structures.

SEC. 54. It shall be unlawful to erect any inflammable structure or building in any space intervening between the main shaft, slope or drift and the escapement shaft, slope or drift on the surface, or any powder magazine in such location or manner as to jeopardize the free and safe exit of the men from the mine by said escapement shaft, slope or drift in case of fire in the main shaft, slope or drift buildings.

Stairways.

SEC. 55. The escapement shaft at every mine which does not exceed one hundred feet in vertical depth shall be equipped with safe and ready means for the prompt removal of men from the mine in time of danger, and such means shall be a substantial stairway which shall be provided with handrails and with platforms or landings not more than ten feet apart. Where the escapement exceeds one hundred feet in vertical depth, in place of the stairway, it may be equipped with a cage for hoisting men, and such cage must be suspended between guides and be so constructed that falling objects can not strike persons being hoisted upon it. Such cage must be operated by steam or electricity which power shall be kept available for immediate use at all times and equipment of said hoisting apparatus shall include a depth indicator, a brake on the drum, a steel or iron cable and safety catches on the cage; and all such hoisting machinery must be inspected at least once each week by some competent person representing the operating company or owner.

Cages.

Obstructions in shafts.

SEC. 56. No accumulation of ice or obstruction of any kind shall be permitted in any escapement shaft, nor shall any steam be discharged into said shaft; and all surface or other water which flows therein shall be conducted by rings or otherwise, to receptacles for same so as to keep the stairway or cage free from falling water.

Inspection of shafts.

SEC. 57. All escapement shafts and passageways leading thereto or to the works of a contiguous mine must be carefully examined at least once each week by the mine foreman or by a man specially delegated by him for that purpose, and the date and findings of such inspection must be entered in a record book in the office at the mine. If obstructions are found their location and nature must be stated together with the date on which they were removed.

Joint escape shafts.

SEC. 58. When operators of adjacent mines have by agreement established underground communication between said mines as an escapement outlet for the men employed in both mines, the roadways to the boundary on either side shall be regularly patrolled once each week and kept clear of all obstructions to travel by respective operators, and the intervening door shall remain unlocked and ready at all times for immediate use. When such communication has once been established between adjacent mines, it shall be unlawful for the operator of either mine to close the same without the consent of the contiguous operator and the State coal mine inspector: *Provided*, That when either operator desires to abandon mining operations the expense and duty of maintaining such communications shall devolve upon the party continuing operations and using the same.

Ventilation.

SEC. 59. The owner, operator or superintendent of every coal mine, whether operated by shaft, slope or drift, shall provide and hereafter maintain ample means of ventilation for the circulation of air through the main entries, cross entries and all other working places, to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated in the mine, affording not less than one hundred cubic feet per minute for each and every person employed therein, and not less than six hundred cubic feet per minute for each and every animal in the mine; but in any mine, or section of a mine, where fire damp is generated not less than one hundred and fifty cubic feet of air per minute shall be provided for each person or as much more as may be necessary to keep such section free from fire damp. The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument; such measurement shall be made by the foreman or his assistants once a week at the inlet and outlet airways,

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and also at or near the face of each entry, and shall be recorded in a book kept for that purpose at the mine office. The quantity of air as provided for in this act for each person shall be conducted to each working place.

In rooms generating fire damp the volume of air required by this act shall be conducted to the face thereof by the use of brattice cloth or other suitable means.

Record of air current.

SEC. 60. At each mine generating fire damp so as to be detected by a safety lamp a water gauge for the purpose of recording the pressure or vacuum of the main air current shall be provided and maintained which shall be kept in constant use and records preserved subject to the inspection of the State coal mine inspector or his authorized representative.

Separate currents.

SEC. 61. The current of air in mines must be split or subdivided so as to give a separate current to a number not exceeding one hundred men at work, and the inspector has the discretion to order a separate current for a smaller number of men if special conditions render it necessary.

Crosscuts.

SEC. 62. Crosscuts between the entries, except where same are within the confines of shaft-bottom pillars, shall be made not exceeding sixty feet apart, unless sufficient brattice is used to keep the air current up to the entry face in which case they shall not exceed one hundred feet apart. When there is a solid block on one side of a room, crosscuts shall be made between such room and the adjacent room not to exceed sixty feet apart; where there is a breast or group of rooms, a crosscut shall be made on one side or the other of each room, except the room adjoining said block, not to exceed fifty feet from the outside corner of the crosscut to the nearest corner of the entrance of the room and on the opposite side of the same room a crosscut shall be made not to exceed ninety feet from the outside corner of the crosscut to the nearest corner of the entrance of the room, and thereafter crosscuts shall be made not to exceed eighty feet apart on each side of the room. The required air current shall be conducted to the crosscut nearest the face of each entry or room.

Brattices.

Brattices between permanent inlet and outlet airways shall hereafter be constructed in a substantial manner of brick, blocks, masonry, concrete or nonperishable material. Rooms must not be worked in advance of the ventilating current.

Operation of fans, etc.

SEC. 63. All ventilating fans, furnaces and any means in use to ventilate mines shall be kept in constant operation, day and night, in mines generating fire damp or where two shifts are being worked. Where no fire damp is generated, or only one shift is worked, the fan, furnace or other means of ventilation shall be started and kept running not less than two hours before the time to begin work. Should it at any time become necessary to stop the fan or other means of ventilation on account of accident or needed repairs to any part of the machinery, furnace or other means of ventilation connected therewith, or by reason of any unavoidable cause, it shall then be the duty of the mine foreman, or any official in charge, after first having provided as far as possible for the safety of the persons employed in the mine, to order said fan or other means of ventilation to be stopped so as to make the necessary repairs or to remove any other difficulty that may have been the cause of such stoppage. All ventilating furnaces in mines shall, for two hours before the appointed time to begin work and during working hours, be properly attended by a person employed for the purpose.

Overcasts.

SEC. 64. In all mines, all main air bridges or overcasts built after the passage of this act shall be constructed of masonry or other incombustible material of ample strength, or be driven through the solid strata. In all mines the doors used in guiding and directing ventilation of the mine shall be so hung and adjusted that they will close themselves, or can be supplied with springs or pulleys so that they cannot be left standing open, and an attendant shall be employed at all principal doors through which cars are hauled, for the purpose of opening and closing

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said doors when trips of cars are passing to and from workings, unless an approved self-acting door is used. Necessary room shall be provided at each door so as to protect said attendant from being run over by the cars while attending to his duties, and persons employed for this purpose shall at all times remain at their post of duty during working hours. On every inclined plane, or where haulage is done by machinery, and where a door is used, an extra door shall be provided to use in case of necessity.

Stables.

SEC. 65. Where live stock is kept underground the stables or stalls shall be separated from the main air course by not less than twenty feet of solid strata or a solid wall of brick masonry or concrete, not less than twelve inches in thickness. The construction of the stable shall, as far as possible, be free from all combustible material. No hay or straw shall be taken into the mine unless same be compressed into compact bales, and only from time to time in such quantities as will be required for two days' use. No greater quantity of hay or straw shall be stored in the mine or stable and when such is taken inside the mine it shall be taken to the stable at once and placed in a separate room provided therein for the same. The stable must be so placed that the air ventilating the same is returned immediately to the main outlet air course and not allowed to go further into the mine to where men are working. The connections between the air courses and the stables must be fitted with substantial doors, placed so that they can be readily reached in the event of fire in the stable. Where conditions prohibit the use of entirely incombustible material in the construction of the stable the doors leading to or from the same shall be made of iron or steel plate, not less than one-quarter inch in thickness, set in masonry or concrete walls. The lights used in the stable shall be incandescent lamps placed so that same will not be injured by the stock or the persons required to enter the stable, or lanterns of railroad type suitable for using lard or signal oil, and only such oil shall be used therein. All refuse and waste shall be promptly removed from the stable in the mine and shall not be allowed to accumulate.

Stables constructed underground after the passage of this act shall be located not nearer than one hundred and fifty feet to any opening to the mine used as a means of ingress or egress.

Approaching abandoned workings.

SEC. 66. Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine as indicated by an accurate survey, or while driving any working place parallel with the workings of such abandoned mine within one hundred feet thereof, and such abandoned mine cannot be explored or when same contains fire damp or water which may inundate such working place, the mine foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the center of such working place and a flank hole not less than twelve feet extended on each rib, starting at the working face after taking out each cut of breaking.

Whenever the limits of an abandoned mine are not known by actual survey the above rule shall apply whenever any working place approaches within two hundred feet of the supposed limits of such abandoned mine.

Timber.

SEC. 67. The operator of any mine shall keep an adequate supply of suitable timber constantly on hand, and deliver to the working place of each miner the props of approximate length, caps and other timbers necessary to securely prop the roof thereof. Such props, caps and other timbers shall be delivered in mine cars at the point where the miner receives his empty cars or unloaded at the entrance to the room.

Clearance in haulage ways.

SEC. 68. On all hauling roads or entries on which the hauling is done by machinery, where men have to pass to or from their work, and on all entries on which the hauling is done by draft animals, there shall be a clearance on one side of at least two and one-half feet between the car and the rib of such entry. This place shall be kept free from all obstructions and no material shall

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be placed therein. In mines already opened prior to the passage of this act where such clearance does not exist, or in mines where mining conditions prohibit the driving of entries wide enough to give such clearance, places of refuge must be cut in the side wall at least three feet wide, two and one-half feet deep, five feet high and not more than twenty yards apart, but such places of refuge shall not be required in entries from which rooms have been driven at regular intervals not exceeding twenty yards. All such places of refuge must be kept clear of obstructions and no material shall be stored nor allowed to accumulate therein. Places of refuge.

SEC. 69. It shall be the duty of the owner, lessee or operator of every coal mine to provide and maintain airways of sufficient dimensions and in no case shall the area of the air course be less than twenty-five feet in mines operated on the room and pillar system. Airways.

SEC. 70. Standing or stagnant water shall not be allowed to remain in traveling ways, nor shall the intake airways be used by miners or other persons as a depository for excrement or any other refuse. Obstructions of any kind must not be placed in crosscuts, rooms or entries used as main airways. Where necessary to provide a traveling way other than the main entries, slope or drift in any mine for men going to or returning from their work, the same shall be kept clear from debris or obstructions of any kind, and all loose coal, slate and rock overhead or in rib in traveling ways, where miners have to travel to or from their work, must be taken down or carefully secured. Obstructions.

SEC. 71. All main airways or traveling ways in any underground workings shall be examined at least twice a week by the mine foreman or some other competent person so directed by said mine foreman and a record of such inspectionss [inspections] shall be kept at the mine office. Inspection of airways.

SEC. 72. It shall be the duty of the mine foreman or his assistant in charge of any coal mine where coal dust or any other inflammable material may accumulate to cause the same to be properly saturated with water or with some compounds or chemicals used for such purpose as often as necessary in either air courses or entries, or all accumulated matter, explosive in its nature, shall be removed from the mine. Coal dust, etc.

SEC. 73. In order to secure efficiency in the coal mines the operator or superintendent shall employ a competent and practical foreman; said mine foreman shall have passed an examination and obtained a certificate of competency as required by this act, and said mine foreman shall devote the whole of his time to his duties at the mine when in operation. Foremen.

The mine foreman or his assistant shall visit and examine every working place in the mine at least each alternate day while the miners of such places are or should be at work and shall examine and see that each working place is secured by timbering so that the safety of the mine is assured; he shall see that a sufficient supply of timbers and material is always on hand at the working places in compliance with this act.

When the mine foreman is personally unable to carry out the requirements of this act as pertaining to his duties, on account of sickness or other unavoidable conditions, a competent person shall be appointed to act in his place. The said person so appointed shall possess a certificate of competency, either as mine foreman or mine examiner as provided for in this act, or shall receive a permit to act as such from the State coal mine inspector's office within thirty days after taking charge.

Whenever such mine foreman, his assistant or assistants, shall have an unsafe place reported to him or them, he or they shall order and direct that the same be placed in a safe condition and until such is done no person or persons shall enter such unsafe place except for the purpose of making it safe.

SEC. 74. A mine examiner shall be required at all coal mines generating dangerous and explosive gases. Examiners.

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His duty shall be to visit the mine before the men are permitted to enter it and, first, he shall see that the air current is traveling in its proper course and quantity. He shall inspect all places where men are expected to pass or to work and observe if there are any recent fall or obstructions in rooms and roadways or accumulations of fire damp or other unsafe conditions.

He shall especially examine the edges and accessible parts of recent falls and old gobs and air courses. As evidence of such examination he shall mark with chalk upon the face of the coal his initial and the date of the month and year; if there is any standing gas discovered he shall leave a danger signal across every entrance to such place.

He shall make a report on a blackboard provided on the outside of the mine, or at some other convenient place, for that purpose and arranged so that the men can inspect it while passing to their work, showing the conditions of the mine as to the presence of fire damp, and indicating the place or places where present if any is present, before he permits any person or persons to enter the mine. He shall complete his inspection before the time for the day-shift men to go to work and shall personally check each miner or loader into the mine, advising each as to the condition of his working place and holding back any man whose working place is in dangerous condition. He shall return to the mine with such miners or loaders thus held back and remain there attending to the removal of any standing gas.

He shall examine parts of the mine not in actual course of working and vailable [available], not less than once each three days. He shall see that every part of the mine is kept free from standing gas and all old workings are properly fenced off. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and, if any time elapse between the day turn leaving and night turn starting, the places to be worked by night turn must be examined by him with a safety lamp and reported safe before persons go to them. He shall make a daily record of the conditions of the mine as he has found them, in a book kept for that purpose, which shall be preserved in the office of the company. No miner or loader, when advised by the mine examiner that his working place is dangerous, shall leave the bottom of the shaft or the main partings on slopes or drifts until accompanied by the miner [mine] examiner.

Safety lamps.

SEC. 75. At any mine where fire damp or other explosive gases are being generated so as to require the use of safety lamps in any part thereof the operator of such mine, upon receiving notice from the State coal mine inspector or the mine examiner that one or more lamps are necessary to the safety of the men in such mine, shall at once procure and keep for use such number of the most improved safety lamps as may be necessary. All safety lamps used for working therein shall be the property of the operator and shall remain in the custody of the mine foreman or other competent person, who shall clean, trim and fill, examine and deliver the same, locked and in safe condition, to the men when entering the mine, and shall receive the same from the men at the end of their shift. Persons using such lamps shall be responsible for the conditions and proper use of safety lamps while in their possession.

Same.

SEC. 76. In every working approaching any place where there is likely to be an accumulation of explosive gases, or in any working where danger is imminent from explosive gases, no light or fire other than a locked safety lamp shall be allowed or used.

Keys to lamps.

SEC. 77. No one except a duly authorized person shall have in his possession a key or other contrivance for the purpose of unlocking any safety lamp in any mine where locked safety lamps are used. No lucifer matches or any other apparatus for striking light shall be taken into said mine or parts thereof.

Firing blasts.

SEC. 78. In any mine where locked safety lamps are used no blast shall be fired in such portion of the mine except by permission of the mine foreman or his assistants, and before a blast

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is fired the person in charge must examine the place and adjoining places and satisfy himself that it is safe to fire such blast before such permission is given.

Powder.

SEC. 79. No workman shall have at any time more than one twenty-five-pound keg of black powder in the mine nor more than five pounds of high explosives. Every person who has powder or other explosives in a mine shall keep it or them in a wooden or metallic box or boxes, securely locked, and said boxes shall be kept at least five feet from the track and no two powder boxes shall be kept within twenty-five feet of each other nor shall black powder and high explosives be kept in the same box.

Opening boxes.

SEC. 80. Whenever a workman is about to open a box or keg containing powder or other explosives and while handling the same he shall place and keep his lamp at least five feet distance from such explosive, and in such position that the air current cannot carry sparks to it, and no person shall approach nearer than five feet to any open box containing powder or other explosives with a lighted lamp, lighted pipe or other thing containing fire.

Tamping needle.

SEC. 81. In the process of charging and tamping a hole, no person shall use an iron or steel pointed needle. The needle used in preparing a blast shall be made of copper and the tamping bar shall be tipped with at least five inches of copper. Some soft material must always be placed next the cartridge or explosive.

Firing blasts.

SEC. 82. A workman who is about to explode a blast with a squib shall not shorten the match, saturate it with oil, or ignite it except at the extreme end; he shall see that all persons are out of danger from probable effects of such shots, and shall take measures to prevent any one from approaching by shouting "Fire" immediately before lighting the fuse or squib.

When firing shots in close proximity to other workmen on rib or in crosscut driven for air or other purposes, he or they, firing such shots, shall notify in person or by signals the workmen in adjoining rooms or other place or entry.

When a squib is used and a shot misses fire no person shall return until five minutes shall have elapsed. When a fuse is used and a shot misses fire no person shall return until one hour for each foot of fuse shall have elapsed. When it is necessary to tamp dynamite, nothing but a wooden tamper shall be used.

No hole shall be drilled to a greater depth than the cut or shearing, neither shall fine coal, coal dust or any combustible material be used for tamping any hole.

No workman shall put off any blast in any mine known as a "following shot."

At all coal mines the firing of shots shall be restricted to a specific time at the end of each shift, except that in entries, slants and doom [room?] necks, when necessary, one snubbing shot may be fired in each at the middle of the shift. No miner shall fire a shot until the time appointed for him to do so and then only in such rotation as designated by the proper authority. After each blast he shall exercise great care in examining the roof and coal and shall secure them safely before beginning to load coal. Where shooting is done by shift work the same precaution shall be used by some person or persons designated by the operator.

Draw slate.

When draw slate is over the coal the miner shall not go underneath the draw slate until it is made safe from falling by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the draw slate. He shall not place in the gob or refuse pile any fine coal or coal dust but shall load same into cars. When more than one shot is to be fired at the same time with fuse, in the same working place, different lengths of fuse shall be used so as to prevent any possibility of the shots going off simultaneously.

Duties of miners.

SEC. 83. Each miner shall examine his working place upon entering the same and shall not commence to mine or load until it is made safe. He shall be very careful to keep his working place in safe condition at all times.

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Should he at any time find his place becoming dangerous from any cause or condition, to such an extent that he is unable to take care of the same personally, he shall at once cease work and notify the mine foreman, or his assistant as provided for hereinbefore in this act, of such danger, and upon leaving such place he shall place some plain warning at the entrance thereto [to] warn others from entering into the said danger and he shall not return to his place until ordered to do so by the mine foreman or his assistant. Each miner, or other person employed in a mine, shall securely prop the roof of the working place therein under his control, and shall obey any order or orders given by the superintendent or mine foreman relating to the width of his working place or safety of the same. Such miner or other person shall not be held to have violated the provisions of this section if the owner, lessee, agent, superintendent or mine foreman fail to supply the necessary props, caps, timber or necessary material as provided for in this act.

Each miner or other person shall avoid waste of props, caps, timber or other material. When he has props, caps, timber or other material unsuited for his purpose he shall not cover them up or destroy them but shall place same near the track where they can be readily seen.

Machine runners.

SEC. 84. Machine runners and helpers shall use care while operating mining machines. They shall not operate a machine unless the shields are in place and shall warn all persons not engaged in the operating of a machine of the danger in going near a machine while in operation, and shall not permit such persons to remain near the machine while in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machinery. They shall not move the machine while the cutter chain is in motion. When connecting the power cable to electric wires they shall make the negative or grounded connections before connecting to the positive and, when disconnecting the power cable, shall disconnect from the positive line before disconnecting the negative, or grounded. When positive feed wires extend into rooms they shall connect such wires to the positive wire on the entry before connecting the power cable, and as soon as the power cable is disconnected shall disconnect such wire from the wire on the entry. They shall use care that the cable does not come in contact with metallic rails of the track and shall avoid, where possible, leaving the cable in water. If any machine men remove props which have been placed by the miner for the security of the roof, they shall reset such props as promptly as possible.

Electric wires.

Motormen and trip riders.

SEC. 85. Motormen and trip riders shall use care in handling the motors and cars and shall see that signals or markers, as provided for, are used as provided, and shall be governed by the speed provided for in this act in handling cars. They shall not run the motors with the trolley ahead of the motors, except in case where they can not do the alternative, and then only at a speed of two miles an hour. They shall warn persons forbidden to ride on the motors or cars, and shall not permit such persons to ride on motors or cars contrary to the provisions of this act.

Drivers shall use care in handling cars, especially when going down extreme grades and at junction points.

Motormen, trip riders and drivers in charge of haulage trips passing through doors used as a means of directing the ventilation, shall see that such doors are closed promptly after the trip passes through.

Entering gaseous mines.

SEC. 86. No person shall enter a mine generating fire damp so as to be detected by a safety lamp until the mine examiners make a report on the blackboard for that purpose as hereinbefore provided for in this act.

No person, unless accompanied by the mine examiner, shall go beyond a danger signal until all standing gas discovered has been removed or diluted and rendered harmless by a current of air. Any person being ordered to withdraw by the mine foreman or

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mine examiner from the mine on account of the interruption of the ventilation shall not reenter the mine until given permission to do so by the mine foreman.

Acts forbidden.

No person other than the mine examiner shall remove any caution board or danger signal placed at the entrance to any working place or at the entrance to any old workings in a mine.

No person shall erase or change a mark of reference or monument made in connection with a measurement; change marks or dates or any caution board, or erase or change the dates at room or entry face, when made by the mine examiner; change the checks on cars, wrongfully check a car or do any act with intent to defraud. No person shall take a lighted pipe or other thing containing fire, except lanterns as provided for in this act, into any underground stable or barn.

No person shall place refuse in or obstruct any airway or breakthrough used as an airway. No workman or other person shall injure a water gauge, barometer, air course, brattice equipment, machinery or live stock; obstruct or throw open any airway; handle or disturb any part of the machinery of the hoisting engine of a mine; open a door of a mine and neglect to close it; endanger the miners or those working therein; disobey an order given in pursuance of law, or do a willful act whereby the lives and health of persons working therein or the security of a mine or machinery connected therewith may be endangered.

Riding on haulage trips.

SEC. 87. No person or persons except those in charge of trips, superintendents, mine foremen, mine examiners, electrician, mechanics and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing between the superintendent or agent and the employees a special trip of empty cars is run for the purpose of taking employees into or out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding six miles per hour.

Travel to be direct.

SEC. 88. Each employee of a mine shall go to or from his place of duty by the traveling ways provided; shall not travel around the mine or the buildings, where duty does not require, and when not on duty shall not loiter at, in or around the mine, the buildings or machinery connected therewith, except by permission of the owner, lessee, operator, superintendent or foreman.

Intoxicated persons.

No person shall go into or around a mine, the buildings or the machinery connected therewith, while under the influence of intoxicants. No person shall use, carry or have in his possession, at, in or around a mine, the buildings or the machinery connected therewith, any intoxicants.

Signal men.

SEC. 89. At every shaft, operated by steam or other power, the operator must station at the top and the bottom of such shaft a competent man, charged with the duty of attending to signals, preserving order and enforcing rules, during the carriage of the men on cages.

Landings to be lighted.

SEC. 90. Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men leave or take the cage, car, or cars is at all obscured by steam or otherwise, there must always be maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Lights shall also be maintained at each landing and the bottom of all shafts while men are at work underground.

Hoisting.

SEC. 91. Cages in shafts, or cars in any slope, on which men are riding shall not be lifted or lowered at a rate of speed greater than six hundred feet per minute.

No more than (12) twelve persons shall ride on any cage or car at any one time except where specially constructed man cars are used on a slope.

No person shall carry any explosives, tools, timber or other material with him on a cage, car or cars in motion, in any shaft or any slope or incline plane while the men are being hoisted or lowered, except for use in repairing the shaft, slope or incline plane.

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No cage having an unstable or self-dumping platform shall be used for the carriage of men or materials unless the same is provided with some device by which the platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon.

The rope rider on any slope or incline plane shall, during working hours, see that all ropes and signals are in perfect working order, and, if he perceives anything wrong, he shall at once report the same to the mine foreman or his assistant.

He must be cautious when men are being hoisted out of or lowered into any slope and shall see that all safety appliances are properly attached and that all cars are securely coupled. He shall pay strict attention to all signals.

When more than twelve persons get on a cage or on one car on a slope or incline plane, except as above provided for, the bottom man, top man, or rope rider in charge of the lowering and hoisting of such persons shall order a sufficient number to get off to reduce the number to twelve persons on the cage or car, and the person or persons so ordered shall immediately comply.

The car or cars used to hoist or lower men into or out of any slope or on any plane shall be connected by safety chains, or some safety appliance must be used to maintain the trip in case of breakage of coupling or other connection.

Men to be taken up.

SEC. 92. Whenever men who have finished their day's work, or who have been prevented from further work for any cause, shall come to the bottom of any shaft to be hoisted out, a cage shall be given them for that purpose, unless there is an available exit by slope or stairway in an escapement shaft, and providing there is no coal at the bottom to be hoisted. Whenever the designated number of persons for a cage load shall arrive at the bottom of the shaft in which persons are regularly hoisted or lowered they shall be furnished with an empty cage and be hoisted.

Supplies for first aid.

SEC. 93. At every mine where men are employed underground it shall be the duty of the operator thereof to keep always on hand and at some readily accessible place a properly constructed stretcher, a woolen and waterproof blanket, and a roll of bandages, in good condition and ready for immediate use, for binding, covering and carrying any one who may be injured at the mine; also to provide a comfortable apartment near the mouth of the mine in which any one so injured may rest while awaiting transportation home, and to provide for the speedy transportation of any one injured in such mine to his home. When more than one hundred and fifty men are employed in any one mine two stretchers, two woolen and two waterproof blankets, with a corresponding supply of bandages, shall be provided and kept on hand. There shall also be provided and kept in store a suitable supply of linseed or olive oil for use in case men are burned by an explosion or otherwise.

Illuminating oil.

SEC. 94. (a). No person, firm or corporation shall compound, sell or offer for sale, for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty-four per cent of pure animal or vegetable oil, or both, and not more than sixteen per cent pure mineral oil, the gavity [gravity] of such animal or vegetable oil shall not be less than twenty-one and one-half and not more than twenty-two and one-half degrees Baume scale measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit. The gravity of such mineral oil shall not be less than thirty-four and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit, and gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit. It is provided, however, that any material that is as free from smoke and bad odor, and of equal merit as an illuminant as a pure animal or vegetable oil, may be used at the pleasure of mine operators and miners.

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(b) Each person, firm or corporation compounding oil for illuminating purposes in a coal mine or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of such barrel or package, a label which shall have plainly printed, marked or written thereon the name and address of the person, firm or corporation compounding the oil therein contained, the name and address of the person, firm or corporation having purchased same, the date of shipment, the percentage and gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale of the mixture, at a temperature of sixty degrees Fahrenheit.

Each label shall have printed thereon, over the facsimile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in coal mines in the State of Montana, and the composition thereof as shown herein is correct."

(c) No person, firm or corporation shall sell or offer for sale any oil for illuminating purposes in any coal mine unless the barrel or package in which such oil was received bears the label of the compounder as provided for in this act.

Each person, firm or corporation selling or offering for sale any oil for illuminating purposes in any coal mine, shall, upon request of the State coal mine inspector, or of any officer or duly authorized agent of any owner or lessee of a coal mine located within five miles of the point where such oil is offered for sale, or of any coal miner, submit such oil for examination, and upon request give a sample of such oil from one or more original containers selected by such inspector, officer, agent or miner for the purpose of making a test thereof.

(d) No person shall adulterate any oil, either before or after taking same from original containers, and shall not alter, transfer or refuse any label placed upon any container.

(e) No person shall use for illuminating purposes in any coal mine any oil other than oil specifically provided for in this act. Each person while in a coal mine shall, upon request of the inspector of mines or any officer or duly authorized agent of the owner or lessees, submit his lamp and supply of oil for examination and upon request give sample of oil for purpose of making test thereof, and state from whom purchased.

The provisions of this act relating to compounding, sale and use of oil for illuminating purposes in coal mines shall apply to oil used in lamps for open lights only, but do not apply to drivers, rope riders or motor men while acting in such capacity. The oil used in safety lamps may be of such composition as will best serve the purpose.

Workings near boundaries.

SEC. 95. In no case shall the workings of a coal mine be driven nearer than ten feet to the boundary line of the coal rights pertaining to said mine, except for the purpose of establishing connecting workings between properties owned by the same person or an underground communication between contiguous mines as provided for elsewhere in this act.

Notices required.

SEC. 96. Immediate notice must be conveyed to the State coal mine inspector by the operator interested:

First: Whenever an accident occurs whereby any person receives serious or fatal injury:

Second: Whenever work is commenced to sink a shaft, slope or drift, either for hoisting or escapement purposes:

Third: Whenever it is intended to abandon any mine or to reopen any abandoned mine:

Fourth: Upon the appearance of any large body of fire damp in mine, whether accompanied by explosion or not, and upon the occurrence of any serious fire within the mine or on the surface around the mine:

Fifth: When the workings of any mine are approaching near any abandoned mine believed to contain accumulation of water or gas:

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Sixth: Upon the accidental closing or intended abandonment of any regularly established passageway to an escapement outlet.

Investigation of accidents.

SEC. 97. When advised by an operator of any accident in a coal mine involving loss of life or serious personal injury the State coal mine inspector shall, if he deem necessary from the facts reported, and in all cases of loss of life, immediately go to the scene of said accident or send some competent person authorized by him. It shall, moreover, be the duty of every operator of a coal mine, or his agent, to make and preserve for the information of the inspector, upon uniform blanks furnished by the said inspector, a record of all injuries sustained by any employees in the pursuance of their regular occupation.

The State coal mine inspector may also make any original or supplementary investigation which he may deem necessary as to the nature and cause of any accident within his jurisdiction and shall make a record of the circumstances attending the same and of the result of his investigations for preservation in the files of his office.

To enable him to make such investigation he shall have the power to compel the attendance of the witnesses and to administer oaths or affirmations to them, and the cost of such investigation shall be paid by the county in which such accident has occurred in the same manner as the cost of coroners' inquest is paid.

Inquests.

SEC. 98. If any person is killed by any explosion, or other accident, the operator must also notify the coroner of the county, his authorized deputy or, in the absence of either or in the inability of either to act, any justice of the peace of said county for the purpose of holding an inquest concerning the cause of such death. At such inquest the State coal mine inspector, his deputy or authorized representative shall offer such testimony as he may be possessed of, and he may question or cross-question any witness appearing in the case; and the owner, agent or manager of the coal mine, either in person or by counsel, shall also be at liberty to examine or cross-examine any witness at any such inquest.

Any person having personal interest in or employed in the management of the mine in which the accident occurred shall not be qualified to serve on the jury empaneled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such to be sworn or sit on the jury; nevertheless, when possible, one-third of the jurymen shall be miners.

Unless the State coal mine inspector, or some person authorized by him, is present at an inquest held upon the body of any person, where death may have been caused by any such accident, the coroner shall adjourn the same and, by written notice or telegram delivered or sent to the State coal mine inspector at least two days before holding the adjourned inquest, give notice of the time and place of the holding of the same. Before such adjournment the coroner, his authorized deputy or the justice of the peace, may take evidence to identify the body and order the interment thereof.

Signals.

SEC. 99. At any coal mine operated by shaft more than one hundred feet in depth, or by slope, the manner of signaling to and from the bottom man, the top man, the rope riders and the engineer shall consist of wires or a tube or tubes through which signals shall be communicated by electricity, compressed air or other pneumatic devices.

The following signals are provided for use at coal mines where signals are required:

One ring or whistle.—One ring or whistle shall signify to hoist coal or the empty cars or cage, and also to stop either when in motion.

Two rings or whistles.—Two rings or whistles shall signify to lower cage or car.

Three rings or whistles.—Three rings or whistles shall signify that men are coming up; when return signal is received from en-

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gineer, either by bell, whistle or slight movement of the trip, men will get on cage or cars and the cager or rope rider shall ring or whistle "one" to start.

Four rings or whistles.—Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles.—Five rings or whistles shall signify accident in the mine and call for stretchers.

From top to bottom.—One ring or whistle shall signify—All ready, get on cage or cars.

From top to bottom.—Two rings or whistles shall signify—To send away empty cage or cars.

Provided, That the management of any mine may, with the consent of the State coal mine inspector, add to or change this code of signals at their discretion for the purpose of increasing its efficiency or of promoting the safety of the men in said mine, but, whatever code may be established and in use at any mine it must be approved by the State coal mine inspector, and shall be conspicuously posted at the top and at the bottom of every shaft or slope, and at the landing place on all rope haulage systems, also in all engine rooms for the information and instruction of all persons. In any coal mine, where more than fifty men are employed underground, one or more telephones shall be installed communicating with the surface.

Hoisting engineers.

SEC. 100. The hoisting engineer on any shaft, slope or drift at any mine shall be in constant attendance at his engine during working hours when there are workmen underground. He shall not permit any one to enter or to loiter in the engine room, except those authorized by their positions or duties to do so, and he shall hold no conversation with any officer of the company or other person, or leave his engine, while in motion or while his attention is occupied with the signals. A notice to this effect shall be posted on the door of the engine house.

The hoisting engineer must thoroughly understand the established code of signals, and such signals must be delivered in the engine room in a clear and unmistakable manner, and he shall not recognize any signals other than those provided for in this act, or such as have been approved by the State coal mine inspector; and when he has the signal that men are on the cage, car or cars, he must work his engine only at the rate of speed herein provided for by this act. He shall permit no one to handle or meddle with any machinery under his charge, nor suffer any one who is not a certified engineer to operate his engine except for the purpose of learning to operate it or repair same, and then only in the presence of the engineer in charge and when men are not on the cages, car or cars.

Qualifications of miners.

SEC. 101. Each person desiring to work by himself at mining or loading shall first produce satisfactory evidence, in writing, to the mine foreman of the mine in which he is employed, or to be employed, that he has worked at least nine months with, under the direction of, or as a practical miner: *Provided, however*, That if the mine in which such person is to be employed generates explosive gas ore [or] fire damp, he shall have worked not less than twelve months with, under the direction of, or as a practical miner. Until a person has so satisfied the mine foreman of his competency, he shall not work or be permitted to work at mining or loading unless accompanied by a miner holding the foregoing qualifications.

Statistical reports.

SEC. 102. Every coal mine operator, whether person, copartnership or corporation shall within thirty days after receipt of blanks from the State coal mine inspector asking for statistical data relative to any coal mine operated by the person, copartnership or corporation addressed, fill in the blanks of such forms, answering all interrogations correctly and mail the same to the State coal mine inspector.

Violations.

SEC. 103. If any operator, company or corporation neglects to comply with, or violates the requirements of this act, either in part

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or in whole, or if any owner, operator, manager, superintendent, mine foreman or his assistant coerces, intimidates or causes any employee to do the things prohibited, or causes them to do as provided against in this act, such operator, company, corporation, manager, superintendent, mine foreman or his assistant shall be liable to a penalty of twenty-five dollars for each and every day during which the offense continues; proceedings to be instituted in any court of competent jurisdiction in the county in which such offense is committed.

In case of the failure of any operator, company or corporation to comply with the provisions in this act in relation to the sinking of escapement shaft or the ventilation of mines the State coal mine inspector, through the county attorney for the county in which such failure occurs, or through any other attorney in case the county attorney fails to act promptly, shall proceed against such operator by injunction, without bond, to restrain him from continuing to operate such portion of the mine until all legal requirements have been complied with.

When the State coal mine inspector shall discover that any section of this act, or any part thereof, is being neglected or violated he shall order immediate compliance therewith and in case of continued failure to comply shall, through the county attorney or any other attorney in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith through the penalties herein prescribed.

If it becomes necessary, through refusal or failure of the county attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of any of the provisions of this act, reasonable fees for the services of such attorney shall be allowed by the county commissioners in and for the county in which such proceedings are instituted.

Any employee engaged at work in or around any coal mine in the State of Montana, or any other person, who violates any part of this act shall for each offense be liable to a penalty not exceeding five dollars, or in default of payment shall be imprisoned in the county jail for a period of time not exceeding ten days, proceedings to be instituted in any court of competent jurisdiction in the county in which such offense is committed. Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil for illuminating purposes in any coal mine in this State, contrary to the provisions of section 97 of this act, shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars and for the second offense, or any subsequent offense shall be fined not less than one hundred dollars or imprisonment not less than thirty days nor more than sixty days, or both at the discretion of the court, proceedings to be instituted in any court of competent jurisdiction.

Any person, firm or corporation who sells, or offers for sale, to any employee of a coal mine any oil for illuminating purposes in a mine contrary to the provisions of section 97 of this act, shall, upon conviction thereof, be fined not less than twenty-five dollars or more than fifty dollars, and for a second or subsequent offense shall be fined not less than twenty-five dollars and not more than fifty dollars or imprisonment, not less than ten days and not more than twenty days, or both at the discretion of the court, proceedings to be instituted in any court of competent jurisdicion.

Definitions.

SEC. 104. (a) "Mine." In this act the words "mine" and "coal mine" used in their general sense are intended to signify any and all underground parts of the property of a mining plant which contribute, directly or indirectly, under one management, to the mining or handling of coal.

(b) "Excavations or Workings." The words "excavations" and "workings" signify any and all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms and working place, whether abandoned or in use.

(c) "Shafts." The term "shaft" means any verticle [vertical] opening through the strata which is or may be used for the pur-

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pose of ventilation or escapement, or for hoisting or lowering of men or material in connection with the mining of coal.

(d) "Slope" or "Drift." The terms "slope" and "drift" mean respectively an incline or horizontal way, opening or tunnel to a seam of coal to be used for the same purpose as a shaft.

(e) "Following shot." A "following shot" is a shot which is dependent in its action on the result of another shot.

(f) "Operator." The term "operator" as applied to the party in control of a mine under this act, signifies the person, firm or body corporate who is the immediate proprietor as owner or lessee of the plant and, as such, responsible for the condition and management thereof.

(g) "Mine Foreman." The "mine foreman" is a person who is charged with the general direction of the underground work, or both the underground work and the outside work of any coal mine, and who is commonly known and designated as "mine boss."

(h) "Mine examiner." The "mine examiner" is the person charged with the examination of the condition of the mine before the miners are permitted to enter it, and who is commonly known as the "fire boss."

Repeals.

SEC. 105. The following sections 1679, * * * [to] 1710, 2023 of the Revised Codes of the State of Montana and chapter 64 and 69 of the laws of 1909, of the State of Montana are hereby expressly repealed, and all other acts or parts of acts in conflict herewith.

ACTS OF 1913.

CHAPTER 44.—*Protection of employees on street railways—Vestibules to be heated.*

Heating required.

SECTION 1. It shall be unlawful for any corporation, person, or association, owning or controlling or operating any street railway, electric car or trolley car within the State of Montana, to run or operate its cars in the regular service of carrying passengers, during the months of November, December, January, February and March, without first providing that the vestibule of such cars shall be heated in the same manner as the interior of said cars at all times.

Violation.

SEC. 2. Any corporation, person, or association owning, controlling or operating any street railway, electric, or trolley car, failing to comply with the provisions of this act shall be liable to a fine of ($10) [ten] dollars, per car for each day operated in violation of the provisions of this act.

CHAPTER 52.—*Accidents to public service employees—Investigations.*

Investigation required.

SECTION 27.—The [public service] commission or some member thereof, or some person deputed by it, shall investigate and make inquiry into every accident occurring in the operation of any public utility in this State, resulting in death, or injury to any person, of such gravity as to require the attention of a physician or surgeon. The testimony taken at such hearing shall be transcribed and filed in the office of the commission.

CHAPTER 55.—*Department of labor and industry.*

Department created.

SECTION 1. The department of labor and industry of the State of Montana is hereby created, which shall consist of a commissioner, boiler inspector, inspector of mines and coal mine inspector and such deputies and employees as are now or may hereafter be authorized by law.

Appointment of commissioner.

SEC. 2. The commissioners [commissioner] of labor and industry shall be appointed by the governor, his term of office shall be four years and he may be removed by the governor for incompetence, negligence or malfeasance in office. The commissioner shall exe-

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Bond. cute an official bond in the penal sum of one thousand ($1,000) dollars to be approved by the governor, and to be filed with the State auditor. Such commissioner shall also and is hereby authorized to appoint one clerk who shall hold office at the pleasure of the commissioner. He is also authorized to employ one stenographer.

Duties. SEC. 3. The duties of the commissioner of labor and industry shall be to enforce the provisions of sections 1746 to and including section 1754 of the Revised Codes of the State of Montana, 1907, and to discharge the duties now imposed upon the commissioner of the bureau of agriculture, labor and industry relating thereto and to free employment offices within this State.

Report. SEC. 4. The commissioner shall collect, assort and arrange, systematize and present in an annual report to the governor on or before the first day of December in each year, statistical details relating to all departments of labor and industry in the State of Montana.

Investigations. SEC. 5. The commissioner shall have the power to administer oaths, have and use a seal, with power, to examine witnesses under oath, to take depositions or cause the same to be taken by any one authorized to take depositions, and said commissioner may deputize any male citizen over the age of twenty-one years to serve subpœnas upon witnesses who shall be summoned in the same manner as witnesses before the district court, and any person or owner, operator, or lessee of any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop or other establishment, any agent or employee of such owner, operator, manager or lessee, who shall refuse to said commissioner admission therein for the purpose of inspecting, or who shall when requested by him willfully neglect or refuse to furnish to him any statistics or other information relating to his lawful duties, which may be in their possession or under their control, or who shall willfully neglect or refuse for thirty days to answer questions by circular or by personal application, or who shall knowingly answer such questions untruthfully or who shall refuse to obey any such subpœnas and give testimony according to the provisions of this act, shall for every such willful neglect or refusal be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty ($50) [dollars] nor more than one hundred ($100) dollars: *Provided*, That no witness shall be compelled to answer questions respecting his private affairs nor to go outside of his own county to give testimony.

Office, etc. SEC. 6. The office of said commissioner shall be at the capitol of the State where all the books, records and statistics of the department shall be kept. The salaries and other expenses of the said office shall be paid by the State in the same manner as is provided by law for the payment of the salaries and expenses of other State officers.

Expenses. SEC. 7. The commissioner may incur such expenses as are necessary in the discharge of the official duties of his department provided that such expenses shall not exceed the amount appropriated therefor in each year.

Salaries. SEC. 8. The commissioner shall receive an annual salary of twenty-five hundred ($2,500) dollars, payable monthly; the clerk an annual salary of twenty-one hundred ($2,100) dollars, payable monthly, and the stenographer an annual salary of twelve hundred ($1,200) dollars, payable monthly.

Boiler inspector, etc. SEC. 9. The State boiler inspector, the State inspectors of mines and the State coal mine inspector, their deputies, assistants and employees shall be appointed in the manner and perform the duties now required by law and shall receive the same salaries as are now prescribed by law.

Reports. SEC. 10. Each of said officers provided for in this act shall make reports as now required by law and the provisions of this act. Such reports shall be combined in one volume and published biennially and shall contain such statistical and descriptive matter as shall be approved by the State board of examiners.

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CHAPTER 63.—*Inspection of steam vessels.*

Appointment of inspector.

SECTION 1. The board of railroad commissioners of the State of Montana, shall appoint some suitable person inspector of steam vessels, other boats propelled by machinery, sailing crafts, ferryboats and barges, other than private pleasure boats, on any of the navigable waters of the State of Montana. Said inspector shall have a practicable knowledge of such boats and vessels and ferryboats as ply the navigable waters of the State of Montana, and shall be experienced in the construction and familiar with the safety appliances of all such boats and their appurtenances.

Qualifications.

Duties.

SEC. 2. The inspector shall annually, or as often as the board of railroad commissioners may order, inspect every steamboat or other barge propelled by machinery, or sailing boat, ferryboat or barge, other than private pleasure boat, and shall examine carefully the hull of such boats and their equipment, and require such changes, repairs and improvements to be adopted and used as he may deem expedient for the safety of all such boats. He shall also fix the number of passengers that may be transported upon any boat; he shall likewise fix the number of tons of freight that may be carried upon any such boat, barge or ferryboat. He shall, whenever he deems it expedient to do so, visit any such boat and examine into its condition or their condition, for the purpose of ascertaining whether such boat or boats have a certificate from the board of railroad commissioners and whether such boats are conformable to and obeying the conditions imposed by this act and by the board of railroad commissioners. The owner, master, pilot and captain or engineer of such vessel or boat shall answer all reasonable questions and give all the information in his or her possession in regard to such boat or boats, or any of them, concerning their machinery and the manner of managing said boat. The said inspector shall examine all life-saving appliances and lifeboats carried on any such vessels, steamboats or other boats propelled by machinery, as well as all ferry boats. The inspector shall report the condition of all such boats, life-saving appliances and lifeboats to the board of railroad commissioners.

Access to boats.

SEC. 3. The inspector shall at all times have free access to any and all of such boats and parts thereof, and shall have free transportation thereon for the purpose of making such inspection; and he is hereby authorized, whenever in his judgment the master, owner, captain or pilot of any of the boats mentioned in this act, has failed to comply with the provisions of this act, or when he deems such boat unsafe, to cause the same to be tied up until such owner, master, captain or pilot shall have complied with the provisions of this act, or until such boat shall have been made safe and seaworthy, as the case may be; and if any such master, owner, captain or pilot or any other persons shall release or cause to be released, any such boat, he shall be deemed guilty of a misdemeanor.

Issue of certificates.

Licenses.

Regulations.

SEC. 4. The inspector shall report all of his findings to the board of railroad commissioners of the State of Montana, which said commission shall thereupon, if in its opinion said boat shall be seaworthy and safe for the carrying of passengers and freight, issue to such boat a certificate or permit to engage in the business of navigation on any of the navigable waters of the State of Montana, and shall likewise issue licenses to any captain or pilot of said boat, if in its judgment said captain or pilot is qualified for the duties imposed upon him by the provisions of this act; and said commission shall issue all rules and regulations that that [sic] may be in its judgment necessary for the safe navigation of all steamboats all all [sic] boats propelled by machinery, sailboats, ferryboats and barges, including pleasure crafts propelled by machinery navigating on any of the navigable waters of this State.

Life preservers.

SEC. 12. Every steamboat or other boat affected by this act, shall have a life preserver for each passenger, and she shall also

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carry one for each of her crew. Such life preserver shall be made of good, sound cork blocks, easily adjusted to the body with belts and straps, properly attached, and so constructed as to pass the cork under the shoulders and around the body of the person wearing the same. Each life preserver shall contain at least six pounds of good cork, having a buoyancy of at least four pounds to each pound of cork. It shall be the duty of the inspector, to satisfactorily ascertain that every life preserver is as herein required. All such life preservers shall be kept in a convenient place, accessible in case of accident, in readiness for immediate use, and the place where same are kept shall be designated in the certificate issued by the board of railroad commissioners and pointed out by printed notices posted in such places as the board of railroad commissioners may direct.

Boilers. SEC. 13. The State boiler inspector shall inspect all steam boilers in each of the steamboats within the State.

Absence of licensed officer. SEC. 15. If any boat subject to the provisions of this act shall be deprived of the services of any licensed officer without the consent, fault or collusion of the matter [master], owner, or person interested in such boats, the board of railroad commissioners shall be notified and the deficiency may be temporarily supplied until the services of a licensed officer can be obtained.

Inspection fees. SEC. 16. The owner of every steamboat or other boat propelled by machinery, sailing-boat, ferryboat or barge, subject to the provisions of this act, shall pay the board of railroad commissioners, for the use and benefit of the State, an inspection fee on such boats, as follows, to wit: For each boat under ten tons burden, ten ($10) dollars; for each boat over ten tons burden and under twenty tons burden, fifteen ($15) dollars; for each boat over twenty tons and under fifty tons burden, twenty ($20) dollars; for each boat over fifty tons and under one hundred tons burden, twenty-five ($25) dollars; and all over a hundred tons burden, thirty ($30) dollars. For each ferryboat, ten ($10) dollars, and for each barge, ten ($10) dollars.

License fees. SEC. 17. For every license granted under the provisions of this act, there shall be charged and collected from the person receiving such license, for the use and benefit of the State, the sum of five ($5) dollars, which said license shall remain in full force for one year from the date thereof.

Enforcement. SEC. 19. It is hereby made the duty of the board of railroad commissioners, to enforce the provisions of this act, and said board of railroad commissioners shall have the jurisdiction to make all needful rules providing for the safety of all passengers, crews and freight traveling or being transported upon the navigable waters of this State, provided that such rules are within the provisions of this act.

When unlawful to operate. SEC. 20. It shall be unlawful for any person or persons to operate any steamboat or other boat propelled by machinery, sailing craft or ferryboat, or engage in the business of the navigation of boats, without first complying with the provisions of this act.

Violation. SEC. 21. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not less than twenty-five ($25) dollars, nor more than three hundred ($300) dollars or imprisoned in the county jail not exceeding six months; and in addition thereto the board of railroad commissioners may revoke or suspend the license of any captain or pilot of any boat navigated in violation of the provisions of this act.

CHAPTER 72.—*Highway law—Liability of employers for taxes—Employment of drivers.*

Employer liable to pay tax. Chapter II, Section 4. If any person required to pay the special road tax mentioned in this act does not pay the same and has no property subject to taxation and the person owing the same is in the employment of any other person, the county treasurer must deliver to the employer a written notice, stating the amount of

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tax due for such employee, and from the time of receiving said notice the employer is liable to pay said tax, and the tax so paid may be deducted by such employer from the amount then due or to become due to such employee. May deduct from wages.

Chapter VIII, Sec. 2. No person must employ, to drive any vehicle, for the conveyance of passengers upon any public highway or road, a person addicted to drunkenness, under penalty of $5.00 for every day such person is in his employ. Intemperate drivers.

SEC. 3. If any person while actually employed in driving any vehicle is intoxicated to such a degree as to endanger the safety of his passengers, the owner, on receiving from any passengers a written notice of the fact, verified by his oath, must forthwith discharge such driver, and if he have such driver in his service within six months after such notice he incurs a like penalty. Intoxicated drivers.

SEC. 5. The owner of every vehicle running or traveling upon any highway or road for the conveyance of passengers, is liable for all damage to person or property done by any person in his employment as a driver while driving such vehicle, whether done willfully or negligently, or otherwise, in the same manner as such driver would be liable. Liability of owner.

CHAPTER 76.—*Employment of children—School attendance.*

SECTION 1100. All parents, guardians, and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, language, English grammar, geography, history and civics, physiology and hygiene and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private, or parochial school, for the full time that the school attended is in session, which shall in no case be for less than sixteen weeks during any current year, and said attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city and other districts having such superintendent, or by the clerk of the board of trustees in districts not having such superintendent, or by the principal of the private, or parochial school, upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, or clerk of the board of trustees in districts not having such superintendent, to teach the branches named in this section: *Provided*, That the county superintendent may excuse children from attendance upon such schools where in his judgment the distance makes such attendance an undue hardship. In case the county superintendent, city superintendent, principal or clerk refuses to excuse a child from attendance at school, an appeal may be taken from such decision to the district court of the county, upon giving a bond, within ten days after such refusal, to the approval of said court, to pay all costs of the appeal, and the decision of the district court in the matter shall be final. All children between the ages of fourteen and sixteen years, not engaged in some regular employment, shall attend school for the full term during which the school of the district in which they reside are [is] in session during the school year, unless excused for the reason above named. Any parent, guardian or other person having the care of or custody of a child between the ages of eight and fourteen years, who shall fail to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than twenty dollars. Attendance required. Exceptions. Unemployed children. Violation.

SEC. 1101. No child under fourteen years of age shall be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in Age and schooling certificate.

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session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved by the superintendent of schools or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of trustees in districts not having such superintendent, upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 1100 of this chapter; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read intelligently and write legibly the English language. The age and schooling certificate shall be formulated by the superintendent of public instruction and the same furnished, in blank, by the clerk of the board of trustees. Every person, company, or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon the request of the truant officer hereinafter provided for, permit him to examine such age and schooling certificate. Any person, company or corporation, employing any minor contrary to the provisions of this chapter shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

Illiterates.

SEC. 1102. All minors over the age of fourteen and under the age of sixteen years, who can not read and write the English language shall be required to attend school as provided in section 1100 of this chapter, and all provisions of said section shall apply to said minors: *Provided*, That such attendance shall not be required of such minors after they have secured a certificate from the superintendent of schools in districts having superintendents, or the clerk of the board of trustees in districts not having superintendents, that they can read, and write the English language. No person, company, or corporation, shall employ any such minor during the time schools are in session, or having such minor in their employ shall immediately cease such employment, upon notice from the truant officer who is hereinafter provided. Every person, company or corporation violating the provisions of this section, shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

Truant officer.

SEC. 1103. * * * The truant officer shall be vested with police powers, the authority to serve warrants, and have authority to enter workshops, factories, stores, and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise to enforce the provisions of this chapter; * * *

Needy children.

SEC. 1108. When any truant officer is satisfied that any child, compelled to attend school by the provisions of this chapter is unable to attend school because absolutely required to work, at home or elsewhere, in order to support itself or help support, or care for others legally entitled to its services, who are unable to support or care for themselves, or who are unable to attend school because of some physical ailment, the truant officer shall report the case to the authorities charged with the relief of the poor, and it shall be the duty of said officers to afford such relief as will enable the child to attend school the time each year required under the provisions of this chapter. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. In case the child or its parents or guardians, refuses or neglects to take advantage of the provisions thus made for its instruction, such child may be committed to the industrial school hereinafter provided for. In all cases where relief, including books, medical aid and clothing, is necessary it shall be the duty of the board of trustees to furnish such aid free of charge and said board of trustees may furnish any further relief it may deem necessary, the expense incident to furnishing said books, medical aid, clothing and further relief to be paid from the general fund of the school district.

(Relief.

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CHAPTER 80.—*Safety appliances on street railways.*

SECTION 1. On or before September 1st, 1913, all double track street railway, electric cars or troll[e]y cars, so called, conveying passengers in the State of Montana shall be fitted with at least two independently operating brakes, one of which must be mechanical, such as air brake, electric short-circuiting brake or electric-magnetic brake. Brakes.

SEC. 2. Any corporation or person owning and operating street railway cars, electric or troll[e]y cars, failing to comply with the provisions of this act, shall be liable to a fine of ten ($10) dollars per car for each day operated without such equipment. Violation.

CHAPTER 108.—*Employment of women—Hours of labor—Seats.*

SECTION 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, telephone exchange room, or office, or telegraph office, laundry, hotel or restaurant in this State, for more than nine hours in any one day. The hours of work may be so arranged so as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four of any one day: *Provided*, That females may be employed, in retail stores to work, not to exceed ten hours in any one day for one week immediately preceding Christmas Day: *And provided further*, That over time at extra compensation shall be allowed where life or property is in imminent danger. Limit of nine hours.

SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not employed in the active duties of their employment. Seats.

SEC. 3. Any employer who shall require any female to work in any of the places mentioned in section 1, more than the number of hours provided in this act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ, so that they shall not work more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect or refuse to provide suitable seats, as provided in section 2 of this act, or who shall permit or suffer any overseer, superintendent or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined for each offense not less than fifty ($50) dollars, nor more than two hundred ($200) dollars, or be imprisoned in the county jail for a period of not less than ten nor more than sixty days, or both such fine and imprisonment. Violation.

CHAPTER 115.—*Railroads—Observance of safety provisions.*

SECTION 1. It is hereby made the duty of the board of railroad commissioners to make inquiry into the observance by all railroads within this State of the laws of the United States and of the State of Montana intended to safeguard the lives of the employees of persons or corporations engaged in operating the same and to lay complaint before the proper officer, State or Federal, of any infraction of any of such laws and to prosecute before the proper court or tribunal any person guilty of violation of the penal provisions thereof. Enforcement.

SEC. 2. Said board shall, in its annual report, set out what effort it has made to carry out the provisions of this act with the results thereof, and in detail what steps it has taken to procure to be prosecuted any violations of any such acts of which it has secured information. Report.

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CHAPTER 134.—*Mine regulations—Deputy inspector.*

Appointment of inspector.

SECTION 1. The governor, by and with the advice and consent of the senate, shall appoint one deputy State coal mine inspector. Said deputy State coal mine inspector shall be selected from among the list of names certified to by the county examining board for mine foreman, fire boss or mine examiner, as having successfully passed the examination of mine foreman and who has been granted a certificate of competency as such by a county examining board in Montana.

Powers.

SEC. 2. He shall have like powers and duties as the State coal mine inspector, but be under the supervision and subject to the orders of and report to the State coal mine inspector, any and all acts pertaining to the inspection of mines, investigation of accidents, scales, washhouses and any other duties as such deputy State coal mine inspector and shall reside in and perform the duties of deputy State coal mine inspector in the districts assigned him by the State coal mine inspector. The deputy State coal mine inspector shall receive a salary of twenty-one hundred ($2,100) dollars per year, and all necessary traveling expenses. He shall file with the State treasurer, a bond in the sum of five thousand ($5,000) dollars, approved by the governor for the faithful performance of his duties.

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NEBRASKA.

REVISED STATUTES, 1913.

Wages as preferred claims—In assignments.

Wage claims to have priority.

SECTION 263. Nothing in this chapter [regulating assignments] contained shall be construed so as to prevent any debtors from paying or securing to be paid any debt not exceeding the sum of one hundred dollars, for clerks' or servants' wages, or from paying or securing any debt which shall have been created within nine months prior to the date of such payment, or securing, or to affect any mortgage or security made in good faith to secure any debt or liability created simultaneously with such mortgage or security: *Provided*, Any such mortgage shall be filed for record in the proper office within thirty days from its date.

Labor organizations, etc.—Incorporation.

Lodges incorporated.

SECTION 610. All State, grand, supreme, or national, secret, fraternal, benevolent or charitable orders, lodges, organizations, societies or other bodies issuing charters to, and having subordinate or auxiliary orders, lodges, organizations, societies, or other bodies within this State which may have been heretofore or may hereafter be regularly established and chartered therefrom, or thereby, including the following: * * * Knights of Labor; * * * together with each and every subordinate or auxiliary lodge, * * * or other designated organization or body within this State, under its properly designated or chartered name as has heretofore been, or may hereafter be established and chartered within or for Nebraska, by its respective State, grand, supreme or national lodge, organization, or other governing body, and working under a charter or charters from its respective State, grand, supreme, or national or other governing body, be and the same are hereby made and declared corporations within this State under the name and title designated in their respective charters, by which name they shall be capable of suing, and being sued, of pleading and being impleaded in the several courts of this State, the same as natural persons.

Mothers' pensions—Aid for dependent children.

Commitment to institution.

Support with parents.

SECTION 1250. When any child under the age of eighteen years shall be found to be delinquent, dependent or neglected within the meaning of this article, the court may make an order committing the child to the care of some suitable institution * * * If the parent or parents of such dependent or neglected child are poor and unable to properly care for the said child, but are otherwise proper guardians and it is for the welfare of such child to remain at home, the court may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents to properly care for such child, and thereupon it shall be the duty of such county board, through its county agent or otherwise, to pay to such parent or parents, at such times as said order may designate the amount so specified for the care of such dependent or neglected child until the further order of the court: *Provided*, Not more than ten dollars per month shall be allowed for the care

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of each child: *And provided further*, That no such order shall be effective for more than six months, unless renewed by the court at or after the expiration of that period. All payments are to be made from the general fund of the county.

Protection of employees as voters—Time to vote.

Two hours allowed.

SECTION 2193. Any person entitled to vote at a primary election 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 a period of two hours between the time of opening and 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: *Provided, however*, Application for such leave of absence shall be made prior to the day of the primary. The employer may specify the hours during which the employee may absent himself.

Threatening discharge or close of business.

SEC. 2405. It shall be unlawful for any person or persons, firm, company or corporation employing any voter in the State of Nebraska to coerce or in any way attempt to coerce such voter in his voting or any other political action at any primary, caucus, convention or election held or to be held in this State or to attempt to influence the political action of such voter by threatening to discharge him because of his political action, or by threats on the part of such person or persons, firm, company or corporation to close his or its place of business in the event of the election of any candidate for public office, or in the event of the success of any political party at any election; and any person or persons, firm, company or corporation in this State found guilty of a violation of this section shall be fined not more than one hundred dollars or be imprisoned not to exceed thirty days in the county jail.

Violations.

Inspection and regulation of factories, etc.—Manufacture of food products.

Sanitation.

SECTION 2598. Every building, room, basement or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks or other persons therein employed and the purity and wholesomeness of the food therein produced; and for the purpose of this article the term "Food" as herein used shall include all articles used for food, drink, confectionery, or condiment whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

Floors, walls, etc.

SEC. 2599. The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of food products, shall at no time be kept in an unclean, unhealthy and unsanitary condition, and for the purpose of this article, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt and, as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets and other receptacles, chutes, platforms, racks, tables, shelves and all knives, saws, cleavers and other utensils and machinery

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used in moving, handling, cutting, chopping, mixing, canning and all other processes are not thoroughly cleaned daily, and if the clothing of operatives, employees, clerks or other persons therein employed is unclean.

Construction, painting, etc.

SEC. 2600. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be brick, cement, plastered, wainscoted or ceiled with metal or lumber and shall be oil painted or kept well limewashed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be kept well oiled or painted with oil paints or lime washed and kept clean

* * *

Screens.

SEC. 2601. The doors, windows and other openings of every food producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than fourteen-mesh wire gauze.

Toilet rooms, etc.

SEC. 2602. Every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material and shall be kept in a thoroughly cleanly and sanitary condition. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes, or on outside of the building in which they are situated. Lavatories and wash rooms shall be supplied with soap, water and towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all other persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water.

Cuspidors.

SEC. 2603. Cuspidors for the use of operatives, employees, clerks or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such solution shall be left in each cuspidor while it is in use. No operative, employee, or other person shall expectorate on the floor or side walls of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation, or sale of any food is conducted.

Sleeping rooms.

SEC. 2604. No person or persons shall be allowed to live or sleep in any room of a bakeshop, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared, served or sold.

Diseased employees.

SEC. 2605. No employer shall require, permit, or suffer any person to work, nor shall any person work, in a building, room, basement, cellar, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, or consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, (epidemic,) epidemic dysentery, measles, mumps, German measles, (Rothein), whooping cough, chicken pox or any other infectious or contagious disease.

Enforcement.

SEC. 2606. The State food, drug, dairy and oil inspector or deputy inspector or agent of the said inspector shall have full power at all times to enter and inspect every building, room, basement, or cellar occupied or used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food, and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection, any food-producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver or other person is found to be violating any of the provisions of this article, or if the production, preparation, manufacture, packing, storing, sale, distribution or transportation of

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food is being conducted in a manner detrimental to the health of the employees and operatives and the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination or inspection shall furnish evidence of said violation to the county attorney who shall prosecute all persons violating any of the provisions of this article, or shall report such conditions and violations to the State food, drug, dairy and oil inspector, who shall issue an order to the person in authority at the aforesaid establishment to abate the condition or violation or make such improvements as may be necessary to abate them, within the period of five days or such reasonable time as may be required in which to abate them. Such order shall be in writing and the person receiving the order shall have the power of appeal from the order and instructions, and may within five days from the issuance of the order appear in person or by attorney before the State food, drug, dairy and oil commissioner to give reason why such order or instruction should not be obeyed.

Violations.

SEC. 2607. Any person who violates any of the provisions of this article or who refuses to comply with any lawful orders or requirements of the State food, drug, dairy, and oil commissioner, duly made in writing as provided by law, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than ten dollars nor more than fifty dollars; for the second offense by a fine of not less than fifty dollars nor more than one hundred dollars, and for the third and subsequent offense by a fine of two hundred dollars and imprisonment in the county jail for not less than thirty days nor more than ninety days, and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the State food commissioner shall constitute a distinct and separate offense.

Rates of wages of employees on public roads.

Current rates to be paid.

SECTION 2929. * * * When necessary in his judgment, such officer [in charge of road work] may, upon one day's notice, written or verbal, communicated in person or by telephone, call out any able-bodied man under fifty years of age, or any team or teams owned by any person in the district, to perform such work upon any road, bridge or culvert in his district as he may direct, not exceeding two days at any one time, going wages to be paid for such men and teams for the time actually worked.

Maximum rates.

SEC. 2930. * * * Such highways [used for rural free delivery mail routes] shall be kept properly drained and dragged and free from all obstructions, including snow drifts, so as to be at all times in good condition for ordinary travel, and he [the officer in charge of road work] shall pay for the shoveling out of snow drifts not to exceed twenty cents per hour for one man, and not to exceed 40 cents per hour for a man with team and scraper.

Employment of intemperate drivers on public conveyances.

Intemperate drivers not to be employed.

SECTION 3020. No person owning any carriage running or traveling upon any road in this State for the conveyance of passengers, shall employ, or continue in employment any person to drive such carriage who is addicted to drunkenness or the excessive use of spirituous liquors, and if any such owner shall violate the provisions of this section, after he shall have had notice and reasonable proof that such driver is addicted to drunkenness, he shall forfeit at the rate of five dollars per day for all the time during which he shall thereafter have kept any such driver in his employment.

Intoxication of driver.

SEC. 3021. If any driver, actually employed in driving any such carriage, shall be guilty of intoxication to such a degree as to endanger the safety of the passengers in the carriage, it shall be the duty of the owner of such carriage, on receiving written notice of

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the fact signed by any one of said passengers and certified by him on oath, forthwith to discharge such driver from his employment; and every such owner who shall retain or have in his employ, within three months after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for the time during which he shall keep any such driver in his employment after receiving such notice.

Aocident insurance.

Standard provisions as to change of occupation.

SECTION 3240. No policy of insurance against loss or damage from disease or by bodily injury by accident, or both, of the assured, shall be issued or delivered in this State * * * unless it contains in substance the following provisions:

* * * * *

Sixth—a provision that if the insured is injured or contracts disease after having changed his occupation to one classified by the company as more hazardous than that stated in the policy, or while he is doing any act pertaining to any occupation so classified, the company shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate, but within the limit fixed by the company, for such more hazardous occupation according to the company's rates and classification of risks filed with the insurance board in this State at or prior to the date of insurance of the policy under which indemnity is claimed;

* * * * *

Blanket policies.

SEC. 3242. Nothing in this chapter shall affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association or individual employer, police or fire department, underwriters' corps, salvage bureau or like associations or organizations, when the officers, members or employees or classes or departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise, for a premium intended to cover the risks of all persons insured under such policy; * * *

Employers' insurance—Mutual companies.

Incorporation.

SECTION 3322. It is hereby enacted that any twenty or more employers, who have in the aggregate not less than five thousand employees in the State of Nebraska, and who have accepted the provisions of Part II of the Workmen's Compensation Law of 1913, may form an incorporated employers' mutual liability insurance association for the purpose of insuring themselves and such other employers as may become subscribers to the association, against loss from the liabilities imposed upon such subscribers by said law, or any act or acts amendatory thereof. Such incorporated employers' mutual liability insurance associations shall be permitted to insure their subscribers against loss from the liability imposed by law upon such subscribers for damages on account of bodily injuries or death, or property damage, suffered as the result of an accident by any person or persons, not employed by the subscriber.

Provisions of articles of incorporation.

SEC. 3323. The articles of incorporation thereof shall state:

(a) the name by which the association shall be known in law, which name shall not be in conflict with that of any existing association or company authorized to transact business in this State;

(b) the location of its principal business office, which must be located within the State;

(c) the plan of doing business, which must be fully and clearly defined;

(d) the period of time for which it is organized;

(e) the number of its directors, trustees or managers;

(f) the title of the officers by whom the affairs of the association are to be managed.

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Approval of articles. SEC. 3324. The subscribers to said articles of incorporation shall acknowledge the same before some person empowered to take acknowledgments of deeds. The articles of incorporation shall then be submitted to the auditor of state and attorney general. If said articles are found to comply with the provisions of this article they shall approve the same. When said articles of incorporation are thus approved, they shall be recorded in the office of the register of deeds in the county where such organization is located, and in the office of the secretary of state. A notice shall be published as provided for under the general incorporation law of the State of Nebraska, but such association shall not engage in business until the further provisions of this article have been complied with.

Certificate required. SEC. 3325. Such association shall not begin to issue policies until the list of the subscribers, with the number of employees of each, together with such other information as the insurance commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement of all the subscribers that they will take the policies subscribed for within thirty days of the granting of the license by the State insurance commissioner.

License. SEC. 3326. Upon the filing of the certificate provided for in the preceding section, the State insurance commissioner shall make such investigation as he may deem proper, and if his findings warrant it, shall grant a license to the association to issue policies.

Term of charter. SEC. 3327. Charters under this article may be perpetual, or limited in time, as the articles of incorporation shall specify.

By-laws. SEC. 3328. Such association shall have the power to make by-laws for the government of its officers and the conduct of its affairs, and the same to alter and amend; and adopt a common seal.

Annual meeting. SEC. 3329. The annual meeting for the election of directors shall be held at such time in the month of January as the by-laws of the association may direct. Of the time and place of said meeting at least thirty days' previous written or printed notice shall be

Notice. given to the subscribers, or such notice may be given by publication not less than three times in at least two daily or weekly newspapers, published in the city or county wherein the association has its principal office, and in the legal periodical, if any, designated by the rules of court of the proper county for the

Quorum. publication of legal notices. Subscribers who, during the preceding calendar year, have paid into the treasury of the association, premiums amounting to more than one-half of the total premiums received by it during that year, shall constitute a quorum. At

Officers. such annual meeting the subscribers shall elect, by ballot, from their own number, not less than five directors, a majority of whom shall be residents of this State, to serve for at least one year and until their successors are duly chosen: *Provided, however*, That such association may provide in its by-laws for the division of its board of directors into two, three or four classes, and for the election thereof, at its annual meetings, in such manner that the members of one class only shall retire and their successors be

Voting. chosen each year. Vacancies may be filled by election by the board until the next annual meeting. In the choice of directors and in all meetings of the association, each subscriber shall be entitled to one vote for every one hundred dollars or any fraction thereof paid by him in premiums into the treasury of the association during the preceding calendar year. Subscribers may vote by proxy, and the record of all votes shall be made by the secretary, and shall show whether the same were cast in person or by proxy and shall be evidence of all such elections. Not less than three directors shall constitute a quorum. The directors shall annually choose, by ballot, a president, who shall be a member of the board; a secretary; a treasurer, who may also be either the president or secretary; and such other officers as the by-laws may provide;

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and they shall fix the salaries of the president and secretary, as well as the salaries or compensation of such other officers and agents as the by-laws prescribe. Vacancies in any office may be filled by the directors or by the subscribers, as the by-laws shall prescribe.

Policies.

SEC. 3330. Policies of insurance issued by any such association may be made either with or without the seal thereof, and they shall be signed by the president, or such other officers as may be designated by the directors for that purpose, and attested by the secretary.

When business to be discontinued.

SEC. 3331. If at any time the number of subscribers falls below twenty, or the number of the subscribers' employees within the State falls below five thousand, no further policies shall be issued until the total number of subscribers amounts to not less than twenty, whose employees within the State are not less than five thousand.

Inspection.

SEC. 3332. The board of directors shall be entitled to inspect the plant, workroom, shop, farm or premises of any subscriber, and for such purpose to appoint inspectors, who shall have free access to all such premises during the regular working hours, and the board of directors shall likewise from time to time be entitled to examine by their auditor or other agent, the books, records and pay rolls of any subscriber, for the purpose of determining the amount of premium chargeable to such subscriber. The board of directors shall make reasonable rules and regulations for the prevention of injuries upon the premises of subscribers, and they may refuse to insure or may terminate the insurance of any subscriber who refuses to permit such examinations or disregards such rules or regulations, and forfeit all premiums previously paid by him; but such termination of the insurance of any subscriber shall not release him from liability for the payment of assessments then or thereafter made by the board of directors to make up deficiencies existing at the termination of his insurance.

Rules for prevention of injuries.

Contingent liability.

SEC. 3333. Every subscriber to such association shall be under a contingent mutual liability for the payment of losses and expenses in excess of the cash funds of the association to an amount equal to the premium paid by him during the current year.

Premiums.

SEC. 3334. The board of directors shall determine the amount of the premiums which the subscribers of the association shall pay for their insurance, in accordance with the nature of the business in which such subscribers are engaged, and the probable risk of injury to their employees under existing conditions, and they shall fix premiums at such amounts as in their judgment, subject to the approval of the State insurance commissioner, shall be sufficient to enable the association to pay to its subscribers all sums which may become due and payable to their employees under the provisions of Part II of the workmen's compensation law of 1913, and also the expenses of conducting the business of the association. In fixing the premium payable by any subscriber, the board of directors may take into account the condition of the plant, workroom, shop, farm or premises of such subscriber in respect to the safety of those employed therein, as shown by the report of any inspector appointed by such board; and they may from time to time change the amount of premiums payable by any of the subscribers as circumstances may require, and the condition of the plant, workroom, shop, farm or premises of such subscriber in respect to the safety of their employees may justify; and they may increase the premiums of any subscriber neglecting to provide safety devices required by law, or disobeying the rules or regulations made by the board of directors in accordance with the provisions of the second next preceding section. No policy of insurance issued to any subscriber shall be effective until he shall have paid in cash the premium so fixed and determined.

Assessments.

SEC. 3335. If the association be not possessed of cash funds, over and above its unearned premiums, on undetermined risks,

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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 subscribers liable to assessment therefor, in proportion to their several liabilities.

Dividends. SEC. 3336. The board of directors may from time to time fix and determine the amount to be paid as dividends upon policies expiring each year, after retaining the unearned premiums upon undetermined risks and sufficient sums to pay all the compensation then payable, or which may become payable on account of injuries received by employees of the subscribers, and to pay the expenses incurred in the operation of the business of the association.

Classification. SEC. 3337. The board of directors may divide the subscribers into groups in accordance with the nature of their business and the probable risk or injury therein. In such case they shall fix all premiums, make all assessments, and determine and pay all dividends by and for each group in accordance with the experience thereof, but all funds of the association and the contingent liabilities of all subscribers shall be available for the payment of any claim against the association: *Provided, however,* (As between the association and its subscribers), until the whole of the contingent liability of the members of any group shall be exhausted, the general funds of the association and the contingent liability of the members of other groups shall not be available for the payment of losses and expenses incurred by such group in excess of the earned premiums paid by the members thereof.

Statement to be filed. SEC. 3338. A statement of any proposed premium, assessment, dividend or distribution of subscribers into groups shall be filed with the insurance department and shall not take effect until approved by the State insurance commissioner.

False swearing. SEC. 3339. If any officer of the association shall falsely make oath to any certificate required to be filed with the State insurance commissioner, he shall be guilty of perjury.

Withdrawal. SEC. 3340. Any subscriber of the association who has complied with all its rules and regulations, may withdraw therefrom by written notice to that effect, sent by such subscriber by registered mail to the association, and such withdrawal shall become effective on the first day of the month immediately following the tenth day after the receipt of such notice; but such withdrawal shall not release such subscriber from liability for the payment of assessments thereafter made by the board of directors to make up deficiencies existing at the date of his withdrawal, and such subscriber shall be entitled to his share of any dividends earned at the date of his withdrawal.

When no policies shall be issued. SEC. 3341. If the State insurance commissioner shall find that more than fifty per centum of the contingent liability of all the subscribers is required to pay accrued losses, after charging against the funds in hand the unearned premiums on undetermined risks, no further insurance shall be issued until the subscribers have made good such deficiency.

Investments. SEC. 3342. Such association shall invest and keep invested all its funds of every description, excepting such cash as may be required in the transaction of its business, as follows:

First—In such real estate as it is authorized to hold by the next following section;

Second—In bonds of the United States or the District of Columbia, or of any State or Territory of the United States;

Third—In the legally authorized bonds or notes of any governmental agency created by this State, or by any other State or Territory of the United States or Canada;

Fourth—In the bonds or notes of any solvent railroad corporation, upon which no default in interest has been made;

Fifth—In loans upon improved and unincumbered real estate: *Provided,* No loans on such real estate shall exceed sixty-six and two-thirds per centum of the fair market value thereof at the time of making such loan.

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Real estate.

SEC. 3343. No such association shall purchase, hold or convey real estate, except for the purpose and in the manner herein set forth, to wit:

First—Such as shall be requisite for its convenient accommodation in the transaction of its business;

Second—Such as shall have been mortgaged to it to secure loans previously contracted or for moneys due;

Third—Such as shall have been conveyed to it in satisfaction of debts;

Fourth—Such as shall have been purchased at sales, upon judgments, decrees or mortgages obtained or made for debts due the association, or for debts due other persons, where said association may have liens or incumbrances of [on] the same.

Any real estate purchased under the second, third or fourth paragraphs of this section, which has been held for a period of more than five years from the date of its purchase, shall be sold and disposed of within a period of six months after notice to the association from the State insurance commissioner to sell and convey the same: *Provided, however*, The said commissioner may extend the time for such disposition if he believes the interest of the association will suffer materially by a forced sale.

Investments.

SEC. 3344. Any money of such association, over and above the unearned premiums on undetermined risks and such sums as are required to pay all accrued losses, may be invested in the securities above enumerated, or loaned upon the security of the same; or in the stock or other evidence of indebtedness of any solvent, dividend-paying corporation, created under the laws of this State or of any other State of the United States or loaned upon the pledge of the same, except its own stock or the stock of any other insurance company: *Provided*, The current market value of such security shall be at least twenty per centum more than the sum loaned thereon. But no such association shall invest any of its funds in any unincorporated business or enterprise, nor in the stock or evidence of indebtedness of any corporation, the owners or holders of which stock or evidence of indebtedness may in any event be or become liable on account thereof of any assessment, except for taxes; nor more than one-fifth of its capital shall be invested in a single mortgage, nor shall any of its funds be loaned on personal security alone. No such association shall invest in, acquire or hold, directly or indirectly, more than ten per centum of the securities of any single company, nor shall more than ten per centum of its assets be invested in the stock of a single company. No such association shall enter into an agreement to withhold from sale of [sic] any of its property; but the disposition of its property shall be at all times within the control of its board of directors. If any investment or loan is made in a manner not authorized by this article the officers and directors making or authorizing the same shall be personally liable for any loss occasioned thereby.

Definition.

SEC. 3345. The designation "State insurance commissioner" or "insurance commissioner" as used herein is intended to mean the State official who has charge of the insurance department of the State of Nebraska.

Assignment of wages, etc.—Wage brokers.

Rate of interest on small loans.

SECTION 3357. A rate of interest not exceeding one per cent per month may be charged by agreement on loans not exceeding two hundred and fifty dollars made for a period of one year or less, where such loans are secured * * * by an assignment of wages, credits or choses in action. In computing interest on loans made at a higher rate than ten per cent per annum for a period of one year or less, it shall be lawful to charge interest only upon the amount of such principal which remains unpaid at the end of each installment and such interest so computed may be added to the principal sum and principal and interest be paid in install-

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ments; but no interest may then be charged on deferred or defaulted payments at a rate higher than ten per cent per annum, and in every case the exact amount of the principal sum and the rate of interest charged, shall be plainly stated on the note or other evidence of debt given to secure such loan.

Fees. SEC. 3358. It shall be unlawful for any person, firm or corporation, which shall lend money at a rate higher than ten per cent per annum, to charge the borrower any fee or commission or fine or any sum in addition to the rate of interest specified: *Provided*, A fee of one dollar may be charged for the inspection of chattels, where chattels are pledged for a loan, or a fee of one dollar for verifying statements or applications for loans or assignment of wages.

License. SEC. 3359. No person, firm or corporation shall lend money at a rate exceeding ten per cent per annum until such person, firm or corporation shall have secured a license which shall be issued by the secretary of state upon the payment of a fee of one hundred dollars.

Inspection. SEC. 3360. The secretary of the State of Nebraska is hereby charged with the duty of inspecting and is made State inspector of the business records and accounts of all persons, firms or corporations which lend money at a rate exceeding ten per cent per annum and is hereby empowered to appoint deputy inspectors in each county in the State who shall, under the direction of the secretary of state, inspect the books and records of such persons, firms or corporations semiannually; and said inspectors shall be compensated for their services at the rate of ten dollars per day for the time actually employed for such inspection; said full day shall consist of eight working hours. Said compensation for said inspectors' services shall be paid by the person, firm or corporation whose business, books and records are inspected.

Records. SEC. 3361. Each person, firm or corporation lending money at a rate higher than ten per cent per annum shall keep a record showing the name of each borrower, the amount of money loaned, the rate of interest charged and the manner in which payment is to be made. All books, papers, records, assignments, notes and securities connected with the business shall be open to the inspectors, but said inspectors shall not reveal any information so secured except in a court upon the order of a judge or a magistrate thereof, when such information is essential to a trial or before a grand jury.

Violations. SEC. 3362. No person, firm or corporation shall charge a rate of interest other than that specified in section 12 of this chapter; [sec. 3357] and any person, firm or corporation violating any of the provisions herein made shall, upon conviction or upon judgment in civil action by the borrower, forfeit to the borrower both principal and interest and, upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars or be imprisoned in the county jail not less than sixty days nor more than six months or both such fine and imprisonment. Any person, firm or corporation violating the terms of section 13 of this chapter, [sec. 3358] shall upon conviction, pay a fine of not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail not less than four months or more than one year, or both such fine and imprisonment. Any person, firm or corporation violating the terms of section 16 of this chapter, [sec. 3351] shall, upon conviction, pay a fine of not less than twenty-five dollars or more than two hundred and fifty dollars. Any inspector revealing any information secured from the books, records or accounts of money lenders, except as provided in section 16 of this chapter, [sec. 3361] shall, upon conviction, be removed from office and pay a fine of not less than ten dollars nor more than five hundred dollars or be imprisoned not more than sixty days in the county jail. Any person convicted of making a false statement to secure a loan shall pay a fine of not more than twenty-five dollars or be imprisoned in the county jail

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not exceeding ten days, but such a punishment shall not be exacted where such a loan is made after the money lender is aware of the falsity of the statement.

Application for license.

SEC. 3363. Application for license to conduct such business must be made in writing to the secretary of state and shall contain the name of the city or town where the business is to be carried on, the name and the private and business address of the applicant, and in case of a corporation, the State under which it is organized and the name and the private address of the clerk or the secretary and the agent or other officer having charge of this proposed business. If any change occurs in the name or address of a licensee or of the clerk, secretary or agent aforesaid of any licensed corporation or in the place where the licensed business is carried on, or in the membership of any partnership licensed, a true and full statement of such change shall be filed with the secretary of state; and in the event the same is not filed within forty-eight hours after the change is made, the secretary of state shall have power to revoke the said license, and said license shall not be assigned or transferred by the licensee or any person on behalf of such licensee. Every such license shall be kept conspicuously displayed in the place of business of such licensee.

Bond.

SEC. 3364. Such license shall not be issued until the licensee give[s] to the secretary of state a bond in the penal sum of five thousand dollars to be executed by the licensee and a surety company approved by the secretary of state conditioned for the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed, and the prompt payment of any judgment recovered against him or for which any one of the licenses [licensees] may be liable under the provisions of this chapter, which bond shall be renewed and refiled annually in January of each year; or the licensed person, firm or corporation shall within thirty days thereafter cease doing business and his or their license shall be revoked by the secretary of state; but said bond until renewed and refiled shall remain in full force and effect.

Receipts, etc.

SEC. 3365. Every person, firm or corporation licensed as herein provided shall give to each assignor or borrower a card upon which shall be written in ink or typewritten or printed in English the name of the person, firm or corporation making such loan, the name of the assignor or borrower, the amount of the loan, the amount of interest charged, the amount of expense charged, exclusive of interest, and the time for which such charge is made, the date when the loan is made and the date when payable; and shall also give the assignor or borrower a receipt for each payment of principal, interest or any other charge made on the loan; and if any payment consists of principal and interest or any other charge, such receipt shall specify the amount of each.

Blanks to be filled.

SEC. 3366. No such person, firm or corporation so licensed shall receive any assignment of salary or wages signed in blank. All blank spaces shall be filled in with ink or typewritten with the proper names and figures showing the name of the firm, person or corporation by whom the person making the conveyance or assignment is employed. If the borrower is married, the contract, conveyance or assignment shall be void unless executed and acknowledged before some officer having authority to take acknowledgments of deeds by both husband and wife.

Consent of spouse.

Violations.

SEC. 3367. Any person acting as the agent of any other person, firm or corporation engaged in the business of chattel or salary loans, under the terms of this chapter, who shall in the course of said business, or who shall in any manner violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and shall upon conviction thereof suffer a fine of not less than twenty-five dollars, and not more than one hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than three months, or both such fine and imprisonment in the discretion of the court.

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Notice of filing application.

SEC. 3368. Every application shall be filed not less than thirty days prior to the granting of such license and notice of the filing of such application shall be posted in the office of the secretary of state and be published at least twice each week for three successive weeks in a daily newspaper of general circulation published in the county where the applicant resides or the said business is to be located. Protest may be made by any person to the issuing of such license and when such protests are filed with the secretary of state the latter shall give public notice of and hold a public hearing on such protests before issuing such license. The secretary of state shall have the power to reject any application for license after hearing upon such protest.

Bureau of labor census and industrial statistics.

Bureau created.

SECTION 3551. There is hereby created a bureau of labor census and industrial statistics, with headquarters in the capitol building, for which stationery, postage, expressage, printing, and facilities for transacting business shall be furnished the same as for other executive departments.

Commissioner.

SEC. 3552. The governor of this State is hereby made commissioner of the bureau of labor.

Deputy commissioner.

SEC. 3553. Such commissioner shall have the power to appoint a deputy at a salary of fifteen hundred dollars per annum, who, when acting for, or instead of the commissioner shall have and may exercise equal power and authority subject to the approval of the commissioner.

Duties.

SEC. 3554. The duties of the commissioner shall be to collect, collate, and publish statistics and facts relative to manufacturers, industrial classes, and material resources of the State, and especially to examine into the relations between labor and capital; the means of escape from fire and protection of life and health in factories and workshops, mines and other places of industries; the employment of illegal child labor; the exaction of unlawful hours of labor from any employee; the educational, sanitary, moral, and financial condition of laborers and artisans; the cost of food, fuel, clothing, and building material; the causes of strikes and lockouts, as well as kindred subjects and matters pertaining to the welfare of industrial interests and classes.

Seal.

SEC. 3555. There shall be provided a seal of office for the use of the bureau, and the commissioner or his deputy, for the purpose of making any investigation contemplated by this article, shall have power to administer oaths, take testimony, and subpœna witnesses, which witnesses shall receive the same fees as are allowed to any person testifying in district courts of this State, to be paid out of the contingent fund of the bureau: *Provided, however*, No person subpœnaed by the commissioner or his deputy shall be compelled to go outside of the city or town in which he resides to testify in behalf of such investigation.

Witnesses.

Duties of assessors.

SEC. 3556. At the time of the assessment of property for taxation for county and State purposes, it shall be the duty of the township and precinct assessors to enroll the names of all persons over twenty-one years of age in their respective township or precinct, together with their several occupations as wageworkers other than farming, the time they have been employed during the past year, and the wages they have received for the same. It shall be the duty of the county clerks on or before the first day of July in each year, to forward a summary of such reports of their respective counties to the State bureau of labor. The deputy commissioner of labor shall compile said reports and shall embody them in his biennial report to the governor.

Reports from employers.

SEC. 3557. The commissioner shall have power to prescribe blank forms and transmit them to employers, which shall be filled out clearly and completely under oath, by the person or persons to whom they are sent, with the facts, statistics, and statements asked for, and returned to him within such reasonable time as he may fix. In case any owner or occupant, or his agent, shall refuse

Refusing access.

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to admit any officer of the bureau to his workshop or factory, when open or in operation, he shall forfeit the sum of ten dollars for every offense, and if he shall, through his agent or otherwise, neglect, fail, or refuse to fill out the blank forms, and verify and return them as required, he shall forfeit the sum of ten dollars for each day such blanks may be so delayed beyond the time fixed by the commissioner for their return. The forfeits named and provided in this article shall be sued for in the name of the State, by the county attorney of the respective county where such offense is committed, upon the complaint of any officer of bureau, or any citizen.

Free public employment office.

SEC. 3558. The commissioner of labor is hereby authorized and directed to establish and maintain in the office of the bureau of labor and industrial statistics, and in connection therewith, a free public employment office. The deputy commissioner shall receive all applications for help made to him by any person, company or firm, and all applications made to him for employment by any person or persons, and record their names in a book kept for that purpose, designating the kind and character of help wanted or the kind and character of employment desired, and the post-office address of the applicant. It shall be the duty of such deputy to send by mail to all applicants for help the name and post-office address of such applicants for employment as in his judgment will meet their respective requirements and such other information as he may possess that will bring to their notice the names and post-office addresses of such unemployed laborers, mechanics, artisans or teachers as they may require. No compensation or fee whatsoever shall directly or indirectly be charged or received from any person or persons applying for help, or any person or persons applying for employment through the bureau of labor. Said deputy or any clerk connected with the bureau, who shall accept any compensation or fee from any applicant for help or any applicant for employment, for services as provided in this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for each offense, or imprisoned not to exceed thirty days. Any application for help or any application for employment made to such office shall be void after thirty days from its receipt by the deputy, unless renewed by the applicant. Every applicant for help shall notify the deputy commissioner by mail immediately after the required help designated in his or her application has been secured, and every applicant for employment shall notify said deputy immediately after securing the same. Such notice shall contain the name and last preceding post-office address of each employer or employee secured through such employment office, and any failure or refusal to thus notify the deputy commissioner shall bar such applicant from all future rights and privileges of the employment office at the discretion of said deputy. Applicants for help shall be construed to mean employers wanting employees, and applicants for employment shall be construed to mean persons wanting work to do.

Reports.

SEC. 3559. The commissioner shall report biennially to the governor, accompanying his report with such suggestions and recommendations as may be deemed wise and proper. The report shall be printed and distributed according to the provisions of the law governing the printing of other State reports.

Support of office.

SEC. 3560. The commissioner shall be allowed a sum not to exceed five hundred dollars per annum for traveling and contingent expenses, and a further sum of one hundred dollars per annum for the purchase of books and periodicals on labor and industrial matters for the bureau library.

The original statute was held constitutional. 90 N. W. 629.

Employment of labor—Female employees.

Ten hours a day's labor.

SECTION 3561. Ten hours shall constitute one day's labor, so far as it concerns laborers and mechanics, throughout the State.

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Seats for females.

SEC. 3562. It shall be the duty of every agent, proprietor, superintendent or employer of female help in stores, factories, offices, or schools within the State of Nebraska to provide a chair, stool, or seat for each and every such employee, upon which their female workers shall be allowed to rest when their duties will permit, or when said position does not interfere with the faithful discharge of their incumbent duties.

Violation.

SEC. 3563. Any neglect or refusal to provide a chair, stool or seat for every female worker in the employ of any agent, proprietor, superintendent or employer in the State of Nebraska shall be deemed a misdemeanor, and upon conviction thereof such agent, proprietor, superintendent or employer shall be fined in a sum not less than ten dollars nor more than two hundred dollars, and stand committed until such fine be paid, and shall likewise be liable to an action for damages to such female worker whose health has been injured by this neglect of her employer to provide a chair, stool or seat, as required by the next preceding section.

Hours of labor of females.

SEC. 3564. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, office, or by any public service corporation in this State more than nine hours during any one day or more than fifty-four hours in one week. The hours of each day may be so arranged as to permit the employment of such female at any time from six o'clock a. m., to ten o'clock p. m., but in no case shall such employment exceed nine hours in any one day: *Provided, however,* Such female shall not be employed between the hours of 10 p. m. and 6 a. m.: *Provided, further,* Public service corporations may employ females between the hours of 10 p. m. and 6 a. m. but in no event shall such employment be for more than eight consecutive hours.

A former statute of this nature was held constitutional. 91 N. W. 421.

Schedule to be posted.

SEC. 3565. Every such employer shall post in a conspicuous place in every room where such females are employed, a printed notice stating the number of hours work required of them each day of the week, the hours of commencing and stopping such work, and the hours when the time or times allowed for dinner or for other meals begins and ends. Printed forms of said notice shall be furnished by the deputy labor commissioner, and the form of such notice approved by the attorney general of this State.

Seats.

SEC. 3566. Every such employer in such establishment, shall provide suitable seats for the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty.

SEC. 3567. Any employer, overseer, superintendent or other agent of any such employer who shall violate any of the provisions of the three next preceding sections, shall be fined for each offense in a sum not less than twenty dollars nor more than fifty dollars; and it is hereby made the duty of the deputy labor commissioner to enforce the provisions of the three next preceding sections.

Termination of contract of employment—Statement of cause.

Statement on request.

SECTION 3572. Whenever any employee of any public service corporation, or of a contractor, who works for such corporation or contractor doing business in the State of Nebraska, shall be discharged, or voluntarily quits the service of employer, it shall be the duty of the superintendent, or manager, or contractor, upon the request of such employee, to issue to such employee a service letter, setting forth the nature of the service rendered by such employee to such corporation, or contractor, and the duration thereof, and truly stating the cause for which such employee was discharged or quits the service.

Form.

SEC. 3573. Such letter shall be written in its entirety upon a plain sheet of white paper to be selected by such employee. No printed blank shall be used, and if such letter be written by a typewriter, it shall be signed with a pen and black ink, and immediately beneath such signature shall be affixed the official

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stamp or seal of such superintendent, manager or other official of such corporation or contractor, in an upright position. There shall be no figures, words or letters used upon such piece of paper except such as are plainly essential, either in the date line or address, or the body of the letter, or the signature and seal or stamp thereof, and no such letter shall have any picture, imprint, or character, design or device, impression or mark, either in the body thereof or the face or back thereof; and any person of whom such letter is required who fails to comply with the foregoing requirements shall be deemed guilty of a misdemeanor.

Violations.

SEC. 3574. If any superintendent or manager or contractor should fail or refuse to issue such letter to such employee who so requested, or should willfully fail, or negligently refuse such letter, failing to state the facts correctly, such superintendent, manager or contractor shall upon conviction thereof be punished by a fine not less than one hundred dollars, nor more than five hundred dollars, for each offense, or by imprisonment in the county jail for a period of not less than one month, and not to exceed one year.

Employment of children—General provisions.

Age limit.

SECTION 3575. No child under fourteen years of age shall be employed, permitted or suffered to work in, or in connection with any theater, concert hall, or place of amusement, or any place where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor, within this State. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever during the hours when the public schools of the town, township, village or city in which the child resides are in session.

Certificate.

SEC. 3576. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any theater, concert hall, or place of amusement, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory, or workshop, or as a messenger or driver therefor, within this State, unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, the State commissioner of labor, and his deputies, and the members of the State board of inspection, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. Upon the termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith transmitted by the employer to the city or county superintendent of schools of the county in which the child resides, and shall be turned over to the child named therein upon demand. Any truant officer, the State commissioner of labor or his deputies, or any member of the State board of inspection may make demand on any employer in whose place of business a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this section, that such employer shall either furnish him within ten days, evidence satisfactory to him 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 of business. The same evidence of the age of such child may be required from such employer as is required on the issuance of an employment certificate as hereinafter provided, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the truant officer, the State commissioner of labor or deputy State commissioner of labor, or member of the State

Enforcement.

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board of inspection within ten days after demand for the same, such evidence of the age of any child as may be required of him under the provisions of this article, and shall thereafter continue to employ such child or permit or suffer such child to work in such place of business, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this section, that such child is under sixteen years of age and is unlawfully employed.

Approval of certificates.

SEC. 3577. An employment certificate shall be approved only by the superintendent of schools of the school corporation in which the child 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 district officers: *Provided*, No school district officer or other person authorized as aforesaid shall have authority to approve such certificate 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, or in whose business he is interested. The officer or person approving such certificate shall have authority to administer the oath provided for therein, or in any investigation or examination necessary for the approval thereof. No fee shall be charged for approving any such certificate nor for administering any oath or rendering any services therein in respect thereto. The board of directors of each school corporation shall establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved, and shall provide the necessary clerical services for carrying out the provisions of this article.

Issue of certificates.

SEC. 3578. 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: The school record of such child, properly filled out and signed as provided in this article, showing that the child has completed the work of the eighth grade of the public schools, or its equivalent, or is regularly attending night school in compliance with this article. A passport or duly attested transcript of the certificate of birth or baptism, or other religious or official record showing the date and place of birth of such child. 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 conclusive evidence of the age of such child. The affidavit of the parent, or guardian, or custodian of a child, which shall be required, however, only in case none of the documents mentioned above can be produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate. Such employment certificate shall not be issued until such child has personally appeared before, and been examined by, the officer issuing the certificate and until such officer shall, after making such examination sign and file 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 years of age, or upwards, and 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. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health, or by a physician provided by the State board of inspection. Whenever the person authorized to issue the employment certificate is in doubt about the age of a child, he may require the party or parties making application for the certificate to appear before the judge of the juvenile court, or the county judge, where the question of the age of the child shall be determined and the judgment of the court shall be final and binding upon the person issuing the certificate. Notice of the hearing before the court shall be given to some one of the persons mentioned in section 26 [sec. 3576] authorized to demand inspection of employment certificates. Every employment certificate shall be signed in

Physical fitness.

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the presence of the officer issuing the same by the child in whose name it is issued.

Contents of certificates.

SEC. 3579. Such certificate shall state the date and place of birth of such 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 been examined.

School record.

SEC. 3580. The school record required by section 28 [sec. 3578] shall be signed by the teacher and principal 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 parochial schools for not less than three-fourths of the school year previous to his arriving at the age of fourteen years, or during the year previous to applying for such school record, and is able to read and write simple sentences in the English language. It shall also state the amount of work completed by such child, measured by the grade of the public day schools in the city or county. Such school record shall also give the age and residence of the child as shown on the records of the school, and the name of its parent or guardian or custodian.

Lists to be forwarded.

SEC. 3581. The superintendent of schools, or the school directors of any village, town, or county, shall transmit between the first and tenth day of each month to the office of the State commissioner of labor a list of the names of the children to whom certificates have been issued.

Evening schools.

SEC. 3582. Regular attendance of a child at any public evening school, maintained in any city or village where instruction is given not less than twenty weeks each year, and three evenings each week, and two hours each evening, shall authorize the issuance of a certificate of employment where the schooling certificate fails to show that the child has completed the work of the eighth grade, required by section 30 [sec. 3580]: *Provided*, The schooling certificate and all other certificates are otherwise in due form, and the applicant further produces a certificate from the superintendent or principal, of such public evening school, showing the regular attendance of such child at such evening school: *Providing* [sic] *further*, Every child employed under such certificate shall furnish to his employer a weekly certificate showing regular attendance each week while the evening school is in session. Whoever employs a child in violation of the provisions of this section shall be fined not more than fifty dollars for each offense. A parent, guardian or custodian who permits a child under his control to be employed in violation of the provisions of this section shall be fined not more than twenty dollars.

Forms.

SEC. 3583. The age and schooling certificate provided for herein shall be made out upon blank forms furnished by the State commissioner of labor and shall be in the following form:

SCHOOL ATTENDANCE CERTIFICATE.

(Name of school) (city or town) NEBRASKA, (date) 190–

This certifies that (name of child) has completed the work of the —th grade [and] can read and write legibly simple sentences in the English language.

This also certifies that according to the records of this school and in my belief, the said (name of child) was born at (city or town) in ——— County, State of ——— on the (date) and is now ——— years and ——— months old, and has attended said school within the past twelve months the following period ———.

(Name of parent or guardian)

(Residence)

(Signature) ——— ——— teacher

(Signature) ——— ——— principal

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AGE AND SCHOOLING CERTIFICATE.

(City or town) NEBRASKA, (date) 190–

This certifies that I am the (father, mother, guardian, or custodian) of (name of child) and that —— was born at ——— in ——— county and State of ——— on the ——— and is now —— years and —— months old.

(Signature of father, mother, guardian, or custodian.)

(Name of city or town) NEBRASKA, (date) 190–

There personally appeared before me the above named (name of person signing.) and being sworn testified that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge or belief.

I hereby approve the foregoing certificate of ————, height — feet — inches, weight —— pounds —— ounces, complexion (fair or dark) hair (color) eyes (color) having no sufficient reason to doubt that (he or she) is of the age herein certified.

I hereby certify that (he or she can or can not) read at sight and ———— write legibly simple sentences in the English language; that said child has appeared before me and been personally examined by me; that all certificates and papers required by law have, in due form, been presented to, and approved by, me and the same have been placed on file.

(In case the child is attending school insert here the following:)

I further certify that (he or she) is regularly attending the (name of school).

This certificate shall continue in force only so long as the regular attendance of said child at said school is certified weekly by a teacher thereof.

This certificate belongs to (name of child) and is to be surrendered to the superintendent of schools whenever (he or she) leaves the service of the person, firm or corporation holding the same as employer.

(Signature and official title of person authorized to approve and sign.)

EVENING SCHOOL ATTENDANCE CERTIFICATE.

This certifies that (name of child) is registered in and regularly attends the ——— evening school. This also certifies that according to records of my school and in my belief (name of child) was born at (name of city or town) on the —— day of ——— 19—— and is now —— old.

(Name of parent or guardian.)
(Signature of teacher.)
(Signature of principal.)

Duplicate copies of such certificates shall be retained in all cases by the person or officer issuing the same and kept on file by the superintendent of schools or school district directors of the county in which the same are issued.

Hours of labor.

SEC. 3584. No person under the age of sixteen years shall be employed or suffered or permitted to work in any theater, concert hall, or place of amusement, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, packing house, bowling alley, passenger or freight elevator, factory, workshop, beet field or as a messenger or driver therefor, more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of 6 o'clock in the morning,

Night work.

nor after the hour of 8 o'clock in the evening. Every employer shall post in a conspicuous place in every room where such children 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

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dinner or for other meals begin and end. The printed form of such notice shall be furnished by the State commissioner of labor.

Violations.

SEC. 3585. Whoever employs a child under sixteen years of age and whoever, having under his control a child under such age, permits such child to be employed in violation of this article shall for each offense be fined not more than fifty dollars; and whoever continues to employ any child in violation of either or any section of this article after being notified by a truant officer, or a deputy commissioner of labor, or member of the State board of inspection, shall for every day thereafter that such employment continues be fined not less than five dollars nor more than twenty dollars. The failure of an employer of child labor to produce, upon the request of a person authorized to demand the same, any employment certificate or list required by this article, shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not listed. Any corporation or employer retaining employment certificates in violation of this article shall be fined ten dollars. Every person authorized or required to sign any certificate or statement prescribed by this article, or who knowingly certifies or makes oath to any materially false statement therein or who violates any of the provisions of this article, shall be fined not to exceed fifty dollars. Every person, firm or corporation, agent or manager, superintendent or foreman of any person, firm or corporation who shall refuse admittance to any officer or person authorized to visit or inspect any premises or place of business under the provisions of this article and to produce all certificates and lists he may have, when demanded, after such person shall have announced his name and the office he holds and the purpose of his visit, or shall otherwise obstruct such officers in the performance of their duties as prescribed by this article, shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding fifty dollars, or be imprisoned not to exceed thirty days. The presence of a child under sixteen years of age, apparently at work, in any of the places of business enumerated in this article shall be prima facie evidence of his employment therein. It shall be the duty of the deputy commissioner of labor and the several truant officers to enforce the provisions of this article, and every county attorney, when informed by any officer or person authorized to inspect places where child labor is employed, that any of the provisions of this article have been violated, shall file or cause to be filed information against the person or persons guilty of such offense and cause the arrest and prosecution of the same: *Provided*, Nothing in this article shall prevent any other person from causing the enforcement of the provisions of this article. Truant officers shall visit the places of business enumerated in [3575] this article to ascertain whether any children are employed therein contrary to the provisions of this article, and they shall report any cases of such illegal employment to the commissioner of labor and to the county attorney.

Enforcement.

Board of inspectors.

SEC. 3586. It is the duty of the governor to appoint five persons, two, at least, of whom shall be women who shall constitute the board of inspectors and who shall serve without compensation. The term for which such inspectors shall serve is hereby made one, two, three, four, and five years, respectively. The appointment shall designate the term for which each inspector is appointed. The governor shall each year appoint one person to serve for a period of five years and shall also fill any vacancy on the board. The chairman shall be the executive head of the board and shall reside in the county employing the largest number of children under the age of sixteen years. Any member of the board of inspectors shall have power to demand the examination, by some regularly licensed physician to be selected by the board, of any child under sixteen years of age who may seem physically unable to perform the labor at which such child may be employed, and no child under sixteen shall be employed who can not obtain a certificate of fitness from such physician.

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Dangerous, etc., employments.

SEC. 3587. No child under the age of sixteen years shall be employed in any work which by reason of the nature of the work, or place of performance, is dangerous to life or limb, or in which its health may be injured or its morals may be depraved. Any parent, guardian, or other person, who, having under his control any child, causes or permits such child to work or be employed in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars, or be imprisoned not exceeding ten days.

Inspection and regulation of factories, etc.

Water-closets, etc.

SECTION 3588. Every factory, mill, workshop, mercantile or mechanical establishment or other building where one or more persons are employed, shall be provided within reasonable access, with a sufficient number of water-closets, earth closets or privies for the reasonable use of the persons employed therein, and whenever male and female persons are employed as aforesaid together, water-closets, earth closets or privies, separate and apart, shall be provided for the use of either sex, and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closets shall be properly enclosed and ventilated and at all times kept in a clean and good sanitary condition. When the number employed is more than twenty of either sex, there shall be provided an additional closet for each sex up to the number of forty, and above that number in the same ratio. The labor commissioner, his deputy or any factory inspector, may require such changes in the placing of such closets as he may deem necessary and may require other changes which may serve the best interests of morals and sanitation.

Dressing rooms.

SEC. 3589. In factories, mills or workshops, mercantile or mechanical establishments or other places where the labor performed by the operator is of such a character that it becomes necessary to change the clothing, wholly or in part, before leaving the building at the close of the day's work, separate dressing rooms shall be provided for females whenever so required by the labor commissioner, his deputy or any factory inspector. It shall be the duty of every occupant, whether owner or lessee of any such premises used as specified by this article, to make all the changes and additions thereto. In case such changes are made upon the order of the commissioner of labor, or any factory inspector to the lessee of the premises, the lessee may at any time within thirty days after the completion thereof, bring an action against any person or corporation or partnership having interest in such premises, and may recover such proportion of expenses of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

Ventilation.

SEC. 3590. If in any of the aforesaid places, any process is carried on, by which dust or fumes is caused, which may be inhaled by the persons employed therein, or if the air should become exhausted or impure, there shall be provided a fan or other such mechanical device as will substantially carry away all such dust or fumes or other impurities, subject to the approval of the commissioner of labor, his deputies or factory inspectors.

Sanitation.

SEC. 3591. All of the aforesaid places shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be ventilated and kept in a sanitary condition. The labor commissioner, his deputy or any factory inspector may require such changes or additions to be made in any of the aforesaid places as will promote the best measures of sanitation.

Blowers.

SEC. 3592. All persons, companies or corporations operating any factory or workshop where grinding wheels, or grinding machines, emery wheels or emery belts of any description are used, either solid emery, leather covered, felt, canvas, linen, paper, cotton or wheels or belts rolled or coated with emery or carborundum or cotton wheels used as buffs, shall, when deemed necessary, by the labor commissioner, his deputy or any factory inspector, provide

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such wheels or belts with blowers or similar apparatus, which shall be placed over, beside or under such wheels or belts in such manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belt while in operation, directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, Grinding machines upon which water is used at the point of grinding contact and other wheels used for tool grinding shall be exempt from the provisions of this article.

Cracked wheels.

SEC. 3593. No emery wheels or grindstones in any factory, mill or workshop, shall be used when the same is [are] known to the person using the same to be cracked or otherwise defective, nor operated at a greater speed than indicated or guaranteed by the manufacturer of such emery wheel or grindstone.

Apparatus to be provided.

SEC. 3594. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this article, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast iron hood or hopper, of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe attached to same hood or hopper.

Suction pipes.

SEC. 3595. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter, with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diamter, with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size as the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with the suction pipe or pipes shall be as large or larger than the suction pipe.

Existing appliances.

SEC. 3596. The provisions of the fourth next preceding section shall not apply to existing mills, factories or workshops which, at the time of the passage of this article, have an appliance or appliances designed and used for the purpose of removing such dust from the polishing-floor room, and which appliance or appliances substantially effect such design.

Guards for machinery.

SEC. 3597. It shall be the duty of any person, company or corporation operating any factory, mill, workshop, mercantile or mechanical establishment or other institution where machinery is used, to provide or construct such guards and protection as will protect all employees against injury from belting, shafting, gearing, elevators, drums, saws, cogs, electric currents, or any vessel filled with molten metal or hot liquid which shall be properly protected by placing guards, boxing or screens to prevent all such; and they shall also furnish and supply therein belt shifters or other safe mechanical contrivances, for the purpose of throwing on or off belts or pulleys, which can be operated from the floor. Such guards and protections shall be constructed in the following manner: All exposed cogs or gears shall be inclosed in metal casings or woven wire screens, every protruding set screw in collars and couplings of shaftings or other revolving machinery shall be countersunk or covered with metal boxing, all keys or shaftings, wheels, etc., shall not be allowed to project from ends of shaftings and all dead ends of shaftings shall be inclosed in metal casings or boxings; all pulleys, belts and shaftings must be protected by boxing or inclosing the dangerous parts with metal or other suitable material. Belts shall not be allowed to rest on shafting when machinery is in motion. Rest hooks must be provided which will hold the belting free from shafting; on all

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machines known as roll-feed in which the operator feeds, by hand, the material, there shall be placed, at the point where material is fed into the rolls, roll guards. A device for instantly stopping the machine by the hand or foot shall also be provided which shall be within reach of the operator when operating the machine.

There shall be placed around each laundry extractor or other exposed high-speed revolving machinery, when in motion, a metal or other suitable screen. Wood planers, wood shapers, swing saws, equalizing saws, circular heading jointers, wood polishers, buzz planers, lathe bolters and all similar machinery shall be equipped with safety devices necessary for the protection of the operators, said protection to be constructed of such materials as will afford the proper protection and shall be subject to the approval of the commissioner of labor, his deputy or any factory inspector. Signs or indicating lamps shall be used at all switches, in electric light and power plants or other places where high pressure currents are used, to show whether the current is on or off the circuit. When current is turned off a circuit, for repair, the switch must first be tagged as a means of showing for whom it is turned off and said tag shall bear the name of the person for whom switch is so tagged. Said tag shall not be removed or current turned on until the person for whom it was tagged shall notify the operator that his work has ceased.

Elevators. Every elevator, whether freight or passenger, shall be equipped with a speed-governor safety device; every elevator shall be equipped with gates or doors to be not less than five feet in height; all freight elevators shall be equipped with a signal or gong to warn people of its approach.

Boilers. Where a number of boilers deliver to a common steam main, there shall always be a shut-off or throttle valve for each boiler to take it out of service for repairs, and inspection which necessitates the entry therein of the workmen. A metal shield shall be constructed covering the handwheel of the valve, hinging in the center and containing hasp and lock and said shield to be painted red and marked with the words "Man in Boiler." The workman shall be allowed to retain key in his possession while in said boiler. Every factory or other institution, more than two stories in height, shall be equipped with outside fireproof iron stairways, chutes or toboggans; also one automatic fire escape for every fifteen persons working or congregating therein at any one time, who, for any reason, are unable to reach or use the outside fireproof stairways, chutes or toboggans.

Accidents to be reported. SEC. 3598. It shall be the duty of the owners or superintendents of all factories, workshops, mills or mechanical establishments or other institutions where one or more persons are employed to report in writing to the labor commissioner or his deputy, all fatal accidents within forty-eight hours after their occurrence; and all accidents within two weeks after their occurrence shall be reported in writing by the person in charge of such establishment or place of employment to the said labor commissioner or his deputy, stating as fully as possible the cause of such accidents, together with the nature and extent of all such injuries and the probable loss of time which will result therefrom.

Damages. SEC. 3599. For an injury to a person occasioned by any violation of this article, by the failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such violation or failure, as aforesaid, a right of action shall accrue to the heirs of the person so killed. The fact that any employee, servant or other person shall continue to work during the time such owner has failed to comply with the provisions of this article shall not be considered as an assumption of the risk of such employment by such employee, servant or other person and shall not in any case bar recovery of damages for the failure of such owner, to comply with the provisions of this article. In all actions brought to recover damages for injuries caused by failure to comply with the terms and provisions of this article the owner,

Risks not assumed, when.

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shall in all cases be liable in damages for all injuries caused through a failure to comply with this article. The owner shall in all cases be held liable for the failure or neglect of any superintendent, foreman, or other agent, employed by them, or either of them, to comply with the provisions of this article. Liability for noncompliance.

SEC. 3600. For the purpose of carrying out the provisions of this article, the commissioner of labor, the deputy commissioner of labor and all factory inspectors are hereby authorized and required to inspect all factories, mills, workshops, mercantile or mechanical establishments or other places of employment where one or more persons are employed as the means of determining where the provisions of this article are being violated. The deputy commissioner of labor may appoint such persons as are necessary to serve as factory inspectors for the purpose of making inspections under the provisions of this article; such persons so appointed shall be under the direction and control of the deputy commissioner of labor and shall receive such compensation as shall be fixed by the deputy commissioner of labor, not to exceed four dollars per day and traveling expenses. Compensation for services and traveling expenses provided for in this article shall be paid by the State treasurer out of the general appropriation or traveling-expense fund for the bureau of labor and industrial statistics, upon the warrant of the State auditor in like manner as other warrants are drawn upon the funds of the bureau of labor and industrial statistics. It shall also be the duty of the deputy labor commissioner, or his deputies, and every factory inspector of this State upon ascertaining the facts that the proprietors or managers of any factory, workshop, mill, mercantile or mechanical institution or other concern where one or more persons are employed have failed to comply with the provisions of this article, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, direct to the owner, manager or agent, in such factory or workshop, who shall be thereupon proceeded against for the violation of this article as hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all violations of this article. Inspection. Compensation. Complaints. Warrants. Prosecution.

SEC. 3601. Any owner, lessee, or any person or corporation having charge of any of the aforesaid buildings or places, or any such person or persons or company, or managers, superintendents or directors of any such company or corporation, who shall have the charge or management of such factory or workshop, or places aforesaid, who shall fail to comply with the provisions of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not exceeding one hundred dollars. Violations.

Protection of employees on buildings.

SECTION 3602. All scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances, erected or constructed by any person, firm or corporation in this State, for the use in the erection, repairing, alteration, removal or painting of any house, building, bridge, viaduct or other structure, shall be erected and constructed, in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon. Scaffolding or staging, swung or suspended from an overhead support more than twenty feet from the ground floor, shall have where practicable a safety rail properly bolted, secured and braced, rising at least thirty-four inches above the floor, or main portion of such scaffolding or staging, and extending along the entire length of the outside and Scaffolds, etc.

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ends thereof and properly attached thereto, and such scaffolding and staging shall be so fastened as to prevent the same from swaying from the building or structure.

Supports for joists.

SEC. 3603. If in any house, building or structure in process of erection or construction in this State (except a private barn or a private house used exclusively as a private residence), the distance between the inclosed walls is more than twenty-four feet in the clear, there shall be built, kept and maintained, proper intermediate supports for the joists, which supports shall be either brick walls or iron or steel columns, beams, trusses or girders, and the floors in all such houses, buildings or structures, in process of erection and construction, shall be designed and constructed

Strength of floors.

in such manner as to be capable of bearing in all their parts, in addition to the weight of the floor construction, partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of fifty pounds for every square foot of surface in such floors, and it is hereby the duty of the owner, lessee, builder or contractor or subcontractor of such house, building or structure, or the superintendent or agent of either, to see that all the provisions of this article are complied with.

Notices to be posted.

SEC. 3604. It shall be the duty of the owner of every house, building or structure (except a private barn or a private house used exclusively as a private residence) now under construction, or hereafter to be constructed, to affix and display conspicuously on each floor of such building during construction a placard, stating the load per square foot of floor surface, which may, with safety, be applied to that particular floor during construction; or if the strength of different parts of any floor varies, then there shall be placards for each varying part of such floor. It shall be

Overloading.

unlawful to load any such floors or any part thereof, to a greater extent than the load indicated on the placard and all such placards shall be verified and approved by the deputy State labor commissioner or the local commissioner or inspector of buildings, or other proper authority in the city, town or village charged with the enforcement of building laws.

Inspections.

SEC. 3605. Whenever it shall come to the notice of the State labor commissioner or his deputy, or the local authority in any city, town or village in this State, charged with the duty of enforcing the building laws, that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary scaffolding, platform or other similar device, used in the construction, alteration, removing, repairing, cleaning or painting of buildings, bridges or viaducts within this State are unsafe, or liable to prove dangerous to the life or limb of any person, the State labor commissioner or his deputy, or such local authority or authorities, shall immediately cause an inspection to be made of such scaffolding, platform or device, or the slings, hammocks, blocks, pulleys, stays, braces, ladders, iron or other parts

Unsafe conditions.

connected therewith. If after examination, such scaffolding, platform or device of any of such parts is found to be dangerous to the life or limb of any person, the State labor commissioner or his deputy, or such local authority, shall at once notify the person responsible for its erection or maintenance, of such fact, and warn him against the use, maintenance or operation thereof and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance or by conspicuously affixing it to the scaffold, platform or other such device, or the part thereof declared to be unsafe. After such notice has been so served or affixed, the person responsible therefor shall cease using and immediately remove such scaffolding, platform or other device or part thereof, and alter or strengthen it in such manner as to render it safe.

Access to buildings.

The State labor commissioner or his deputy, or such local authority, whose duty it is, under the terms of this article, to examine or test any scaffolding, platform or other device, or part thereof required to be erected and maintained by this section,

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shall have free access at all reasonable hours to any building or structure or premises containing such scaffolding, platform or other similar device, or parts thereof, or where they may be in use. All swinging and stationary scaffolding, platforms and other devices shall be so constructed as to bear four times the maximum weight required to be dependent thereon, or placed thereon when in use, and such swing scaffolding, platform or other device shall not be so overloaded or crowded as to render the same unsafe or dangerous.

Strength of scaffolds, etc.

SEC. 3606. Any person, firm or corporation in this State hiring, employing or directing another to perform labor of any kind in the erecting, altering, repairing, or painting of any water pipe, stand pipe, tank, smoke stack, chimney, tower, steeple, pole, staff, dome or cupola, when the use of any scaffolding, staging, swing, hammock, support, temporary platform or other similar contrivance is required or used in the performance of such labor, shall keep and maintain at all times, while such labor is being performed, and such mechancal device is in use or operation, a safe and proper scaffold, stay, support, or other suitable device, not more than sixteen feet below such working scaffold, staging, swing, hammock, support or temporary platform, when such work is being performed at a height of thirty-two feet or more, for the purpose of preventing the person or persons performing such labor from falling, in case of any accident to such working scaffold, staging, swing, hammock, support or temporary platform.

Secondary scaffolds.

SEC. 3607. All contractors and owners, when constructing buildings where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are fireproof material or brick work, shall complete the flooring or filling in as the building progresses, to within at least two tiers or beams below that on which the iron work is being erected. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fireproof material, all contractors for carpenter work in the course of construction shall lay the under flooring thereof, or a safe temporary floor on each story as the building progresses to within at least two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel the contractors for the iron or steel work of buildings in the course of construction, or the owners of such buildings, shall thoroughly plank over the entire tier or [of] iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials, to be used in the construction of buildings, or such spaces as may be designated by the plans and specifications, for stairways and elevator shafts.

Flooring to be laid.

SEC. 3608. If elevating machines or hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by a substantial barrier or railing at least eight feet in height. Any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly secured and supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is five stories or more in height, no material needed for such construction shall be hoisted or lifted over public streets or alleys unless such street or alley shall be barricaded from use by the public. The chief officer in any city or town or village charged with the enforcement of local building laws and ordinances, and the State labor commissioner and his deputy, are hereby charged with enforcing the provisions of this article: *Provided,* In any town, city or village

Hoistways.

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where no local building inspector or commissioner is provided for by the law the mayor or other chief officer of such city, town or village and the chief of police or town marshal of such city, town or village are hereby charged with the enforcement of the provisions of this article.

Signals. SEC. 3609. If elevating machines or hoisting apparatus, operated or controlled by other than hand power, are used in the construction, alteration or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor or subcontractor, during the use and operation of such elevating machines or hoisting apparatus, in order that prompt and effective communication may be had at all times between the operator of engine or motive power of such elevating machine and hoisting apparatus, and the employees and persons engaged thereon, or in using or operating the same.

Duties of architects, etc. SEC. 3610. It shall be the duty of all architects or draftsmen engaged in preparing plans, specifications or drawings to be used in the erection, repairing, altering, or removing of any building or structure within the terms and provisions of this article, to provide in such plans, specifications and drawings for all the permanent structural features or requirements specified in this article; and any failure on the part of any such architect or draftsmen to perform such duty shall subject such architect or draftsman to a fine of not less than twenty-five nor more than two hundred dollars for each offense.

Duties of owners, etc. SEC. 3611. Any owner, contractor, subcontractor, foreman or other person, having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct or other structure within the provisions of this article, shall comply with all the terms thereof, and any such owner, contractor, subcontractor, foreman or other person, violating any of the provisions of this article, shall upon conviction thereof be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not less than three months nor more than two years, or both.

Prosecutions. In case of any such failure to comply with any of the provisions of this article, the State labor commissioner or his deputy, or the chief officer of any city, town or village charged with the enforcement of local building laws and ordinances, may, through the county attorney of the proper county, or any other attorney in case of the failure of the county attorney to act promptly, take the necessary legal steps to enforce compliance therewith. If it becomes necessary, through the refusal or failure of the county attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of the provisions of this article, reasonable fees for the services of such attorney shall be allowed by the county board of the county in which such proceedings are instituted.

Damages. SEC. 3612. For any injury to person or property, occasioned by any violation of this article, or failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such violation or failure, as aforesaid, a right of action shall accrue to the widow of the person so killed for the benefit of herself and the children or adopted children of the person so killed. In case the person so killed shall not leave a widow or children a right of action shall accrue in favor of any other person or persons who were, before such loss of life, dependent in any degree for support on the person or persons so killed. In case the person or persons so killed shall leave a widow surviving, the action shall be brought in her name for the benefit of herself and children, if any surviving, of such person or persons [but in the event that no widow shall survive such person or persons,] so killed, action shall be brought in the name of the administrator of his estate for and in behalf of the proper persons. The fact that any employee, servant or other person shall continue to work

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during the time such owner, contractor or subcontractor has failed to comply with the provisions of this article shall not be considered as an assumption of the risk of such employment by such employee, servant or other person and shall not in any case bar recovery of damages for the failure of such owner, contractor or subcontractor to comply with the provisions of this article. In all actions brought to recover damages for injuries caused by a failure to comply with the terms and provisions of this article the owner, contractor or subcontractor, if any, shall in all cases be jointly and severally liable in damages for all injuries caused through a failure to comply with this article. The owner, contractor and subcontractor, if any, shall in all cases be jointly and severally liable in damages for all injuries caused through a failure to comply with this article. The owner, contractor and subcontractor, if any, shall in all cases be held liable for the failure or neglect of any superintendent, foreman or other agent, employed by them, or either of them, to comply with the provisions of this article: *Provided, however,* The provisions of the foregoing [sic] article shall not apply to any buildings which do not exceed 33 feet in height above the foundation.

What risks not assumed.

Contractors, etc., liable.

Fire escapes on factories, etc.

SECTION 3612a. Every building * * * more than two stories high and containing above the ground floor, * * * workrooms * * * all or any of which rooms are designed for occupancy by fifteen or more persons, shall be provided with one or more fireproof stairways, chutes or toboggans constructed on the outside thereof, placed in such position and as many in number as may be designated by the commissioner of labor, or his deputy commissioner of labor. Such fireproof stairways, chutes or toboggans shall connect the cornice with the top of the first story of such building by a wrought-iron or steel platform, properly surrounded with a wrought-iron or steel railing; said platform to be constructed on a level with the floor of each story so connected, and of sufficient length to permit access to the same from not less than two windows of each story—said platform shall be so constructed as to be of convenient access from the interior of the building, commodious in size and form and of sufficient strength to be safe for the purpose of ascent and descent: *Provided, however,* All buildings more than two stories in height used for manufacturing purposes, mercantile establishments, * * * where twenty-five or more persons congregate at any one time, there shall be placed one automatic metallic fire escape or device for every twenty-five persons, for which working accommodations are provided above the second floor of said building—material, design and location of such escapes to be subject to the approval of the deputy commissioner of labor: * * *

What buildings to have fire escapes.

Construction.

SEC. 3613. The commissioner of labor is hereby authorized and required, when it shall come to his notice that there is any building in this State where the provisions of this article are being violated, to inspect such building. Such inspection may be by the commissioner of labor, deputy commissioner of labor or such other person as may be appointed by the deputy commissioner of labor for the purpose of making the inspection.

Inspection.

Such persons shall be under the control and direction of the deputy commissioner of labor and are especially charged with the duties imposed, and shall receive such compensation as shall be fixed by the deputy commissioner of labor, not to exceed three dollars a day, together with all necessary expenses. All compensation for services and expenses provided for in this article shall be paid by the State treasurer out of the general appropriation for the bureau of labor census and industrial statistics, upon the warrant of the State auditor: *Provided,* The deputy commissioner of labor in charge shall present to the governor, on or before the fifteenth day of December of each year, a report of such inspection with such recommendation as may be necessary.

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Violations. SEC. 3614. Any owner, lessee, or occupant who shall fail to place or cause to be placed upon such building, such fire escape or escapes as required by this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than one hundred dollars, and shall stand committed to the county jail until such fine is paid.

Prosecutions. SEC. 3615. The county attorney of each county in this State is hereby required upon the complaint on oath of the deputy commissioner of labor or other person, to prosecute to termination, in the name of the people of the State of Nebraska, a proper action or proceeding against any person or persons violating the provisions of this article.

Employment of women and children—Minimum wages.

Commission created. SECTION 3616. There is hereby established a commission to be known as the Nebraska Minimum Wage Commission. The governor is hereby made a member of said commission. Within thirty days from the passage and approval of this article he shall appoint the following additional members: Deputy commissioner of labor; a member of the political science department of the University of Nebraska; one other member who shall be a citizen of the State. At least one member of said commission shall be a woman. Each of the above appointments shall be for a period of two years and may be renewed thereafter. Any vacancy occurring in the commission shall be filled by the governor. Within ten days after such appointment the commission shall meet and organize by the election of a chairman and secretary.

Expenses. SEC. 3617. Each commissioner shall be paid all traveling and other expenses incurred in the performance of his or her official duties. The commission may incur other necessary expenses not exceeding the biennial appropriation therefor and shall be provided with an office in the statehouse or at the State university.

Inquiry as to wages. SEC. 3618. 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 board. SEC. 3619. 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 three representatives of employers in the occupation in question and of an equal number of persons to represent the female employee in said occupation, and in addition thereto the three appointed members of the commission to represent the public. The chairman of the commission shall be chairman of the wage board and shall make rules and regulations governing the procedure of the board and exercise jurisdiction over all questions arising with reference to the validity of the procedure and the determinations of the board. The secretary of the commission shall be secretary of the wage board and keep such record of hearings and arguments as the wage board shall direct. The members of wage boards shall be compensated at the same rate as jurors in district court; they shall be allowed necessary traveling and other expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission.

Investigation. SEC. 3620. 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, suit-

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able 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. Report.

SEC. 3621. Upon receipt of a report from a wage board, the commission shall review the same, and report its review to the governor. If the commission approves any or all of the determinations of the wage board it shall, after not less than thirty 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 thirty days thereafter, publish the names of all such employers in at least one newspaper 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 district 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. Review by commission. Decree. Publication. Review by court.

SEC. 3622. 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 legislature. Report to legislature.

SEC. 3623. 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. Reconsideration.

SEC. 3624. For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage: *Provided*, It is not less than the special minimum wage fixed for that person. Special license.

SEC. 3625. 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. Determination of minimum wage for minors.

SEC. 3626. 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 subpœna witnesses, administer Employees' register. Witnesses.

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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 district court.

Statistics.

SEC. 3627. The commission may cause such statistics and other data to be gathered as it may deem desirable, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.

Discrimination against employees.

SEC. 3628. 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 article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense.

Employers disobeying decrees.

SEC. 3629. 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 71 of this chapter [sec. 3621], the name of any employer whom it finds to be violating any such decree.

Newspapers, refusing to publish findings.

SEC. 3630. Any newspaper publisher or publishers, refusing or neglecting to publish the findings, decrees or notice 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.

No recovery of damages, when.

SEC. 3631. 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 article, unless such publication contains some willful misrepresentation.

Reports.

SEC. 3632. The commission shall make a report to the governor on or before the 1st day of November, 1914, and biennially thereafter, covering the results secured and data gathered in its work. It may also make such additional report, in the form of bulletins from time to time as in its judgment shall best serve the public interest.

Arbitration of labor disputes—State board.

Appointment of board.

SECTION 3633. * * * The governor shall appoint three persons, one of whom shall be a member of a labor organization affiliated with the State federation of labor, one of whom shall be an employer of labor and one shall be chosen from the general State citizenship and who is not a member of either the laboring or employing citizenship, who together with the chief deputy commissioner of labor shall constitute what shall be known as the State board of mediation and investigation and the chief deputy commissioner of labor shall be the secretary of said board and shall keep all records thereof; the terms of office of each member of said board shall be two years from the time of appointment, or until their successors are appointed, but the governor at any time may remove any member thereof from said office and appoint a successor thereto, should such member become in any manner incompetent to perform the duties of said office. One member of said board shall be known as chairman thereof and shall be so designated by the governor in making said appointment.

Duties.

SEC. 3634. The duty of said State board of mediation and investigation shall be as follows: Whenever a strike or lockout occurs in the State of Nebraska, or when such strike or lockout is seriously threatened, and the governor deems it advisable, he shall notify the chairman and secretary of said board and one of the members shall proceed promptly to the locality of such strike or lockout and endeavor by mediation to effect an amicable adjustment of the controversy. If the governor deem it advisable he shall cause the secretary of said board to call all the members thereof to the locality of such strike or lockout to inquire into the

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cause thereof; and for that purpose said board shall have all the powers conferred upon it in the case of a controversy submitted to it for investigation. Three members of such board shall constitute a quorum for the transaction of business and may hold meetings at any time within the State when, for any purpose pertaining to the duties of said board, the governor deems it advisable. Examinations or investigations may be held and taken by and before any of their number, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

Submission of disputes.

SEC. 3635. A grievance or dispute between an employer and his employees may be, by mutual agreement, submitted to the State board of mediation and investigation for their determination and settlement. Such submission shall be in writing and contain a statement in detail of the grievance or dispute, and the cause thereof, and also an agreement to abide the determination of the board, and, during the investigation, to continue in business or at work without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpœna witnesses, compel their attendance, take and hear testimony and call for and examine books, papers and documents of any parties to the controversy. Subpœnas shall be issued by the secretary of the board and served by any person appointed for that purpose by the member issuing same, and who shall receive the same fees for his services as witnesses. Witnesses shall be allowed the same fee as in the district courts of the State. The decisions of the board must be rendered within five days after the completion of the investigation.

Decision.

SEC. 3636. Within five days after the completion of every investigation the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact of their recommendations to each party to the controversy. Every decision and report shall be filed in the office of the governor, and a copy thereof served upon each party to the controversy and shall be given to the press for publication as a means of acquainting the public with all details thereof.

Report.

SEC. 3637. The secretary of said State board shall make a report in writing of each and every investigation made by them, and the results and effects thereof, to the legislature, said report to be included in the biennial report of the bureau of labor under separate chapter titled report of State board of mediation and investigation.

Mediation.

SEC. 3638. A grievance or dispute between an employer and his employees may be submitted to voluntary mediation by submitting to a local board of mediators consisting of three persons for hearing and settlement. When the employees concerned are members in good standing of a labor organization, one mediator may be selected by such organization and one by the employer. The two so designated shall appoint a third who shall be chairman of the board. If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose may designate one mediator for such board.

Procedure, etc.

SEC. 3639. Before entering upon his duties each mediator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such mediator, which consent and oath shall be filed in the clerk's office of the county or counties wherein the controversy arose. The deputy commissioner of labor shall act as secretary to said board. Notice of the time and place and hearing shall be given to the parties to the controversy. The local board may, through its secretary, subpœna witnesses, compel their attendance, and take and hear testimony as is provided herein for the State board of mediation and investigation. Each member of such local board shall receive as compensation for his services four dollars for every day actually engaged in such hearing.

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Decision of mediators.

SEC. 3640. The local board shall within ten days after the close of hearing render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. One copy of the decision shall be filed in the office of the clerk of the county, or counties, wherein the controversy arose, one copy forwarded to the chairman of the State board of mediation and investigation, one copy to the governor, and one copy each to the parties of the controversy.

Compensation.

SEC. 3641. The members of the State board shall receive as compensation for their services five dollars each per day while engaged in the duties of the office as herein defined and railway fare and hotel bill necessarily expended in the performance of such duties, together with all necessary printing, stationery, etc., said compensation to be paid out of the State treasury upon warrants executed in due form; all costs of witnesses as herein provided shall be taxed, in mediation of matters voluntarily submitted to said State board, and the cost of local mediation, including witness fees of local mediation as herein provided, against the parties of said mediators, equally. All witness costs in making investigations by the State board in controversies not voluntarily submitted shall be paid out of the State treasury, out of the fund appropriated for the maintenance of said board.

Sale of intoxicants near construction camps.

Sale forbidden.

SECTION 3879. It shall be unlawful for the county board or other officer or officers authorized to grant a license to any person or persons to sell, barter, or exchange, or otherwise dispose of malt, spirituous or vinous liquors within five 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 or more men are employed.

Violation.

SEC. 3880. Any person who shall sell, barter or exchange, or offer for sale, barter or exchange, or otherwise dispose of malt, spirituous or vinous liquors, within five miles of any camp or assembly of twenty-five or more men engaged in the construction or repair of any railroad, canal, reservoir, public work, or other kindred enterprise, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding sixty days, or both, and any attempt to evade the provisions of this and the next preceding section by giving away any such liquor upon the pretense or for the reason that such person has purchased, or designs to, or is expected to purchase some other article, shall be deemed a sale within the provisions of said sections: *Provided*, The provisions of this section shall not apply to sales made under a license issued by any incorporated town or city nor to sales at saloons or other places at which such liquors are sold or disposed of, outside the corporate limits of cities or towns, which place of sale may have been established and licensed six months prior to the beginning of such work within said five-mile limit.

Railroads—Regulations.

Full crew required—

SECTION 5991. It shall be unlawful for any railroad company doing business in the State of Nebraska to operate or run over its road or any part thereof, or suffer or permit to be run over its

On passenger, etc., trains;

road or any part thereof, outside of the yard limits, any passenger, mail or express train carrying passengers, whose regular equipment consists of more than five cars, with a crew, consisting of less than one engineer, one fireman, one conductor, one brakeman and one flagman: *And further provided*, Passenger trains whose regular equipment consists of five cars or less, may be operated with a crew consisting of one engineer, one fireman, one conductor and one brakeman or flagman.

On freight trains.

SEC. 5992. It shall be unlawful for any railroad doing business in Nebraska to operate or run over its road, or any part thereof,

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or to suffer or permit to be operated or run over its road, or any part thereof, outside of yard limits any freight train which is not manned with a crew consisting of one engineer, one fireman, one conductor and two brakemen: *Provided*, Main-line local freight trains running one hundred miles or more and carrying passengers, local merchandise and doing station switching shall be provided with a crew consisting of one conductor, one engineer, one fireman, and three brakemen.

Exceptions.

SEC. 5993. Nothing in the two next preceding sections shall be held as applying to any case of disaster or disability of any member or members of the crew, arising while out on the road between division terminals, or to relief trains or to wrecking trains where men are not available.

Violations.

SEC. 5994. The officers or agents of any railroad company doing business in the State of Nebraska who shall send out on its road, or cause or suffer or permit to be sent out on its road, or any part thereof, outside of the yard limits, any passenger or freight train which is not manned in accordance with the provisions of this article, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense and shall stand committed until such fine and costs are paid, and any railroad company in the State of Nebraska, whose officer or officers, agent or agents or any servant or servants shall be found guilty of such misdemeanor, shall be liable for any damages caused by the violation of the provisions of this article.

Violation of sec. 5996.

SEC. 5995. The penalties prescribed in the next preceding section shall apply to all violations of the next following section hereafter and it shall be the duty of the State railway commission to enforce the provisions thereof.

Crews for light engines.

SEC. 5996. It shall be unlawful for any railroad doing business in the State of Nebraska to operate or run over its road from one division to another division, or to suffer or permit to be operated or run over its road from one division to another division outside of yard limits, any light engine which is not manned with a crew consisting of one engineer, one fireman and one conductor.

Lights on switch stands.

SEC. 6031. Every person, firm, corporation, lessee or receiver of any railroad engaged in the business of transportation in this State shall equip with proper lights all switch stands to each and every switch leading from all main tracks of any such road, on which trains are generally operated at night, except lines fully equipped with automatic block signals. The lights upon such switch stands shall be in good condition constantly, and shall be lighted and kept burning between the time of sundown and sunrise and at such other times, when by reason of excessively foggy weather, the condition of such lights or signals would render it unsafe both for the employees of such railroad and for the general public.

Violation.

SEC. 6032. Any person, firm, corporation, lessee or receiver of any railroad company in this State who shall violate any of the provisions of the next preceding section, or who shall permit any such violation on the part of any employee, shall, on conviction, be fined in any sum not to exceed five dollars.

Headlights required.

SEC. 6033. * * * It shall be the duty of every person, company and corporation, or the receiver, lessee, manager or superintendent thereof, owning or operating lines of railway in the State of Nebraska, to equip, maintain and use upon each and every locomotive engine operated in road service within the State of Nebraska, a headlight of a power that will plainly outline the figure of a man on or adjacent to the track at a distance of six hundred feet in front of the locomotive. The visibility herein required is intended to be measured by and under ordinary night conditions, and for the sight of a person having the usual visual capacity required of locomotive engineers from their place in charge of a moving locomotive to such distance: *Provided, however*, This section shall not apply to locomotive engines running not more than ten miles into the State to complete their runs, nor

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to locomotive engines used in regular switching service, nor to such engines as may be used exclusively between sunrise and sunset, nor to such engines when going to or returning from repair shops for repairs.

Violation.

SEC. 6034. Any person, company or corporation, or the receiver, lessee, manager or superintendent thereof, violating any of the provisions of the next preceding section, or who permits said section to be violated when it is within his official power or authority to prevent such violation, shall, on conviction thereof, be fined in any sum not less than one hundred dollars, nor more than five hundred dollars for each offense. The operation of one engine any part of one day in violation of said section shall be deemed a separate and distinct offense.

Liability for acts of employees.

SEC. 6053. Every railway company operating a railway engine, car or train in the State of Nebraska shall be liable to any of its employees, who at the time of injury are engaged in construction or repair work or in the use and operation of any engine, car or train for such company, or, in the case of his death, to his personal representatives, for the benefit of his widow and children, if any, if none, then to his parents, if none, then to his next of kin dependent upon him, for all damages which may result from negligence of any of its officers, agents, or employees, or by reason

Defects.

of any defects or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways or works.

Comparative negligence.

SEC. 6054. In all actions brought against any railway company to recover damages for personal injuries to an employee, or when such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery when his contributory negligence was slight and that of the employer was gross in comparison, but damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee; all questions of negligence and contributory negligence shall be for the jury.

Though this statute enforces a different rule against railroads from that applicable to other classes of litigants it is not unconstitutional; nor does the fact that the act covers subjects embraced within the Federal safety appliance laws invalidate its provisions abolishing the fellow-service doctrine. 32 Sup. Ct. 606.

Contracts not a bar.

SEC. 6055. No contract of employment, insurance, relief benefit or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit or indemnity by the person entitled thereto, shall constitute any bar or defence to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however*, Upon the trial of such action against any common carrier the defendant may set off any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been paid to the injured employee or, in case of his death, to his personal representative.

Intoxication of engineers, etc.

SEC. 6057. If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned not less than six months nor more than one year, and be imprisoned until the fine is paid.

Scope of law as to hours of labor.

SEC. 6087. The provisions of this article shall apply to any common carrier or carriers, their officers, agents and employees, engaged in the transportation of passengers or property by railroad in the State of Nebraska, and the term "railroad" as used in this article shall include all bridges and ferries used or operated in connection with any railroad, whether owned or operated under a contract agreement or lease, and the term "employees," as used in this article, shall be held to mean persons actually engaged in or connected with the movement of any train.

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Sixteen-hour day.

SEC. 6088. It shall be unlawful for any common carrier, its officers or agents, subject to this article, to require or permit any employee subject to this article to be, or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours, he shall be relieved and not be permitted or required to again go on duty without having at least ten consecutive hours' rest 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*, No operator, train dispatcher, or other employee who by the use of the telegraph, or telephone, dispatches reports, transmits or receives or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four hour period in all towers, offices, places and stations continuously operated day and night, nor for a longer period than thirteen hours in all towers, offices, places and stations operated only during the daytime, except in cases of emergency, when the employees named in this proviso may be permitted to be or remain on duty for four additional hours in a twenty-four hour period or not to exceed three days in any one week: *Provided further*, The State railway commission may, after full hearing in a particular case, and for good cause shown, extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

Eight hours' rest.

Nine-hour day

Violations.

SEC. 6089. Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be or remain on duty in violation of the next preceding section, shall be liable to a penalty of not to exceed five hundred dollars for each and every violation thereof to be recovered in a suit or suits to be brought by the county attorney of the county in the State having jurisdiction in the locality where the violation shall have been committed, and it shall be the duty of such county attorney to bring such suits upon satisfactory information being lodged with him, but no such suit shall be brought after the expiration of one year from the date of such violations as may come to his knowledge. In all prosecutions under this article the common carrier shall be deemed to have had knowledge of all acts of its officers and agents: *Provided*, The provisions of this article shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier, or its officers and agents in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, This article shall not apply to the crews of wrecking or relief trains.

Exceptions.

Enforcement.

SEC. 6090. It shall be the duty of the State railway commissioners to execute and enforce the provisions of the three next preceding sections, and all powers granted to the State railway commission are hereby extended to it in the execution thereof.

Scope of law as to cabooses.

SEC. 6091. The provisions of the following sections shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroad of passengers or property within this State to which the regulative power of this State extends.

Dimensions and equipment.

SEC. 6092. From and after the first day of June, 1914, it shall be unlawful, except as otherwise provided by law, for any such common carrier by railroad to use on its lines any caboose car or other car used for like purpose unless such caboose or other car shall be at least twenty-four feet in length exclusive of the platforms and equipped with two four-wheel trucks, and such caboose car or other car shall be of constructive strength equal to that of the thirty-ton capacity freight cars constructed according to M. C. B. (master car builders) standards, and shall be provided with a door in each end thereof and an outside platform across

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each end of such car; each platform shall be not less than twenty inches in width and shall be equipped with proper guardrails and with grab irons and steps for the safety of persons getting on and off of said car. The steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof properly designed to prevent slipping from such step. The caboose shall be not less than eleven feet in height, with cupola and necessary closets and windows: *Provided*, This and the three next following sections shall not apply where such car so used for a way car or caboose car is a passenger car or a combination passenger and baggage car.

Repairing cabooses.

SEC. 6093. Whenever any such caboose car or other car now in use by any such common carriers shall be brought into any shop for general repairs, it shall be unlawful to again put the same into the service of such common carrier within this State, unless it be equipped as provided in the next preceding section.

Extension of time.

SEC. 6094. The State railway commission is hereby authorized to grant to any common carrier aforesaid, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of the two next preceding sections: *Provided*, In no case shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance therewith.

Violations.

SEC. 6095. Any common carrier violating any of the provisions of the second and third next preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Certain employees to be twenty-one years of age.

SEC. 6096. It shall be unlawful for any common carrier within this State to put in charge of any telegraph office or signal tower between the hours of 7 o'clock in the evening and 7 o'clock in the morning, any telegraph operator or towerman whose duty it shall be to assist in the movement of trains, unless such telegraph operator or towerman shall have reached the age of at least twenty-one years: *Provided*, This section shall not apply when such common carrier is engaged in relieving its tracks of a train wreck, an act of God, or some public calamity.

Violation.

SEC. 6097. Any common carrier within this State who shall violate the provisions of the next preceding section shall be deemed guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction, shall be fined in any sum of not less than five nor more than fifty dollars for every night any such minor person is so employed in charge of every such railway station or tower.

Cars without automatic couplers not to be put in use;

SEC. 6098. It shall be unlawful for any corporation, company or person operating any line of railroad in this State, or any car manufacturer or transportation company using or leasing cars, to put in use in this State any car or cars that are not equipped with safety or automatic couplers or drawbars such as shall not necessitate the going between the ends of such cars to couple or uncouple them.

Nor retained in use.

SEC. 6099. It shall be unlawful for any corporation, company or persons operating a railroad, or any transportation company using or leasing cars of any description and used in the commerce of the country or in the construction of railroads, to have upon any railroad in Nebraska, for use in the transportation of freight or passengers, any car that is not equipped with such safety automatic couplers as provided for in the next preceding section.

Power brakes.

SEC. 6100. It shall be unlawful for any corporation, company or person, operating any line of railroad in this State, to use any locomotive engine upon any railroad or in any railroad yard in this State, that is not equipped with a proper and efficient power brake, commonly called a "drive brake."

Equipment required.

SEC. 6101. It shall be unlawful for any corporation, company or person operating a line of railroad in this State to run any train of cars that shall not have in that train a sufficient number of cars with some kind of efficient automatic or power brakes so that the engineer upon the locomotive can control the train without re-

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quiring brakemen to go between the ends or on top of the cars to use, as now, the common hand brakes.

Reports.

SEC. 6102. Every railroad corporation, company or person operating a railroad in this State, and every person, corporation or company using or leasing cars in the transportation business or in building railroads, shall and are by the five next preceding sections required to include in their annual report to the State railway commissioners the number of locomotive engines and cars used in this State, and what number is equipped with automatic power brakes and what number of cars equipped with automatic safety couplers and the kind of brakes and couplers used and the number of each kind when more than one kind is used.

Penalty.

SEC. 6103. Any corporation, company or person operating a railroad in this State, and using a locomotive engine, or running a train of cars, or using any freight, or way car contrary to the provisions of the five next preceding sections, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred dollars or not more than one thousand dollars, for each offense: *Provided*, Penalties and liabilities of this section shall not apply to companies in receiving and hauling cars delivered for transportation by railroads other than those of this State, which are engaged in interstate traffic. Any railroad employee who may be injured by the running of such engine or train of cars contrary to the provisions of this law shall not be considered as waiving his rights to recover damages by continuing in the employ of such corporation, company or person running such engine or trains of cars contrary to this law.

Powers of State railway commission.

SEC. 6114. The commission shall have power to examine into and inspect, from time to time, the condition of each railway or common carrier, its equipment and the manner of its conduct and management with regard to the public safety and convenience in the State; and if any part thereof is found in an unsafe and dangerous condition the commission shall immediately notify the railway company or common carrier whose duty it is to put the same in repair, which shall be done by it within a reasonable time after receiving such notice, and if any railway company or common carrier, subject to the provisions of this article, fails to perform this duty, the commission may enjoin and prevent it from running trains over the same while in such unsafe and dangerous condition.

Protection of employees on street railways—Inclosed platforms.

Platforms to be inclosed, when.

SECTION 6181. It shall be unlawful for any person, partnership or corporation, owning or operating a street railway in this State, or for any officer or agent thereof, superintending or having charge or control of the management of such line of railway, or the cars thereof, operating electric, cable or other cars propelled either by steam, cable or electricity, which require the constant services, care or attention of any person or persons upon the platforms of such cars, to require or permit such services, attention or care of any of its employees or any other person or persons between the first day of November and the first day of April thereafter of each year, unless such person, partnership or corporation, its officers or superintending or managing agents, have first provided the platforms of such car or cars with a proper and sufficient inclosure, constructed of wood, iron and glass, or similar, suitable material sufficient to protect such employees from exposure to the winds and inclemencies of the weather: *Provided*, Such inclosure shall be so constructed as not to obstruct the vision of the person operating such car, or to endanger or interfere with its safe management by the operator.

Cars not to be used without inclosure.

SEC. 6182. It shall be unlawful for any such person, partnership or corporation, so owning or operating street railways using steam, electric or cable cars, or any superintending or managing officer or agent thereof, to cause or permit to be used upon such

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line of railway between November 1st and April 1st of each and every year, any car or cars upon which the services of any employee, such as is specified in the next preceding section is required, unless said car or cars shall be provided with the enclosure required by said section.

Penalty. SEC. 6183. Violations of the two next preceding sections shall be punished as follows: If the violation is by a corporation it shall forfeit and pay the sum of one hundred dollars; if the violation is by a person or a copartnership such offender shall be punished by a fine of not to exceed one hundred dollars or be imprisoned in the county jail not to exceed three months. Each day that any person or persons, partnership or corporation shall cause or permit any of their employees to operate such cars in violation of the provisions of the two next preceding sections, or cause or permit cars to be used or operated in violation thereof, shall be deemed a separate offense: *Provided*, The provisions of said sections shall not apply to cars used and known as "trailing cars."

Enforcement. SEC. 6184. It is hereby made the duty of the county attorney of any county in which any such street railway is situated and operated, upon any information given him by any credible person, or upon the knowledge that he may possess, that any person, partnership or corporation has violated any of the provisions of the three next preceding sections, to promptly prosecute such persons, members of such partnership or corporation for such violation.

Employment of children—School attendance.

Attendance required. SECTION 6924. In school districts other than city and metropolitan city school districts every person, having legal or actual charge or control of any child or children or youth not less than seven nor more than fifteen years of age, shall, during each school year between the second Monday of July and the last Monday of June following, cause such child or children or youth to attend the public day schools for a period of not less than twelve weeks, and if the public day school of the school district in which the person or persons, having charge or control of such child or children or youth, may reside shall be in session during the school year between the second Monday of July and the last Monday of June following more than twelve weeks, then the person having legal control of such child or children or youth shall cause each of them to attend public day school not less than two-thirds of the entire time the school shall be in session during the school year as aforesaid; and in no case shall such attendance be for a less period than twelve weeks. In city and metropolitan city school districts every person residing within such school district, who has legal or actual charge or control of any child or children or youth not less than seven nor more than sixteen years of age, shall cause such child or children or youth to attend the public day school for the full period each school year in which the public day schools of such school district are in session. The portion of this article requiring attendance in public day school shall not apply in any case where the child or youth is, for a time equal to that required by this article, instructed in some private or parochial school; or in any case where the child is instructed at home or elsewhere by a person qualified to give instruction in the studies required to be taught in the public schools; or in any case where the child or youth, being of the age of fourteen years, is legally and regularly employed for his own support or the support of those actually dependent upon him; or in any case where the child or youth is physically or mentally incapacitated for the work done in the schools, or in any case where the child or youth lives more than two miles from the school by the nearest practicable traveled road unless free transportation to and from such school is furnished to such child or youth. In case exemption is claimed on account of mental or physical incapacity, the school authorities shall have the right to employ a physician or physicians who shall have authority to examine such child or youth, and if such physician or

Exemptions.

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physicians shall declare that such child or youth is capable of undertaking the work of the schools, then such child or youth shall not be exempt from the requirements of this article. In case exemption is claimed and granted on account of a child or youth of the age of fourteen years being legally and regularly employed for his own support or the support of those dependent upon him, such child or youth may, in the discretion of those charged with the enforcement of the article, be required to attend a public evening school or some other suitable school for not less than two hours each school day and not less than three days each week for a school year of not less than twenty weeks. * * * Evening schools.

Liability of employers for injuries to employees—Defenses.

SECTION 7891. In any action brought against a railroad or street railroad company to recover damages for personal injury to any employee, whether such injury results in death or not, the employee shall not be held to have assumed any of the risks of his employment in any case where the railroad company or its agents, servants or employees have been guilty of negligence. Assumption of risks in suits against railways.

SEC. 7892. In all actions brought to recover damages for injuries to a person or to his property caused by the negligence of another, the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery when the contributory negligence of the plaintiff was slight and the negligence of the defendant was gross in comparison but the contributory negligence of the plaintiff shall be considered by the jury in the mitigation of damages in proportion to the amount of contributory negligence attributable to the plaintiff; and all questions of negligence and contributory negligence shall be for the jury. Comparative negligence.

Suits for wages—Exemptions.

SECTION 8104. Nothing in this chapter shall be so construed as to exempt any property in this State from execution or attachment for clerks', laborers' or mechanic's wages * * * No property exempt, when.

SEC. 8105. The wages of all persons who are heads of families, in the hands of those by whom such persons may be employed, both before and after such wages shall be due, shall be exempt from the operation of attachment, execution and garnishee process to the extent of ninety per cent of the amount of such wages: *Provided*, Nothing in this article shall be so construed as to protect the wages of persons who have or are about to abscond or leave the State, from the provisions of law now in force upon that subject. What wages exempt from attachment, etc. Proviso.

An exemption granted in another State by the laws of that State will be valid in this State in case of an action brought here. The exemption of laborers' wages extends to nonresidents. 19 Nebr. 181, 182.

SEC. 8107. It is hereby declared unlawful for any creditor of, or other holder of any evidence of debt, book account, or claim of any name or nature against any laborer, servant, clerk, or other employee, of any corporation, firm or individual, in this State, for the purpose below stated, to sell, assign, transfer, or by any means dispose of any such claim, book account, bill, or debt of any name or nature whatever, to any person or persons, firm, corporation or institution, or to institute, in this State or elsewhere, or prosecute any suit or action for any such claim or debt against any such laborer, servant, clerk or employee by any process seeking to seize, attach, or garnish the wages of such person or persons earned within sixty days prior to the commencement of such proceeding, for the purpose of avoiding the effect of the laws of the State of Nebraska concerning exemptions. What assignments unlawful.

SEC. 8108. It is hereby declared unlawful for any person or persons to aid, assist, abet or counsel a violation of the next preceding section, for any purpose whatever. Aiding.

SEC. 8109. In any proceeding, civil or criminal, growing out of a breach of the two preceding sections or either of them, proof Evidence.

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of the institution of a suit or service of garnishment summons by any person, firm, or individual, in any court of any State, or Territory other than this State, or in this State to seize by process of garnishment or otherwise, any of the wages of such persons as defined in section 548 [8107] shall be deemed prima facie evidence of an evasion of the laws of the State of Nebraska and a breach of the provisions of such sections on the part of the creditor or resident in Nebraska causing the same to be done.

Violations. SEC. 8110. Any persons, firm, company, corporation or business institution guilty of a violation of the preceding sections, 548 or 549 [secs. 8107, 8108] of this code, shall be liable to the party injured through such violation thereof, for the amount of the debt sold, assigned, transferred, garnished or sued upon with all costs and expenses and reasonable attorney's fee, to be recovered in any court of competent jurisdiction in this State, and shall further be liable by prosecution to punishment by a fine not exceeding the sum of two hundred dollars and costs of prosecution.

Sections 8107–8110 are constitutional. 108 N. W. 1067.
Foreign corporations are subject to the act. 58 N. W. 226.
But a nonresident can not claim its benefits. 110 N. W. 547.
One who assigns a claim contrary to the provisions of this law is liable to the debtor for the amount so appropriated without his consent. 37 Nebr. 267.

Three months' earnings exempt. SEC. 8120. The judge may order any property of the judgment debtor, not exempt by law, in the hands of either himself or any other person or corporation, or due to the judgment debtor, to be applied towards the satisfaction of the judgment; but the earnings of the debtor for his personal services, at any time within three months next preceding the order, can not be so applied, where it is made to appear, by the debtor's affidavit or otherwise, that such earnings are necessary for the use of a family supported wholly or partly by his labor.

Labor organizations—Embezzlement of funds.

Embezzlement an offense. SECTION 8659. If any officer, agent or attorney of any voluntary association or of any labor organization shall embezzle or convert to his own use, or fraudulently take or make away with or secrete with intent to embezzle or fraudulently convert to his own use without the consent of the owner thereof, any money, goods, rights in action, or other valuable security or interest earned upon such funds or property or effects whatsoever belonging to any such voluntary association or labor organization of this State, he shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished in the manner provided by law for feloniously stealing property of the value of the article so embezzled, taken or secreted, or of the value of the sum of money payable or due upon any right in action so embezzled.

Bribery, etc., of employees.

Offering bribes. SECTION 8728. Whoever gives, offers, or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant with intent to influence his action in relation to his principal's, employer's or master's business; or

Receiving bribes. an agent, employee or servant who without the knowledge or consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles,

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or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment in the county jail for not more than one year.

Sunday labor.

Sunday labor forbidden.

SECTION 8802. If any person of the age of fourteen years or upward shall be found on the first day of the week, commonly called Sunday, * * * at common labor (work of necessity and charity only excepted) he or she shall be fined in a sum not exceeding five dollars nor less than one dollar: *Provided*, Nothing herein contained in relation to common labor on said day of the week, commonly called Sunday, shall be construed to extend to those who conscientiously do observe the seventh day of the week as the Sabbath, nor prevent families emigrating from traveling, watermen from landing their passengers, and superintendents and helpers of toll bridges or tollgates from attending and superintending the same, or ferrymen from conveying travelers over the water, or persons moving their families on such days, or to prevent railway companies from running necessary trains. * * *

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NEVADA.

REVISED LAWS—1912.

Wages as preferred claims—In bankruptcy.

SECTION 606. * * * (b) The debts to have priority, except as herein provided, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid creditors in involuntary cases and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expenses of such recovery; (3) the cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases, to the bankrupt in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary cases, as the court may allow; (4) wages due to workmen, clerks, or servants which have been earned within three months before the date of the commencement of proceedings, not to exceed three hundred dollars to each claimant; and (5) debts owing to any person who by the laws of the States or the United States is entitled to priority. Order of payment.

* * * * * * *

Mothers' pensions—Aid for dependent children.

SECTION 728. * * *. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who, while under the age of eighteen years, for any reason is destitute, homeless or abandoned; or dependent upon the public for support; * * * or who, while under the age of ten years, is found begging, peddling or selling any article or articles, or singing or playing any musical instrument for gain or giving any public entertainments upon the street, or accompanies or is used in the aid of any person so doing; * * * Definition.

SEC. 739 (as amended by chapter 133, Acts of 1913). * * * If the parent or parents or grandparent or grandparents of such dependent or neglected child are poor and cannot properly care for, maintain and properly educate such child, but are otherwise proper guardians and a person or persons of good reputation and morals, and shall covenant and agree that such child shall attend school regularly during all school days, when such child is of school age, or until said child shall have completed the eighth grade of the public grammar school, or school of like grades of studies, or have graduated in bookkeeping and commercial course, the court may enter an order finding such facts, and fixing the amount of money necessary to enable the parent or parents or grandparent or grandparents to properly care for and educate such child: *Providing*, Such amount shall not exceed the amount it would cost the county to have such child maintained and educated at any county or State home, or place provided for dependent or neglected children, in the State of Nevada, and thereupon Provision for support.

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it shall be the duty of the county board through its county agent, or otherwise, to pay to such parent or parents, or grandparent or grandparents, or blood aunt or blood uncle, the amount specified at such times as said order may designate for the care of such neglected or dependent child, until the further order of the court, and the court shall cease to sanction the payment of the specified amount whenever it shall appear that such child is not receiving the benefit it should from the payment of said specified amount of money.

Wages as preferred claims—In insolvency of corporations.

Two months' wages a prior lien.

SECTION 1187. Whenever any corporation formed under the provisions of this [general corporation] act and prior acts shall become insolvent or be dissolved in any way, or for any cause, the employees doing labor or service of whatever character in the regular employ of such corporation, shall have a lien upon the assets thereof for the amount of wages due to them, not exceeding two months' wages respectively, which shall be paid prior to any other debt or debts of said corporation; but the word "employees" shall not be construed to include any of the officers of such corporation.

Voting by employees absent from home.

Method of procedure.

SECTION 1714. * * * Any registered elector employed in moving trains, stages, mails or otherwise upon any of the transportation routes in this State may apply to the registry agent before whom he has been already registered for that electoral year, at any time prior to the delivery of the certified copy of the register to the inspectors of election, and have his name taken off the official register and receive from the registry agent a certificate as above provided. Upon presenting, at any time not later than one hour prior to the closing of the polls, to the inspectors of election in any precinct on the railroad, stage line or transportation route on which he is employed, including the precinct in which he originally registered, the certificate mentioned above, and his written affidavit, which may be subscribed and sworn to before any of the inspectors of election, or any officer authorized to administer oaths, stating that he was so suddenly called away or detained by the transportation business in which he is employed that he did not have time to vote in the precinct in which he was originally registered, or to reregister under his transfer in that or any other precinct before the delivery of the certified copy of the register to the inspectors of election, the inspectors of election shall accept and file the certificate and affidavit and shall cause the name of the elector to be entered upon the certified copy of the register and the check list under the designation "Electors allowed to vote upon presentation of certificate and affidavit on election day," and shall thereupon allow the elector to vote, the same as if his name had originally appeared upon the register, or certified copy thereof, and check list.

Arbitration of labor disputes.

Governor to mediate.

SECTION 1929. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer and his employees, seriously interrupting or threatening to interrupt the business of the employer, the governor shall, upon the request of either party to the controversy, with all practicable expedition, put himself in communication with the parties to such controversy, and shall use his best efforts, by mediation and conciliation, to amicably settle the same. He may either exercise such powers of conciliation himself, or appoint a commission for such purpose. If such efforts of conciliation shall be unsuccessful, the governor shall at once endeavor to bring about an arbitration of such controversy in accordance with the provisions of this act.

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Board of arbitration.

SEC. 1930. Whenever such controversy shall arise between an employer and his employees which cannot be settled by mediation and conciliation in the manner provided in the preceding section, such controversy may, with the consent of the parties to the controversy, be submitted to the arbitration of a board of three persons who shall be chosen in the manner following: One shall be named by the employer directly interested; the other by the labor organization to which the employees directly interested belong, or if they belong to more than one, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations. The two thus chosen shall select the third commissioner of arbitration, but in the event of their failure to name such arbitrator within five days after their first meeting, the three arbitrators shall be named by the governor. A majority of said arbitrators shall be competent to make a binding and valid award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization or organizations representing employees, shall specify the time and place of meeting of such board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows:

Stipulations.

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators, shall be filed in the clerk's office of the district court for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided.

Award.

SEC. 1931. The award being filed in the clerk's office of the district court, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom. At the expiration of ten

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days from the decision of the district court upon exception taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the supreme court of the State of Nevada. In such case only such portion of the record shall be transmitted to the supreme court as is necessary to a proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said supreme court upon said questions shall be final, and being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award, but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon award.

Powers of board.

SEC. 1932. For the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation, as may be ordered by the courts; and may invoke the aid of the said courts to compel witnesses to attend and testify, and to produce such books, papers, contracts, agreements and documents as the courts shall determine to be material and competent evidence.

Agreements to be recorded.

SEC. 1933. Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of the district court of the State, and when so acknowledged a copy of the same shall be filed with and recorded by the county recorder of the county in which the arbitration is entered into, and a copy shall also be sent to the governor who shall file the same in the office of the secretary of state, who shall cause a notice in writing to be served upon the arbitrators, fixing the time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however,* That the governor shall decline to call a meeting of the arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all the employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

Status quo to be maintained.

SEC. 1934. During the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid or abet, strikes against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided,* That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such a reduction.

Expenses.

SEC. 1935. The agreement of arbitration shall provide for the compensation of arbitrators, and their traveling and other necessary expenses.

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Employment of labor—False representations.

False representations forbidden.

SECTION 1936. It shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this State, by himself, itself, themselves, his, its, or their agents, or attorneys to induce, influence, persuade or engage workmen to change from one place to another in this State, or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State, through means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of their employment, or as to the existence or nonexistence of a strike, or other trouble pending between employer and employees at the time of or prior to such engagement, proposal or contract for such employment of workmen.

Violations.

SEC. 1937. Any person, persons, company, corporation, society, association or organization of any kind doing business in this State, as well as his, their, or its agents, attorneys, servants or associates found guilty of violating section one (1) of this act [secs. 1936–1938], or any part thereof, shall be fined in a sum not less than two hundred dollars ($200), nor more than two thousand dollars ($2,000), or confined in the county jail for a period of not less than sixty days nor more than one year, or when the defendant or defendants is or are a natural person or persons, by both such fine and imprisonment.

Damages.

SEC. 1938. Any workman of this State or any workman of another State who has been or shall be influenced, induced or persuaded to engage with any person mentioned in section one (1) of this act [secs. 1936–1938], or any company, corporation, or society or organization mentioned in section one (1) of this act [secs. 1936–1938], through or by means of any of the things therein prohibited, after this act becomes in force and effect, and each of such workmen shall have a cause of action for recovery and may recover at law, for all damages that each of such workmen shall have sustained in consequence of the false or deceptive representations, false advertising or false pretenses, used to induce him to change his place of employment, or place of abode in case such workman shall not be then employed at the time of such inducement and hiring, against any person or persons, corporations, companies or associations, directly or indirectly causing such damages; and in any action under this act [secs. 1936–1938], for the recovery of such damages, the court shall have the power to award a reasonable attorney's fee in favor of the prevailing party and to be taxed as costs against the losing party therein.

Payment of wages in scrip.

Orders, etc., to be negotiable.

SECTION 1939. No person or corporation engaged in any business or enterprise of any kind in this State shall issue, in payment, or as evidence of, any indebtedness for wages due an employee, any order, check, memorandum, or other acknowledgment of indebtedness unless the same is a negotiable instrument payable without discount, in cash on demand, at some bank or other established place of business: *Provided, however,* That nothing herein contained shall in any way limit or interfere with the right of any such employee, by agreement, to accept from any such person or corporation, as an evidence or acknowledgment of indebtedness for wages due him, a negotiable instrument, payable at some future date with interest.

SEC. 1940. Any violation of this act [secs. 1939–1940] shall be a misdemeanor or [and] punishable by a fine of not exceeding $500.

Hours of labor at mines—Surface employees.

Eight-hour day.

SECTION 1941. The number of hours of work or labor of mechanics, engineers, blacksmiths, carpenters, top men, and all work-

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ing men employed or working on or about the surface or surface workings of any underground mine workings, shall not exceed eight (8) hours in any period of twenty-four (24) hours, except in cases of emergency where life or property is in imminent danger.

Violations.

SEC. 1942. Any person who violates any of the provisions of this act, or any person, corporation, employer or agent who hires, contracts with, or in any manner causes or induces any person to work or labor on or about the surface or surface workings of any underground mine workings for more than eight hours in any period of twenty-four hours, except in cases of emergency where life or property is in imminent danger, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not longer than six months, or by both such fine and imprisonment.

Forced contributions from employees.

Fees not to be collected, when.

SECTION 1943. It is hereby made unlawful for any person or persons, contractor or contractors, firm, company, corporation, or association, or the managing agent of any person or persons, contractor or contractors, firm, company, corporation, or association, to collect, demand, force, compel, or require, either monthly, annually, or for any other period of time, any sum of money for hospital fees from any person or laborer at any place in this State where no convenient, comfortable, and well-equipped hospital is maintained at some town or place for the accommodation, relief and treatment of persons in his or their employ, and from whom hospital fees are collected: *Provided*, That any person or persons, contractor or contractors, firm, company, corporation, or association, or the managing agent of same, may care for or cause to be cared for, any person in his or their employ, from whom hospital fees are collected, at any private or public hospital, sanitarium, or other convenient and comfortable place, without expense to the person or patient from whom hospital fees are collected: *And provided further*, The distance and facilities for the comfort and conveyance of any patient come within the intent and meaning of section two of this act [sec. 1944].

Proviso.

Definitions.

SEC. 1944. For the purpose of this act [secs. 1943–1945], the words "town or place," mentioned in section one of this act [sec. 1943], shall be construed to mean any town, headquarters, or place, at which town, headquarters, or place, and tributary places, sufficient hospital fees are collected to maintain a hospital in keeping with the hospital fees collected, and the words "distance and facilities for the comfort and conveyance of any patient," mentioned in section one of this act [sec. 1943], shall be construed to mean the nearest hospital, and most comfortable means of conveyance at hand, or that can be procured in a reasonable time: *Provided*, That if at the nearest hospital the proper medical treatment can not be secured, then it shall not be a misdemeanor to take any person or patient a greater distance or to another hospital.

Violation.

SEC. 1945. Any person or persons violating the provisions of this act [secs. 1943–1945], shall, upon conviction thereof, be fined in any sum not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than one hundred days nor more than two hundred and fifty days, or by both such fine and imprisonment.

Employment of children—School attendance.

Attendance required.

SECTION 3443. Each parent, guardian, or other person, in the State of Nevada, having control or charge of any child between the ages of eight and sixteen years shall be required to send such

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child to a public school during the time in which a public school shall be in session in the school district in which said child resides; but such attendance shall be excused: * * *

Exception.

4. When satisfactory evidence is presented to the board of trustees that the child's labor is necessary for its own or its parent's support; * * *

Employing children unlawfully absent.

SEC. 3449. Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than fifty dollars or by imprisonment of not more than twenty-five days, or by both such fine and imprisonment. The attendance officer or any other school officer is hereby empowered to visit any place or establishment where minor children are employed to ascertain whether the provisions of this law [Chapter 16, Public School Laws] are duly complied with, and may demand from all employers of such children a list of children employed, with their names and ages.

Employment of labor on public works.

Minimum wage of three dollars.

SECTION 3481. On all public works carried on in the erection of public buildings by or for the State of Nevada, or by any individual, firm, company or corporation under contract with the State of Nevada, unskilled labor shall be paid for at a rate of not less than three ($3) dollars per eight-hour day for each male person over the age of eighteen years who shall be employed at such labor.

Violations.

SEC. 3482. Any person or persons, firm or corporation conducting or carrying on any public work, as specified in section 1 of this act [sec. 3481], that shall violate the provisions of this act, upon conviction of such violation in a court of competent jurisdiction, shall be fined the sum of fifty ($50) dollars for each man employed at such labor for less than three ($3) dollars per eight-hour day.

Chinese not to be employed on public works;

SEC. 3483. * * * No Chinaman or Mongolian shall be employed, directly or indirectly, in any capacity, on any public works, or in or about any buildings or institutions, or grounds, under the control of this State.

Or by certain corporations.

SEC. 3484. Hereafter no right of way or charter, or other privileges for the construction of any public works by any railroad or other corporation or association shall be granted to such corporation or association, except upon the express condition that no Mongolian or Chinese shall be employed on or about the construction of such work in any capacity.

Forfeiture.

SEC. 3485. Any violation of the conditions of this act [secs. 3483–3485] shall work a forfeiture of all rights, privileges, and franchise granted to such corporation or association.

Intoxication of railroad employees.

Intoxication of engineers, etc.

SECTION 3564. If any person, while in charge of a locomotive engine running upon any railroad for such company, or while acting as a conductor of a car, or train of cars, on any such railroad, be intoxicated, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisonment in the county jail not exceeding six months.

Liability of employers for poll tax of employees.

Employers to pay poll tax of employees.

SECTION 3718. * * * Any person or persons, company or corporation, doing business within this State, and having by direct contract, or indirectly through other contractors, in their employ one or more persons liable to and owing a poll tax in this State, shall be liable for any and all poll taxes that may be due

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Deduction from wages. from such employees, and may deduct the amount from any sums due, or that afterwards may become due to such employees, whether such wages are payable directly to such employees or to other persons who furnish such employees under contract to such person or persons, company or corporation; * * *

Private employment offices—License fees.

License fee required. SECTION 3727. The sheriff in the several counties of this State shall be ex officio collector of licenses, as provided in this act [sec. 3727]. There shall be levied and collected the following licenses:

* * * * * * *

Fourth.—For each keeper of an intelligence office, fifteen ($15) dollars per quarter year. * * *

Leave of absence for employees in public service.

Leave with pay. SECTION 4109. Each and every State employee who has been in the service of the State for six months or more, in whatever capacity, shall be allowed, in each calendar year, a leave of absence of fifteen days, with full pay, providing the head of each department shall fix the date of such leave of absence.

Mine regulations.

Office created. SECTION 4198. The office of inspector of mines for the State of Nevada is hereby created.

Compensation, duties, etc. SEC. 4199. The inspector of mines shall receive as full compensation for his services a salary of thirty-six hundred dollars ($3,600) per annum and his necessary traveling expenses when traveling in the discharge of his official duties, not to exceed eighteen hundred ($1,800) dollars per annum, and all necessary expenses for clerk hire, postage, stationery, printing and other office expenses, not to exceed twelve hundred ($1,200) dollars per annum; and such compensation and expenses shall be paid as the salary and expenses of other State officers are paid. He shall hold his office for the term of two years, or until his successor is selected and qualified. Before entering upon the discharge of his duties, as such inspector of mines, he shall file an official bond in the sum of ten thousand ($10,000) dollars, conditioned for the faithful performance of the duties of his office, in form and manner as other official bonds of State officers.

Conflicting interests. SEC. 4200. The inspector of mines shall not at the time of his appointment, or at any time during the term of his office, be an officer, director or employee in or of any mining corporation in this State, or in or of any mining corporation in the State engaged in the business of smelting or reducing ores, and each inspector and deputies shall, and each of them, have had at least seven years' actual experience in underground workings, and shall make his affidavit before a proper officer to that effect before he shall be qualified to act as such inspector, or deputy inspector, as herein provided. And such inspector shall devote his whole time to the duties of his office, and shall take and subscribe to the following oath:

State of Nevada, County of ———, *ss.*

Oath. I, ———, of ——— County, do solemnly swear that I will perform each and every duty required of me as inspector of mines for the State of Nevada; that I will at all times while acting in my official capacity fulfill the duties of such office according to the law and to the best of my skill and understanding; that I will never at any time while holding the office of inspector of mines disclose to anyone, directly or indirectly, under any circumstances any information relative to ore bodies, shoots or deposits of ore or the location, course or character of underground workings, or give my opinion founded on any examination made in the performance

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of my official duties relative to the value of any mine or mining property, unless by permission of the person or persons in charge of the same. To all of which I pledge my sacred honor. So help me God.

Nothing in said oath, however, shall be construed to prevent such mining inspector from making full and complete statistical reports as required by law.

Inspections.

SEC. 4201. It shall be the duty of the inspector of mines at least once a year, to visit in person each mining county in the State of Nevada and examine all such mines therein as, in his judgment, may require the examination for the purpose of determining the condition of such mines as to safety, and to collect information and statistics relative to mines and mining and the mineral resources of the State, and to collect, arrange and classify mineral and geological specimens found in this State and to forward the same to the State school of mines, and it shall be the duty of the inspector of mines to establish a uniform code of signals.

Access to mines.

SEC. 4202. Said State inspector of mines shall have full power and authority at all hours, to enter and examine any and all mines in this State, and shall have the right to enter into any and all mine stopes, levels, winzes, tunnels, shafts, drifts, crosscuts, working and machinery for the purpose of such examination; and the owner, lessor, lessee, agent, manager or other person in charge of such mine or mines shall render the inspector such assistance as may be required by the inspector to enable him to make full, thorough and complete examination of each and every part of such mine or mines, and whenever as the result of the examination of any mine (whether such examination is made in consequence of a complaint, as hereinafter provided, or otherwise) the inspector shall find the same to be in an unsafe condition, he shall at once serve or cause to be served, a written notice upon the owner, lessor, lessee, agent, manager, or other person in charge of such mine, stating in detail in what particular the mine is dangerous or insecure, and shall require all necessary changes to be made, without delay, for the purpose of making said mine safe for the employees therein, and in the case of any criminal or civil proceedings at law against the party or parties so notified, on account of the loss of life or bodily injury sustained by an employee subsequent to the service of such notice, and in consequence of a neglect or refusal to obey the inspector's requirements, a certified copy served by the inspector shall be prima facie evidence of the culpable negligence of the party or parties so notified.

Notice of defects.

Records.

SEC. 4203. The inspector of mines shall be provided with a properly furnished office at the statehouse in Carson City, Nevada, in which he shall carefully keep a complete record of all mines examined, showing the date of examination, the conditions in which the mines were found, the manner and method of working, the extent to which the laws are obeyed, and what recommendations, if any, were ordered by the inspector. It is hereby made the duty of the owner, lessor, lessee, agent, manager or other person in charge of each and every mine, of whatever kind or character, within the State, to forward to the inspector of mines at his office, not later than the first day of June in each year, a detailed report showing the character of the mine, the number of men then employed and the estimated maximum number of men to be employed therein during the ensuing year, the method of working such mine and the general condition thereof, and such owner, lessor, lessee, agent, manager or other person in charge of any mine within the State must furnish whatever information relative to such mine as the inspector of mines may from time to time require for his guidance in the proper discharge of his official duties.

Reports of operators.

Complaints.

SEC. 4204. Whenever the inspector of mines shall receive a formal complaint in writing, signed by one or more persons, setting forth that the mine in which he is employed is dangerous in any respect, he shall, in person, visit and examine such mine: *Provided*, Every such formal complaint shall in all cases specifically

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set forth the nature of the danger existing at the mine, and shall describe with as much certainty as possible the conditions rendering such mine dangerous, and shall set forth the time when such danger was first observed, and shall distinctly set forth whether or not any notice of such defect or danger has been given by the complainants or any one else to their knowledge to the superintendent or other person in charge of such mine, and if no such complaint has been made to such superintendent or other person in charge, the reason why it has not been made. After such complaint shall have been received by the inspector of mines, it shall be the duty of such inspector to serve a certified copy thereof, upon the owner, lessor, lessee, agent, manager, or other person in charge, and, as soon as possible, after receiving such complaint, to visit and examine such mine; and if from such examination he shall find such complaint to be just, he shall give notice in writing of the danger existing, to the owner, lessor, lessee, agent, manager, or other person in charge thereof, and in such notice may, in his discretion, order such mine or workings in which danger exists, closed until danger has been removed. The names of the complainants complaining as in this section provided, shall not, under any circumstances, be divulged to any person by said inspector except such action be necessary in the administration of justice in the courts of the State.

Prosecutions.

SEC. 4205. It shall be the duty of the inspector of mines upon the neglect or refusal of any owner, lessor, lessee, agent, manager, or other person in charge of any mine or working, notified of the unsafe or dangerous condition of his mine, promptly to comply with the requirements of the notice served upon him, to at once notify the attorney general of such neglect or refusal, and the attorney general or the district attorney of the county in which said mine is situated, at the instigation of the attorney general, must thereupon immediately commence action in the name of the State against the party so notified for the enforcement of the penalty mentioned in section 5 [sec. 4202], in any court of competent jurisdiction. And it shall be the duty of the inspector of mines upon the neglect or refusal of any owner, lessor, lessee, agent, manager, or other person in charge of any mine or working, notified of the unsafe or dangerous condition of his mine, promptly to comply with the requirements of the notice served upon him, to at once notify the attorney general of such neglect or refusal, and the attorney general must thereupon immediately commence action in the name of the State against the party so notified for the recovery of the penalty mentioned in section 5 [sec. 4202], in any court of competent jurisdiction, and the amount so recovered shall be paid into the general school fund of the State and constitute a part thereof.

Deputy.

SEC. 4206. The inspector of mines shall appoint a deputy inspector who shall receive a salary not to exceed two hundred dollars per month as full compensation for all services, and traveling expenses while in the discharge of his duty.

Accidents to be reported.

SEC. 4207. Whenever a serious or fatal accident shall occur in any mine in the State of Nevada, it shall be the duty of the owner, lessor, lessee, agent, manager or other person in charge thereof immediately and by the quickest means, to notify the inspector of mines, or his deputy, as may be most convenient, of such accident; and the inspector or his deputy, or both, shall at once repair to the place of accident and investigate fully the cause of such accident; and the inspector, or his deputy, shall be present at any coroner's inquest held over the remains of any person or persons killed in any such accident, and shall have power at such inquest to examine and cross-examine witnesses, and may have process to compel the attendance of necessary witnesses at such inquest. If the inspector or deputy inspector can not be immediately present in case of a fatal or serious accident occurring, it shall be the duty of the owner, lessor, lessee, agent, manager, or person in charge of the mine in which such accident has occurred, to have statements made and verified by those witnessing such accident;

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in case of no persons being present at the time of the accident, then the statement of those first present thereafter shall be taken, which statement shall be verified, and such verified statements shall be placed in the hands of the inspector, or deputy inspector, upon the demand of such officer. Whenever any deputy inspector is present at any coroner's inquest and assists in the examination, he shall, at the conclusion thereof, at once prepare and forward to the inspector a full and detailed report of the accident, giving all information obtainable regarding the same.

Annual reports.

SEC. 4208. The inspector of mines shall, on the first Monday of December of each year, file with the governor of the State a printed report giving:

First.—A list of all accidents that have occurred during the year, the nature and cause of the same, together with the persons killed and injured.

Second.—The number of mines visited or examined during the year, the number of mines in operation, and the number of mines idle, the number of men employed, the wages paid and the nationality of the employees.

Third.—The name and location of each mine in the State which has been examined and from which the inspector has received a report as provided in section six of this act [sec. 4203], and all data possible in regard to the manner of working the same, whether by shaft, tunnel, incline, or otherwise; the condition of the hoisting machinery, boilers, whims, engines, cars, buckets, ropes and chains used in the mines; also the appliances used for the extinguishing of fires; the manner and method of working and timbering the shafts, drifts, inclines, stopes, winzes, tunnels and upraises through which persons pass to and fro while engaged in their daily labor; the character of the exits from the mine, and the methods of ventilation and the system of signals used in the mine.

Fourth.—The number and character of notices served, together with suggestions and recommendations made; the manner in which such suggestions and recommendations were complied with.

Fifth.—The number of complaints received and the actions therein.

Sixth.—The number of prosecutions for neglect or refusal to comply with notices.

Seventh.—A summary of the reports received from mine owners and deputy inspector.

Eighth.—A full statement containing all available statistical and other information calculated to exhibit the mineral resources of the State and to promote the development of the same.

Ninth.—Generally, such other information and suggestions as may be deemed advisable.

Exemptions.

SEC. 4209. This act [mining law, sec. 4198–4238] shall not apply to any mine which is worked exclusively by the owners, or lessees of the owners, and where no men are employed working in said mine for wages.

Storage of explosives.

SEC. 4211. No blasting powder or any high explosive containing nitroglycerine shall be stored in any mine: *Provided*, That nothing in this section shall be construed to prevent the operator of any mine from keeping sufficient blasting powder or other high explosive within such mine to meet the estimated requirements of such mine during the succeeding twenty-four hours: *And provided further*, That such temporary supply shall not be kept in any place within such mine, where its accidental discharge would cut off the escape of miners working therein. All blasting powder, or other high explosives, in excess of the temporary supply required in such mine shall be stored in a magazine not less than three hundred feet distant from any shaft, adit, habitation, public highway or public railway.

Tamping bars.

SEC. 4212. Companies shall at all times furnish the miners with wooden tamping bars to be used in loading or charging holes, and any one using a steel or metal tamping bar shall be guilty of a misdemeanor, and upon conviction in a competent court shall be

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fined not less than five dollars nor more than fifty dollars for each and every offense.

Timber to be removed.

SEC. 4213. All timber removed shall, as soon as practicable, be taken from the mine and shall not be piled up and permitted to decay underground.

Indicators.

SEC. 4214. All hoisting machinery using steam, electricity, gasoline or hydraulic motive power, for the purpose of hoisting or lowering into metalliferous mines, employees and material, shall be equipped with an indicator to be placed in plain view of engineer.

Riding on cages, etc.

SEC. 4215. All persons shall be prohibited from riding upon the cage, skip or bucket loaded with tools, timber, powder or other material, except for the purpose of assisting in passing same through shaft or incline, and then only on special signal.

Ladders.

SEC. 4216. All shafts shall be equipped with ladders, and shafts more than 200 feet in depth inclined more than 45 degrees from the horizontal equipped with hoisting machinery shall be divided into at least two compartments; one compartment to be partitioned off and set aside for a ladderway. The ladders shall be sufficiently strong for the purpose demanded and landings shall be constructed not more than thirty feet apart; said landing to be closely covered except an opening large enough to permit the passage of a man. A landing shall be constructed in manway at all working levels.

Ladders in upraises and winzes shall be provided and kept in repair, but where winzes or raises connecting levels are used only for ventilation and exit, only one such on each level need be equipped.

Exits.

SEC. 4217. In every mine within this State, if more than 200 feet in depth, where a single shaft affords the only means of egress to persons employed underground and the ladderway compartment is covered by a nonfireproof building, it shall be the duty of the operator of said mine to cause said ladderway to be securely bulkheaded or a trapdoor placed over same at a point at least twenty-five feet below the collar of the shaft, and if a trapdoor is used it must be kept closed or so arranged that it can be closed from a point outside of the building by the releasing of a rope, and below this bulkhead or trapdoor, if the shaft is situated upon a side hill, a drift shall be driven to the surface, and if the shaft containing said ladderway may be otherwise situated, this drift shall be driven on a level to a safe distance, but in no case less than thirty feet beyond the walls of the building covering the main shaft and from such a point a raise shall be made to the surface. The said 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 an easy exit in the event of fire.

Signboards.

SEC. 4218. Whenever the exit or outlet from a mine 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.

Gasoline.

SEC. 4219 (as amended by chapter 224, Acts of 1913). Use of gasoline underground is forbidden, except as follows: Gas engines of not more than eight horsepower may be operated not more than one hundred feet below the surface, providing said engine exhausts into a pipe which extends to the surface; or to a depth of two hundred fifty feet below the surface: *Providing*, The exhaust from said engines is attached to a pipe through which air is drawn by means of a suction fan, or otherwise, to the surface. All engines and their method of installation as provided in this section shall be subject to the approval of the inspector of mines of the State of Nevada.

Sinking shafts.

SEC. 4220. Employees engaged in sinking shaft or incline shall at all times be provided with chain or other kind of ladder so arranged as to insure safe means of exit.

Guardrails.

SEC. 4221. At all shaft stations a guardrail or rails shall be provided and kept in place across the shaft, in front of the level, so arranged that it will prevent persons from walking, falling or pushing a car or other conveyance into the shaft. All winzes and

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all mill holes shall be covered or surrounded with guardrails to prevent persons from stepping or falling into the same.

Cages.

SEC. 4222. The cage or cages in all shafts over 350 feet in depth shall be provided with sheet iron or steel casing, not less than $\frac{1}{8}$ inch thick, or with a netting composed of wire not less than $\frac{1}{8}$ inch in diameter and with doors made of the same material as the side casing, either hung on hinges or working in slides. These doors shall extend at least four feet above the bottom of the cage and must be closed when lowering or hoisting men, except timbermen riding on the cage to attend to timbers that are being lowered or hoisted: *Provided*, That when such cage is used for sinking only, it need not be equipped with such doors as are hereinbefore provided for. Every cage must have overhead bars of such arrangement as to give every man on the cage an easy and secure handhold.

Pillars at shafts.

SEC. 4223. A pillar of ground shall be left standing on each side of the shaft of sufficient dimensions to protect and secure the same, and in no case shall stoping be permitted up to or within such close proximity to the shaft as to render the same insecure, until such time as the shaft is to be abandoned and the pillar withdrawn.

Surface structures.

SEC. 4224. It shall be unlawful for the operator of any mine within this State to erect any structure over the shaft of any mine, except head frames necessary for hoisting from such shaft or outlet, and the hatch or door necessary for closing such shaft or outlet: *Provided, however*, It shall be lawful to erect a housing of noninflammable and fireproof material over such shaft or adit to protect the men working at such point. In the case of existing houses covering the mouths of shafts or adits, it shall be the duty of the superintendent of the mine to cause the immediate removal of all inflammable material stored therein and it shall be the further duty of such superintendent to prohibit the storage of any inflammable material thirty feet from the exterior walls of any housing hereinafter built.

Doors in tunnels, etc.

SEC. 4225. It shall be the duty of every operator to provide every tunnel or adit level, the mouth of which is covered by a house or building of any kind, with a door near the mouth of the same, that can be closed from the outside of the building by a pull wire or cable in the event of fire; inside of door a raise shall be run to connect with surface, thus affording a means of exit in case of fire.

Ropes and cables.

SEC. 4226. It shall be unlawful to use in any mine, any rope or cable for hoisting or lowering either men or material when such hoisting or lowering is done by any means other than human or animal power, unless such rope or cable shall be composed of iron or steel wires, with a factor of safety determined as hereinafter set forth: *Provided*, That such iron or steel wires may be laid around a hemp center.

The factor of safety of all ropes or cables shall in no case be less than five, and shall be calculated by dividing the breaking strength of the rope as given in the manufacturer's published tables, by the sum of the maximum load to be hoisted, plus the total weight of the rope in the shaft when fully let out, plus 10 per cent of such values, to take account of shock at starting and stopping.

Same.

SEC. 4227. It shall be unlawful to use any rope or cable for the raising or lowering of men, either when the number of breaks in any running foot of said rope exceeds 10 per cent of the total number of wires composing the rope, or when the wires on the crown of the strands are worn down to less than one-half their original diameter, or when it shows marked signs of corrosion.

Boilers.

SEC. 4228. All boilers used for generating steam in and about mines shall be kept in good order and the owner, operator or superintendent shall have them examined and inspected by a qualified person as often as once in six months, and oftener if the inspector or his deputy shall deem it necessary. The result of

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such examination shall be certified in writing to the inspector within thirty (30) days thereafter.

Repairing shafts. SEC. 4229. No hoisting shall be done in any compartment of a shaft while repairs are being made in that compartment excepting such hoisting as is necessary in order to make such repairs.

Place of payment of wages. SEC. 4230. Wages shall not be paid on any premises used for the sale of intoxicating liquors.

Ventilation. SEC. 4231. The operator of every mine, whether operated by shaft, stope or drift, shall provide and maintain for every such mine a good and sufficient amount of ventilation for such men and animals as may be employed therein and shall cause an adequate amount of pure air to circulate through and into all shafts, winzes, levels and all working places of such mine.

Working alone. SEC. 4232. No man [shall] be allowed to work in a stope at such a distance from another that his cries, in case of need, cannot be heard.

Engineer to be on duty. SEC. 4233. At all times when men are in a mine, worked through a shaft, equipped with hoisting machinery, an engineer shall be kept on duty to answer signals.

Riding on bail or cable. SEC. 4234. It shall be unlawful for any person to ride upon the bail or cable of a hoisting bucket, cage or skip.

Number of men that may be hoisted. SEC. 4235. Notice of the maximum number of men permitted to ride upon or in the cage, skip or bucket, at one time, shall be posted at the collar of the shaft and each level. All men or employees riding upon or in an overloaded cage, skip or bucket as provided in notice so posted, shall be guilty of a misdemeanor, and upon conviction in a competent court, shall be fined not less than five dollars nor more than fifty dollars for each and every offense.

Signals. SEC. 4236. At all mines where hoisting apparatus is used in the State of Nevada, the following code of bell signals shall hereafter be adopted and used:

1 Bell—Hoist; 1 Bell—Stop (if in motion).
2 Bells—Lower.
3 Bells—Men on, run slow.

When men are to be hoisted or lowered, give the signal for "men on, run slow" (3 bells). Men must then get on cage or bucket, then give the signal to hoist or lower (1 or 2 bells).

4 Bells—Blasting signal; engineer must answer by raising bucket a few feet and letting it back slowly; then 1 bell—hoist men away from blast.

9 bells—Danger signal (in case of fire or other danger) then ring number of station where danger exists; engineer must slow up when passing stations when men are on the cage.

STATION BELLS

2 Bells, Pause, 1 Bell, Station No. 1.
2 Bells, Pause, 2 Bells, Station No. 2.
2 Bells, Pause, 3 Bells, Station No. 3.
2 Bells, Pause, 4 Bells, Station No. 4.
2 Bells, Pause, 5 Bells, Station No. 5.
3 Bells, Pause, 2 Bells, Station No. 6.
3 Bells, Pause, 3 Bells, Station No. 7.
3 Bells, Pause, 4 Bells, Station No. 8.
3 Bells, Pause, 5 Bells, Station No. 9.
4 Bells, Pause, 1 Bell, Station No. 10.
4 Bells, Pause, 2 Bells, Station No. 11.
4 Bells, Pause, 3 Bells, Station No. 12.
4 Bells, Pause, 4 Bells, Station No. 13.
4 Bells, Pause, 5 Bells, Station No. 14.
5 Bells, Pause, 1 Bell, Station No. 15.

Where electric bells are used in connection with other bells:

If cage is wanted, ring station signal. Station tender will answer 1 Bell.

Reply 1 Bell to go up.

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Reply 2 Bells to go below.

If station is full of ore and station tender is wanted, ring station signal and do not answer back.

2—1—2 Bells are rung, engineer or station tender does not understand, repeat signal.

In case of danger or accident, ring station signal, station tender will reply 1 Bell; ring 9 Bells.

Signals not in conflict with the above code may be used to meet local conditions, but the same must be posted in connection with the above code.

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

Smoke helmets.

SEC. 4237. At every mine in this State employing forty or more men underground, there shall be kept on hand at all times in good working condition at least two smoke helmets of a design to be approved by the State mining inspector, and which helmets shall at all times be subject to his inspection. For every additional fifty men so employed an additional smoke helmet shall be provided.

Violations.

SEC. 4238. Any owner, agent, manager or lessee, whether individual partnership or corporation operating a mine in this State who fails to comply with the provisions herein set forth, or either or any thereof, shall be deemed guilty of a misdemeanor and when not otherwise provided shall be liable to a fine of not less than one hundred ($100) dollars nor more than five hundred ($500) dollars, or by imprisonment in the county jail for a period of not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. For each provision not complied with and each day after conviction of failure to comply with any provision thereof shall be deemed a separate offense and punished accordingly.

Term of office.

SEC. 4239. The term of office of inspector of mines for the State of Nevada, that would expire on the first Monday of January, 1913, is hereby extended to the first Monday of January, 1915, and said officer [shall] be elected every four years thereafter, as are other officers of the executive department of the State.

Union labels to be used on public printing.

Public printing to bear union label.

SECTION 4309. * * * The State printer shall cause to be affixed to all public printing the union label recognized by the organization known as the International Typographical Union.

Accidents to be reported.

Who to make reports.

Investigations.

SECTION 4541. Every public utility shall, whenever an accident occurs in the conduct of its operations, causing death or personal injuries, give immediate notice thereof to the commission. If in its judgment the public interest requires it, the commission shall cause an investigation to be made forthwith, at such place and in such manner as the commission shall deem it best.

Railroads—Safety appliances—Accidents.

Commission may require safeguards.

SECTION 4555. * * * The [railroad] commission shall also have full power to investigate the physical condition of all railroad property, and, in the interest of safety or service, shall have power to determine and order repairs, reinforcements or reconstruction of property, including buildings, tracks, and equipment; also the power to determine and order the use of safety appliances in the interest of employees and the traveling public, such as crossing gates, flagmen, bells, devices, etc., interlocking plants at railway crossings and all other modern safety devices. * * *

Accidents to be reported.

SEC. 4578. Every railroad shall, whenever an accident attendant with loss of human life occurs within this State, upon its line of road or on its depot grounds or yards, give immediate notice thereof to the [railroad] commission. In the event of any such

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accident, the commission, if it deem the 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 greater convenience of those concerned, it shall order such 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 seasonably notify an officer or station agent of the company of the time and place of the investigation. The cost of such investigation shall be certified by the chairman of the commission, and the same shall be audited and paid by the State in the same manner as other expenses are audited and paid and a record or file of said proceedings and evidence shall be kept by said commission.

Exemption of wages from execution.

Thirty days' earnings exempt.

SECTION 5288. The following property is exempt from execution, except as herein otherwise specially provided:

* * * * * * *

8. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears, by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family, residing in this State, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family, for the common necessaries of life, or have been incurred at a time when the debtor had no family, residing in this State, supported in whole or in part by his labor, the one-half of such earnings above mentioned is nevertheless subject to execution, garnishment, or attachment to satisfy debts so incurred.

Wages as preferred claims—In assignments, etc.

Wages to be paid first.

SECTION 5493. In all assignments of property, whether real or personal, which shall hereafter be made by any person or chartered company or corporation, or by any person or persons, owning or leasing real or personal property, to trustees or assignees on account of inability at the time of the assignment to pay his, her, or their debts, the wages of the miners, mechanics, salesmen, servants, clerks, or laborers, employed by such person or persons, or chartered company or corporation, shall be held and deemed preferred claims, and paid by such trustees or assignees, before any other creditor or creditors of the assignor: *Provided*, That the claims of each miner, mechanic, salesman, servant, clerk, or laborer thus preferred, shall not exceed in value two hundred dollars of gold coin of the United States, and the services shall have been rendered or labor performed within ninety days next preceding said assignment.

Executions, etc.

Claims for wages.

SEC. 5494. In all cases of execution, attachments and writs of a similar nature against the property of any person or persons, or chartered company or corporation, it shall be lawful for such miner, mechanic, salesman, servant, clerk and laborer to give notice of their claim or claims, and the amount thereof, duly certified and sworn to by the creditor or creditors making the claim to the officer executing either of such writs, at any time before the actual sale of property levied upon; the creditor or creditors making the claim shall at the same time give notice in writing to the creditor or creditors at whose instance the property has been levied upon, or his or their attorney, of their said claim or claims, and the amount thereof duly certified and sworn to by such claimant or claimants; a copy of said notice shall also be served upon the debtor, if he be found within the county where the property levied upon is situated: *Provided*, That if the debtor can not be found within the county where the property levied upon is situated, then said notice may be served upon the officer exe-

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cuting either of such writs in lieu of said debtor. Upon the filing in the court where the action or actions against the debtor is, or are pending, of an affidavit of the claimant or claimants, showing his or their compliance with the foregoing provisions of this section, the officer executing either of said writs shall pay to such miners, mechanics, salesmen, servants, clerks or laborers, out of the proceeds of the sale, the amount each is justly and legally entitled to receive for services rendered, within ninety days next preceding the levy of the writ of execution, attachment, or other writ, not exceeding two hundred dollars in gold coin of the United States: *Provided,* That neither the creditor or debtor may dispute the claim of any person seeking and claiming preference under this section, * * * but in case action is rendered necessary by the act as aforesaid, by either debtor or creditor, and judgment shall be had for said claim, or any part thereof, carrying costs, the costs attending the prosecution of said action, and legally taxable therein, shall likewise be a preferred claim with the same rank as the original claim: *And, provided further,* If the amount of assets, after deducting costs of levy and sale, shall not be adequate to the payment of all the preferred claims of this class, they shall be paid pro rata out of the money hereby made applicable thereto: *And, provided further,* That nothing in this act contained shall be construed to affect any homestead claims, mortgage, or lien of any description, created and existing before the claim of such laborer accrued.

Contesting claims.

Pro rata payments.

Act construed.

Liability of employers for injuries to employees.

SECTION 5649. Whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury shall be liable to the person injured for damages; and where the person causing such injury is employed by another person or corporation responsible for his conduct, such person or corporation so responsible shall be liable to the person injured for damages.

Right of action.

SEC. 5650. Every common carrier engaged in trade or commerce in the State of Nevada, and every mine and mill owner and operator actually engaged in mining, or in milling or reduction of ores, in the State of Nevada, shall be liable to any of its employees, or, in case of the death of such employee, to his personal representative for the benefit of his widow and children, if any, and if none, then for his next of kin, for all damages which may result from the negligence of the officers, agents, or employees of said common carrier or mine or mill operator, or by reason of any defect or insufficiency due to their negligence in its cars, engines, appliances, machinery, track, roadbed, ways or works, or to their negligent handling or storing of explosives.

Railways, mines, etc.

SEC. 5651. In all actions hereinafter brought against any common carrier or mine or mill owner and operator to recover damages for personal injuries to or death of an employee, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and the negligence of the employer, or its officers, agents, or employees was gross in comparison. All questions of negligence and contributory negligence shall be for the jury.

Comparative negligence.

SEC. 5652. No contract of employment, insurance, relief benefit, or indemnity for injury or death, entered into by or on behalf of any employee, nor the acceptance of any insurance, relief benefit or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to, or death of such employee: *Provided, however,* That upon the trial of such action the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the person entitled thereto.

Contracts waiving rights.

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Wages as preferred claims—In administration.

Order of payment of demands.

SECTION 6145. In all cases of the death of any employer or employers, the wages of each miner, mechanic, salesman, servant, clerk, and laborer, for services rendered, or labor performed, within ninety days next preceding the death of the employer, shall rank after the funeral expenses of the deceased, the charges and expenses of administering upon the estate, and the allowance to the widow and infant children, and be paid pro rata before all other claims against the estate of the deceased person or persons: *Provided*, This act shall in no way affect the homestead or other property exempted by law from forced sale, or any mortgage or lien lawfully obtained on the property of the deceased person before his or her death.

Interference with employment.

What constitutes conspiracy.

SECTION 6377. Whenever two or more persons shall conspire—

* * * * *

5. To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

* * * * *

Every such person shall be guilty of a gross misdemeanor.

Negligence of employees in charge of steam engines and boilers.

Negligence causing death.

SECTION 6408. Every person having charge of a steamboat used for the conveyance of passengers, or of a boiler or engine thereof, who, from ignorance, recklessness or gross negligence, or for the purpose of excelling another boat in speed, shall create or allow to be created such an undue quantity of steam as to burst the boiler or other apparatus in which it is generated or contained, or to break any apparatus or machinery connected therewith, whereby the death of a human being is occasioned; and every engineer or other person having charge of a steam boiler, steam engine or other apparatus for generating or applying steam, who, willfully or from ignorance or gross negligence, shall create or allow to be created such an undue quantity of steam as to burst the boiler, engine or apparatus, or to cause any other accident, whereby the death of a human being is occasioned, shall be guilty of manslaughter.

Employment of minors in barrooms.

Employment of minors an offense.

SECTION 6506. Every person * * * who shall employ a minor as a barkeeper, * * * is guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail not less than fifty days, nor more than six months, or by both such fine and imprisonment; * * *

Hours of labor in mines, smelters, etc.

Eight hours a day's work in mines;

SECTION 6554. The period of employment of working men in all underground mines or workings shall be eight hours per day, except in cases of emergency where life or property is in imminent danger.

In smelters, etc.

SEC. 6555. The period of employment of working men in smelters and in all other institutions for the reduction or refining of ores or metals shall be eight hours per day, except in cases of emergency where life or property is in imminent danger.

Violation.

SEC. 6556. Any person who violates either of the two preceding sections, or any person, corporation, employer or his or its agent,

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who hires, contracts with, or causes any person to work in an underground mine or other underground workings, or in a smelter or any other institution or place for the reduction or refining of ores or metals for a period of time longer than eight hours during one day unless life and property shall be in imminent danger, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or imprisonment in the county jail not more than six months, or both.

Eight hours a day's labor in open work.

SEC. 6557. The period of employment of working men in open-pit and open-cut mines shall not exceed eight hours in any twenty-four hours, except in cases of emergency where life or property is in imminent danger.

Violations.

SEC. 6558. Any person who violates any provisions of the preceding section, or any person, persons, corporation, employer or his agent, who hires, contracts with, or causes any person to labor in any open-pit or open-cut mines, for a period of time longer than eight hours within any twenty-four hours, except in cases of emergency where life or property is in imminent danger, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or both.

Eight hours a day's labor in certain mills.

SEC. 6559. The period of employment of all persons engaged or employed in any mill or other institution wherein plaster or cement is manufactured shall not exceed eight hours in any twenty-four hours except in cases of emergency where life is in imminent danger, or the product of such mill or institution liable to loss or damage by delay in treatment.

Violations.

SEC. 6560. Any person who violates any provision of the preceding section, or any person, persons, corporation, employer or agent who hires, contracts with or causes any person to be engaged or employed in any mill or other institution where plaster or cement is manufactured, for a period of time longer than eight hours in any twenty-four hours except in cases where life is in imminent danger or the product of such mill or institution liable to loss or damage by delay in treatment, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or both.

Smoking in factories, etc.

Smoking an offense, when.

SECTION 6578. Every person who shall light a pipe, cigar or cigarette in, or who shall enter with a lighted pipe, cigar or cigarette, any mill or other building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters stating that no smoking is allowed in such building, shall be guilty of a misdemeanor.

Railroads, etc.—Illiterate employees—Intoxication—Negligence.

Engineers to be able to read.

SECTION 6582. Every person who, as an officer of a corporation or otherwise, shall knowingly employ as an engineer or engine driver, to run a locomotive or train on any railway, any person who can not read time-tables and ordinary handwriting; and every person who, being unable to read time-tables and ordinary handwriting, shall act as an engineer or run a locomotive or train on any railway, shall be guilty of a gross misdemeanor.

Intoxication of employees.

SEC. 6583. Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, flagman or signalman, or person having charge of stations, starting, regulating or running trains upon a railway, or person employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public street, shall be intoxicated while en-

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gaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

Negligence of railroad employees.

SEC. 6585. Every engineer, motorman, gripman, conductor, brakeman, switch tender, train dispatcher or other officer, agent or servant of any railway company, who shall be guilty of any willful violation or omission of his duty as such officer, agent or servant, by which human life or safety shall be endangered, for which no punishment is specially prescribed, shall be guilty of a misdemeanor.

Employees in charge of steam boilers, etc.

SEC. 6587. Every person who shall apply, or cause to be applied to a steam boiler a higher pressure of steam than is allowed by law, or by any inspector, officer or person authorized to limit the same; every captain or other person having charge of the machinery or boiler in a steamboat used for the conveyance of passengers on the waters of this State, who, from ignorance or gross neglect, or for the purpose of increasing the speed of such boat, shall create or cause to be created an undue or unsafe pressure of steam; and every engineer or other person having charge of a steam boiler, steam engine or other apparatus for generating or employing steam, who shall willfully or from ignorance or gross neglect, create or allow to be created such an undue quantity of steam as to burst the boiler, engine or apparatus, or cause any other accident, whereby human life is endangered, shall be guilty of a gross misdemeanor.

Contracts of employment—Violation endangering life.

Violations an offense, when.

SECTION 6588. Every person who shall willfully and maliciously, either alone or in combination with others, break a contract of service or employment, knowing or having reasonable cause to believe that the consequence of his so doing will be to endanger human life or to cause grievous bodily injury, or to expose valuable property to destruction or serious injury, shall be guilty of a misdemeanor.

Interference with employment.

Violence, force, etc.

SECTION 6740. Every person who, with intent to compel another to do or abstain from doing an act which such other person has a right to do, or abstain from doing, shall wrongfully and unlawfully—

1. Use violence or inflict injury upon such other person or any of his family, or upon his property, or threaten such violence or injury; or,

2. Deprive such person of any tool, implement or clothing, or hinder him in the use thereof; or,

3. Attempt to intimidate such person by threats or force,

Shall be guilty of a misdemeanor.

Hours of labor on public works—Eight-hour day.

Eight hours a day's work.

Violation.

SECTION 6778. On public works, all works or undertakings carried on or aided by the State, county or municipal governments, eight hours shall constitute a day's labor. Any violation of the provisions of this section shall be deemed a misdemeanor and shall subject the employee as well as the person or persons acting on behalf of the State, county or municipal government in the employment of such employee, to a fine of not less than ten dollars nor more than fifty dollars, and in case any contract is let for any State, county or municipal government work, the contractor or contractors violating the provisions hereof shall be punished by a fine of not less than five dollars nor more than fifty dollars for each and every man so employed by such contractor or contractors, and in addition thereto such contract shall be forfeited and be null and void: *Provided*, That nothing herein shall be so construed as to prevent the preservation or protection of property in cases of emergency.

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Blacklisting, etc.

Preventing employment of discharged employee.

SECTION 6779. Any person, association, company, or corporation within this State, or agent, or officer, on behalf of such person, association, company or corporation, who shall hereafter willfully do anything intended to prevent any person who shall have for any cause left or been discharged from his or its employ from obtaining employment elsewhere in this State, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than fifty dollars, nor more than two hundred and fifty dollars for each offense, or imprisonment in the county jail at the rate of one day for each two dollars of such fine in the event such fine be not paid.

Blacklisting.

SEC. 6780. No corporation, company, organization, or individual shall blacklist or publish, or cause to be blacklisted or published, any employee, mechanic, or laborer discharged by such corporation, company, organization, or individual with the intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company, organization, or individual.

Violation.

SEC. 6781. If any officer or agent of any corporation, company, organization, or individual, or other person, shall blacklist or publish or cause to be blacklisted or published any employee, mechanic or laborer discharged by such corporation, company, organization, or individual, with the intent and for the purpose of preventing such employee, mechanic or laborer from engaging in or securing similar or other employment from any other corporation, company, organization, or individual, or shall in any manner conspire or contrive by correspondence or otherwise, to prevent such discharged employee from procuring employment, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty, nor more than two hundred and fifty dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, or both.

Statement may be furnished.

SEC. 6782. The two preceding sections shall not be construed as prohibiting any corporation, company, organization or individual from giving in writing, on application from such discharged employee, or any corporation, company, organization or individual who may desire to employ such discharged employee, a truthful statement of the reason for such discharge: *Provided*, That said written cause of discharge, when so made by such person, agent, company, organization or corporation shall not be used as the cause for an action for libel, either civil or criminal, against the person, agent, company, organization or corporation so furnishing the same.

Employment of labor—Foreman, etc., accepting fees.

Employers not to charge fees.

SECTION 6783. It shall be unlawful for any person or persons, firm, company, association or corporation, either as principal or agent, to charge, or receive, or demand, or attempt to charge, or receive or demand, any money or other thing of value, from any person or persons whomsoever, upon the promise of hiring or retaining such person or persons in any employment whatsoever, or by threatening to discharge such person or persons from any such employment, whether or not such person or persons, firm, company, association or corporation, either as principal or agent, may have the right or authority to employ, or retain, or discharge such person or persons, in, or from any such employment whatsoever.

Violations.

Any person or persons convicted of the violation of any of the provisions of this section shall be punished by imprisonment in the State prison for a term of not less than one year nor more than three years.

Exemption.

SEC. 6784. The preceding section shall not apply to any duly and regularly licensed intelligence office for the employment of persons.

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Employment offices—False representation.

False statements forbidden.

SECTION 6785. Every employment agent or broker, who, with intent to influence the action of any person thereby, shall misstate or misrepresent verbally, or in any writing or advertisement, any material matter relating to the demand for labor, the conditions under which any labor or service is to be performed, the duration thereof or the wages to be paid therefor, shall be guilty of a misdemeanor.

Bribery of employees.

Soliciting or receiving bribes.

SECTION 6786. Every agent, employee or servant of any person or corporation and every public officer who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that he shall act in any particular manner in connection with his principal's, employer's or master's business, or his official duties or the public service; or who being authorized to purchase or contract for materials, supplies or other articles or to employ servants or labor for his principal, employer or master, or for the State or any county or municipality, or for the public service, shall ask or receive, directly or indirectly, for himself or another, a commission, percentage, discount, bonus or promise thereof from any person with whom he may deal in relation to such matters, shall be guilty of a gross misdemeanor.

Forgery of employers' certificates.

Use of false letters, etc.

SECTION 6787. Every person who shall obtain employment or appointment to any office or place of trust, by color or aid of any false or forged letter or certificate or recommendation, shall be guilty of a misdemeanor.

Payment of wages—Discounting.

Discounting time checks.

SECTION 6788. Whenever any person or persons, firm, corporation or association whether acting as principal or agent, contractor or subcontractor, shall hire or employ any other person or persons for the performance of any labor, or service, and shall issue to such person or persons time checks for the labor or service performed, it shall be unlawful for the person or persons, firm, corporation or association, issuing such time checks to discount the same or deduct therefrom any portion of the same as such discount.

Violation.

SEC. 6789. Any employer of labor, or his agent or representative, violating the provisions of the next preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or both.

Application of law.

SEC. 6790. Nothing in the two next preceding sections shall apply to persons, firms, associations or corporations, making discounts, deduction, or pro rata payments in the course of bankruptcy or insolvency proceedings, or in the settlement of the estates of deceased persons.

Protection of employees as traders, etc.

Coercion as to trading or boarding.

SECTION 6791. Any person or persons, employer, company, corporation or association, or the managing agent of any person or persons, employer, company, corporation or association, doing or conducting business in this State, who by coercion, intimidation, threats or undue influence, compels or induces his or her employees to trade at any particular store, or board at any particular boarding house, in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum

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not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days, nor more than one hundred days, or by both such fine and imprisonment.

Protection of employees as members of labor organizations—Bribery of representatives.

Preventing employees from joining unions.

SECTION 6792. It shall be unlawful for any person, firm or corporation to make or enter into any agreement, either oral or in writing, by the terms of which any employee of such person, firm or corporation, or any person about to enter the employ of such person, firm or corporation, as a condition for continuing or obtaining such employment, shall promise or agree not to become or continue a member of a labor organization, or shall promise or agree to become or continue a member of a labor organization.

Penalty.

SEC. 6793. Any person or persons, firm or firms, corporation or corporations, violating the provisions of the next preceding section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than fifty or more than three hundred dollars, or be imprisoned in the county jail for a period of not less than twenty-five days nor more than five months, or by both such fine and imprisonment.

Sections 6792, 6793, were held by a Federal court to be unconstitutional. 159 Fed. Rep. 500.

Offering bribes.

SEC. 6794. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any duly constituted representative of a labor organization, with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, shall be guilty of a gross misdemeanor.

Receiving same.

SEC. 6795. Every person who, being the duly constituted representative of a labor organization, shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that any of his acts, decisions or other duties as such representative, or any act to prevent or cause a strike of the employees of any person or corporation shall be influenced thereby, shall be guilty of a gross misdemeanor.

Bribery of employees.

Offering bribes.

SECTION 6796. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any agent, employee or servant of any person or corporation, with intent to influence his action in relation to his principal's, employer's or master's business, shall be guilty of a gross misdemeanor.

Safety appliances in factories and mines.

Collars, etc., on shafts.

SECTION 6797. It shall be unlawful for any person, company or corporation, to construct or place any shaft or shafting with collars, sleeves or pulleys over two feet in diameter attached or secured to any such shaft by set screws projecting above the hub of such collars, sleeves or pulleys. In all such cases where set screws are used, the heads thereof shall be countersunk below the surface of the hub of the collar, sleeve or pulley in which they are placed. Any person or corporation who shall fail or refuse to comply with the requirements of this section, when constructing or changing any machinery, shall be guilty of a misdemeanor, and upon conviction therof shall be fined not less than one hundred nor more than five hundred dollars.

Suits.

SEC. 6798. Nothing contained in the next preceding section shall be so construed as to prevent recovery in a suit for damages, for injuries sustained by the party so injured or by his heirs or administrators.

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Safety cages in mines.

SEC. 6799 (as amended by chapter 267, Acts of 1913). It shall be unlawful for any person or persons, company or companies, corporation or corporations, to sink or work through any vertical shaft, at a greater depth than three hundred and fifty feet, unless the said shaft shall be provided with an iron-bonneted safety cage, safety crosshead or safety skip, to be used in the lowering and hoisting of the employees of such person or persons, company or companies, corporation or corporations. The safety apparatus shall be securely fastened to the cage, crosshead or skip, and shall be of sufficient strength to hold the cage, crosshead or skip loaded at any depth to which the shaft may be sunk: *Provided*, That where safety crosshead is used for other than sinking purposes the same shall be equipped with gates as provided by law for cages: *And provided further*, That where skips are used for other than sinking purposes platforms for men to stand on when being hoisted or lowered shall be placed in said skip not less than four feet from top of same and that an overhead bar be provided for the men to hold to. In any shaft less than three hundred and fifty feet deep where no safety cage, safety crosshead or safety skip is used and where crosshead or crossheads are used, platforms for employees to ride upon in lowering and hoisting said employees shall be placed above said crosshead or crossheads. Any person or persons, company or companies, corporation or corporations or the managing agent of any person or persons, company or companies, corporation or corporations, violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of five hundred dollars, or imprisonment in the county jail for a term of six months, or by both such fine and imprisonment.

Suits.

SEC. 6800. Nothing contained in the next preceding section shall be so construed as to prevent recovery being had in a suit for damages for injuries sustained by the party so injured, or his heir or administrator or administratrix, or any one else now competent to sue in an action of such character.

Labor combinations not unlawful.

Meetings permitted.

SECTION 6801. No part of this act shall be construed to restrict or prohibit the orderly and peaceably assembling or cooperation of persons employed in any profession, trade or handicraft, for the purpose of securing an advance in the rate of wages, or compensation, or for the maintenance of such rate.

Employment of children.

Mendicant, immoral, etc., occupations.

SECTION 6823. Every person who shall employ, or cause to be employed, exhibit or have in his custody for exhibition or employment any minor actually or apparently under the age of eighteen years; and every parent, relative, guardian, employer or other person having the care, custody, or control of any such minor, who shall in any way procure or consent to the employment of such minor—

1. In begging, receiving alms, or in any mendicant occupation; or,

2. In any indecent or immoral exhibition or practice; or,

3. In any practice or exhibition dangerous or injurious to life, limb, health or morals; or,

4. As a messenger for delivering letters, telegrams, packages or bundles, to any house of prostitution or assignation;

Shall be guilty of a misdemeanor.

Age limit.

SEC. 6824. Every person who shall employ, and every parent, guardian or other person having the care, custody or control of such child, who shall permit to be employed, by another, any male child under the age of fourteen years or any female child under the age of sixteen years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or housework, without the

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written permit thereto of a judge of the district court of the county wherein such child may live, shall be guilty of a misdemeanor.

Sale of intoxicants at construction camps.

Sale forbidden, where.

SECTION 6839. It shall be unlawful to grant a license to any person, firm or corporation to sell, barter, exchange or otherwise to dispose of any malt, spirituous, vinous or other intoxicating liquors within five miles of any camp or assemblage of men engaged in the construction or reconstruction of any railway or government construction or reconstruction works where twenty-five or more men are employed.

Proviso.

SEC. 6840. * * * *Provided,* That nothing in this act shall apply to the sale of liquors made under a license issued by any incorporated town or city nor to sales at a saloon, store or hotel at which such liquors are sold or otherwise disposed of outside of the corporate limits of towns and cities where such saloon, store or hotel has been established in a substantial building of permanent character and has been licensed for at least six months immediately prior to the beginning of such construction work within the said five-mile limit.

Immigration of persons bound to involuntary servitude.

Immigration of slaves, etc., prohibited.

SECTION 6847. The immigration to this State of all slaves and other people bound by contract to involuntary servitude for a term of years is hereby prohibited.

Collection of wages.

SEC. 6848. It shall be unlawful for any company, person or persons to collect the wages or compensation for the labor of the persons described in the first section of this act [sec. 6847].

Payment of wages.

SEC. 6849. It shall be unlawful for any corporation, company, person or persons, to pay to any owner, or agent of the owner of any such persons mentioned in section one of this act [sec. 6847], any wages or compensation for the labor of such slaves or persons so bound by said contract to involuntary servitude.

Violation.

SEC. 6850. Any violation of any of the provisions of this act [secs. 6847–6850] shall be deemed a misdemeanor, and shall be punished by a fine of not less than three hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than three months or more than six months, or by both such fine and imprisonment.

ACTS OF 1913.

CHAPTER 15.—*Protection of employees as voters—Time to vote.*

Employment forbidden.

SECTION 1. No person entitled to vote at any election held in this State shall, upon the day of such election, be employed in any manufacturing, mechanical or mercantile establishment, except such establishments as may lawfully conduct their business on a legal holiday.

Exception.

Three hours allowed.

SEC. 2. Every person entitled to vote at any such election held in this State who is employed in such an establishment as may lawfully conduct its business on a legal holiday and on election day, must be given on election day a leave of absence for a period of three consecutive hours after the opening and before the closing of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period.

Violation.

SEC. 3. Any owner, superintendent or overseer, or other person, [shall] in any manufacturing, mechanical or mercantile establishment, who employs or permits to be employed any person therein on the day of any election held in this State in violation of the provisions of section 1 of this act, or who violates the provisions of section 2 of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprison-

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ment in the county jail for not less than twenty-five days nor more than fifty days, or both such fine and imprisonment.

CHAPTER 32.—*Railroads—Headlights on locomotives.*

Headlights required.

SECTION 1. Every company, corporational lessee, manager or receiver, owning or operating a railroad in this State, is hereby required to equip, maintain, use and display at night upon each and every locomotive being operated in road service in this State, an electric or other headlight of at least 1,500 candlepower, measured without the aid of reflector: *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 railroads not maintaining regular night-train schedules, nor to locomotives going to or returning from repair shops when ordered in for repairs.

Backing.

SEC. 2. All locomotives backing up, over any division or district, or portion thereof at night, shall be provided with a headlight of the character described in section 1 hereof displayed in the direction the engine is moving.

Violation.

SEC. 3. Any railroad company, or the receiver, or lessee thereof, doing business in the State of Nevada, which shall violate the provisions of this act shall be liable to the State of Nevada for the penalty of not less than one hundred ($100) dollars nor more than ($1,000) dollars for each offense. And such penalties shall be recovered and suit brought, in the name of the State of Nevada, in any court of competent jurisdiction, in any county in or through which such line of railroad may run, by the attorney general or by the district attorney in any county in or through which such line of railroad may be operated.

CHAPTER 64.—*Mine regulations—Exits.*

Passageways to be kept open.

SECTION 1. It shall be unlawful for any owner, operator or person in charge of any mine to place or cause to be placed any bulkhead or door in any passageway connecting contiguous mines or to refuse to allow the right of use of such outlet through such contiguous mine in case of an accident: *Provided*, That nothing in this act shall prevent the maintaining of a door in such connection which can be quickly opened or readily broken in case of an accident.

Tools.

SEC. 2. In all passageways connecting contiguous mines where a door or doors have been erected necessary tools for opening the same shall be kept in a conspicuous place near said doors and not removed for any purpose whatever other than as specified in this act.

Violation.

SEC. 3. Any owner, operator or person in charge of any mine who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than six months or by both such fine and imprisonment; and each and every day that such owner or operator may continue to violate any of the provisions of this act, shall be considered a separate offense and shall be punishable as such.

Definitions.

SEC. 4. That the words "person," "operator," "owner," and "person in charge," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of the Territories, the laws of any State, or the laws of any foreign country.

CHAPTER 74.—*Railroads—Sufficient crews for trains.*

Crew required.

SECTION 1. It shall be unlawful for any person, firm, company or corporation engaged in the business of common carrier, operating freight and passenger trains, or either of them, within or

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through the State of Nevada, to run or operate, or permit or cause to be run or operated, within or through this State, along or over its road or tracks, other than along or over the road or tracks within yard limits, any freight or passenger train consisting of two cars or less, exclusive of caboose and engine and tenders, with less than a full crew consisting of not less than four persons, to wit, one engineer, one fireman, one conductor and one brakeman, who will act in the capacity of flagman.

Two cars or less.

SEC. 2. It shall be unlawful for any person, firm, company or corporation engaged in the business of common carrier, operating freight and passenger trains, or either of them, within or through the State of Nevada, to run or operate, or permit or cause to be run or operated, within or through this State, along or over its road or tracks, other than along or over the road or tracks within yard limits, any freight or passenger train of three or more and less than fifty freight, passenger, or other cars exclusive of caboose and engine with less than a full crew consisting of five persons, to wit, one engineer, one fireman, one conductor, one brakeman and one flagman.

Three to fifty cars.

SEC. 3. It shall be unlawful for any person, firm, company or corporation, engaged in the business of common carrier, operating freight and passenger trains, or either of them, within or through the State of Nevada, to run or operate, or permit or cause to be run or operated, within or through this State, along or over its road or tracks other than along or over its road or tracks within yard limits, any freight or passenger train of more than fifty freight, passenger or other cars, exclusive of caboose and engine and tender, with less than a full crew, consisting of not less than six persons, to wit, one conductor, one engineer, one fireman, two brakemen and one flagman.

More than fifty cars.

SEC. 4. The flagman mentioned in sections 1, 2, and 3 of this act shall have had at least one year's actual experience in train service.

Flagman.

SEC. 5. The provisions of this act shall not apply to or include any railroad company or receiver or manager thereof of any line of railroad in this State less than ninety-five miles in length; neither shall they apply to the operation of light engines and tenders when running as such outside the yard limits.

Exceptions.

SEC. 6. Nothing in this act shall be considered to repeal or affect in whole or in part that certain act entitled "An act to regulate railroads, telegraph and telephone companies and other common carriers of this State, creating a railroad commission, constituting the governor, the lieutenant governor and the attorney general a railroad board for the appointment and removal of the railroad commissioners, preventing the imposition of unreasonable rates, preventing unjust discrimination, insuring an adequate railway service, and fixing maximum freight charges," approved March 5, 1907.

Railroad act not repealed.

SEC. 7. Any railroad company or receiver of any railroad company, and any person, firm, company or corporation engaged in the business of common carriers doing business in the State of Nevada, who or which shall violate any of the provisions of this act, shall be liable to the State of Nevada for a penalty of five hundred dollars for each offense; and such penalty shall be recovered and suit brought in the name of the State of Nevada in a court of proper jurisdiction in any county in or through which such line of railroad may run, by the attorney general or under his direction, [or] by the district attorney in any county through which such line of railroad may operate.

Violation.

CHAPTER 125.—*Mine regulations—Drilling dry rock.*

SECTION 1. It shall be unlawful for any owner, operator or person in charge of any underground mine to cause to be drilled or bored by machinery a hole or holes in any stope or raise in ground that causes dust from drilling, unless said machinery is equipped with a water-jet or spray or other means equally effi-

Spray to be provided.

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cient to prevent the escape of dust: *Provided*, That when water-jets or sprays are used water free from pollution with organic or other noxious matter shall be furnished.

Use required. SEC. 2. Where machinery used for drilling or boring holes in stopes or raises is equipped as required by section 1 of this act, it shall be unlawful for any person or persons to drill or bore a hole in said stope or raise without using said appliance for the prevention of dust.

Violations. SEC. 3. Any person who violates either of the two preceding sections, or any owner, operator or person in charge of any underground mine who hires, contracts with or causes any person to violate the two preceding sections shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not more than six months or by both such fine and imprisonment.

Definitions. SEC. 4. The word "person," "operator," "owner," and "person in charge," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of the Territories, the laws of any State, or the laws of any foreign country.

CHAPTER 215.—*Mine regulations—Sprinkling dusty mines.*

Sprinkler to be furnished. SECTION 1. Every corporation, company, owner or operator of a mine in this State shall equip all chutes from which dusty ore or rock is taken with a sprinkler or other device with which to effectively dampen said ore or rock to prevent the escape of dust into the air during removal, providing that whenever in the opinion of the inspector of mines the installation of said device in any property is impracticable he shall have the power to exempt such property.

Location. SEC. 2. Whenever a sprinkling device is installed at any chute for the purpose of preventing the escape of dust it shall be so placed that it can be operated by the workman loading cars from such chute.

Ore house to have water. SEC. 3. Every ore house where dusty ore or rock is sorted, shall be supplied at all times with suitable clean water, which shall be used for the purpose of sprinkling said ore or rock to allay the dust. Nothing in this act shall apply to mines employing less than ten men or to chutes that are loaded in the open air.

Violations. SEC. 4. Any corporation, company, owner or operator who fails or refuses to install the sprinkling or watering device hereinabove provided for shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment.

CHAPTER 232.—*Employment of children.*

Employment during school hours. SECTION 1. 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.

Occupations forbidden. SEC. 2. 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 warehouses, 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; nor in any

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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).

Powers of board of health.

SEC. 3. 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.

Children apparently under age.

SEC. 4. The State superintendent, or other authorized inspector or school attendance officer, shall make demand on an employer in or about whose place or establishment a child apparently under the age of fourteen (14) years is employed, or permitted or suffered to work, during the hours in which public schools of the district are in session; that such employer shall either furnish him within ten (10) days satisfactory evidence that such child is in fact over fourteen (14) years of age, or shall cease to employ, or permit or suffer such child to work.

Other occupations forbidden.

SEC. 5. No child under the age of sixteen (16) years shall be employed, permitted or suffered to work in, about or in connection with glass 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 or 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 [analin], 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 sixteen (16) years.

Powers of board of health.

SEC. 6. 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 the minor under the age of sixteen (16) years, employed therein to justify their exclusion therefrom, and may prohibit their employment therein.

Nightwork.

SEC. 7. In incorporated cities and towns no person under the age of eighteen (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 o'clock in the morning, or after 10 o'clock in the evening of any day.

Hours of labor.

SEC. 8. 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 hours in any one week, nor more than eight hours in any one day. The presence of a child in any establishment during working hours shall be prima facie evidence of its employment therein.

Violation.

SEC. 9. Whoever employs any child, and whoever having under his control as parent, guardian, or otherwise, any child, permits or suffers any 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 ($5) dollars nor more than two hundred ($200) dollars or to be imprisoned for not less than ten (10) days nor more than thirty (30) days, or both in the discretion of the court.

Continued violation.

SEC. 10. 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 other authorized officer, shall for

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every day thereafter that such employment continues be fined not less than five ($5) dollars nor more than twenty ($20) dollars.

CHAPTER 271.—*Safety of employees—Electrical construction and maintenance.*

Running of wires.

SECTION 1. No commission, officer, agent or employee of the State of Nevada, or of any city and county or city or county or other political subdivision thereof, and no other person, firm or corporation shall

Distance from center of pole.

(a) Run, place, erect, or maintain any wire, cable, or other conductor used to conduct or carry electricity on any pole or on any cross-arm, bracket, or other appliance attached to such pole within a distance of sixteen (16) inches from the center line of said pole: *Provided*, That the foregoing provisions of this paragraph (a) shall be held not to apply to one or two telephone or telegraph cables attached directly to one side of the pole and which are at least six (6) feet, at point of attachment, from any wire, cable or other conductor carrying at any one time more than six hundred (600) volts of electricity: *And further provided*, That the foregoing provisions shall be held not to apply to telephone, telegraph or other "signal" wires or cables, which are attached to a pole to which is attached no wires or cables other than telephone, telegraph or other "signal" wires; nor shall the foregoing provisions be held to apply to such wires or cables in cases where the same are run from underground and placed vertically on poles, nor to "bridle" or "jumper" wires on any pole which are attached to telephone, telegraph or other "signal" wires on the same pole; nor to any "aerial" cable as between such cable and any pole on which it originates or terminates; nor to transformers placed upon poles, nor to any wire or cable where the same is attached to the top of the pole as between it and the said pole, nor to any "aerial" cable containing telephone, telegraph or other "signal" wires where the same is attached to a pole on which no other wires or cables and wires continuing from said cable are maintained: *Provided*, That electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said "aerial" cable is placed.

Unattached wires.

(b) Run, place, erect or maintain in the vicinity of any pole (and unattached thereto) within the distance of sixteen (16) inches from the center line of said pole, any wire, cable or other conductor used to conduct or carry electricity, or place, erect or maintain any pole (to which is attached any wire, cable or other conductor used to conduct or carry electricity) within the distance of sixteen (16) inches (measured from the center of such pole) from any wire, cable or other conductor used to conduct or carry electricity: *Provided*, That as between any wire, cable or other conductor and any pole, as in this paragraph (b) named, only the wire, cable or other conductor or pole last in point of time run, placed or erected, shall be held to be run, placed, erected or maintained in violation of the provisions of this paragraph: *And further provided*, That the provisions of this paragraph (b) shall not be held to apply to telephone, telegraph or other "signal" wires or cables.

Wires carrying six hundred volts.

(c) Run, place, erect or maintain, above ground, within the distance of four (4) feet from any wire, cable or other conductor conducting or carrying less than six hundred volts of electricity, any wire, cable or other conductor which shall conduct or carry at any one time more than six hundred volts of electricity, or run, place, erect or maintain within the distance of four (4) feet from any wire, cable or other conductor which shall conduct or carry at any one time more than six hundred volts of electricity, any wire, cable or other conductor conducting or carrying less than six hundred volts of electricity: *And further provided*, That wires, cables or other conductors carrying more than six hundred volts of electricity, if the space between any wire, cable or other

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conductor carrying or conducting at any one time more than six hundred volts of electricity and any wire, cable or other conductor carrying less than said voltage shall be at least thirty-two (32) inches clear measurement in a horizontal line, and four (4) feet in a vertical direction: *Provided*, That the foregoing provisions of this paragraph (c) shall be held not to apply to any wires, cables or other conductors attached to a transformer, arc or incandescent lamp within a distance of four (4) feet (measured along the line of said wire, cable or other conductor) from the point where such wire, cable or other conductor is attached to such transformer, arc or incandescent lamp, nor to wires, cables or other conductors within buildings or other structures nor to wires, cables or other conductors where the same are run from underground and placed vertically on poles, nor to any "lead" wires or cables between the point where the same are made to leave any pole for the purpose of entering any building or other structure, and the point at which they are made to enter such building or structure, nor to any circuit installed for the purpose of leading off or "bucking" from a circuit where it is impracticable to maintain wires otherwise than in a level position: *Provided, however*, That at all times a clearance of not less than two (2) feet in a vertical direction at point of crossing is maintained between wires, cables or other conductors carrying at any time more than six hundred volts of electricity and wires, cables or other conductors carrying less than six hundred volts of electricity: *And provided further*, That as between any two wires, cables or other conductors, or any wire, cable or other conductor run, placed, erected or maintained in violation of the provisions of this paragraph (c), only the wire, cable or other conductor last in point of time run, placed, erected or maintained shall be held to be run, placed, erected or maintained thus in violation of said provision.

Color of cross-arms.

(d) Run, place, erect or maintain, any wire, cable or other conductor which shall conduct or carry at any one time more than six hundred volts of electricity, without causing each cross-arm, or such other appliance as may be used in lieu thereof, to which such wire, cable or other conductor is attached to be kept at all times painted a bright yellow color; or, on such cross-arm, or other appliance used in lieu thereof, shall be placed enameled iron signs, providing, in white letters on a green background, the words "High Voltage," and these letters shall not be less than three (3) inches in height, and said signs shall be securely fastened on the face and back of each cross-arm. The provisions of this paragraph (d) shall not be held to apply to cross-arms to which are attached wires, cables or other conductors carrying or conducting more than fifteen thousand (15,000) volts of electricity.

Insulation of guy wires.

(e) Run, erect, place or maintain any "guy" wire or "guy" cable attached to any pole or appliance to which is attached any wire, cable or other conductor used to conduct or carry electricity without causing said "guy" wire or "guy" cable to be effectively insulated at all times at a distance of not less than four (4) feet nor more than eight (8) feet (measured along the line of said wire, cable or other conductor) from the upper end thereof, and at a point not less than eight (8) feet vertically above the ground from the lower end thereof: *And provided further*, That whenever two or more "guy" wires or "guy" cables are attached to same pole and same anchorage, there shall be at least one (1) foot vertical space between the points of attachment: *And further provided*, That no insulation shall be required at the lower end of a "guy" wire or "guy" cable where the same is attached to a grounded anchor: *And provided further*, That where "guy" is attached to a pole or structure of steel or other conducting material, which is thoroughly grounded, no insulation shall be required at any point in said guy; none of the provisions of this paragraph (e) shall be held to apply to "guy" wires or "guy" cables attached to poles carrying no wire, cable or other conductor other than telephone, telegraph or other "signal" wire or cable.

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Insulation of power wires.

(f) Run, place, or erect, or maintain, vertically on any pole, any wire, cable or other conductor used to conduct or carry electricity, without causing such wire, cable or other conductor to be at all times wholly encased in casing equal in durability and insulating efficiency to a wooden casing not less than one and one-half (1½) inches thick. The provisions of this paragraph (f) shall not be held to apply to vertical telephone, telegraph or other "signal" wires or cables on poles where no other than such wires or cables are maintained.

Transformers.

(g) Place, erect or maintain on any pole, or on any cross-arm or other appliance on said pole, which carries or upon which is placed an electric arc lamp, any transformer for transforming electric currents.

Direct current and signal wires.

SEC. 2. None of the provisions of the preceding section shall be held to apply to "direct current" electric wires, cables or other conductors having the same polarity, nor to "signal" wires when no more than two (2) of such "signal" wires are attached to any one pole: *Provided*, That none of such "direct current" or "signal" wires shall in any case be run, placed, erected or maintained within the distance of sixteen (16) inches from the center line of any pole (other than the pole or poles on which said wires, cables or other conductors are carried) carrying electric wires, cables or other conductors: *And provided further*, That as between any two wires, cables or other conductors, or any wire, cable or other conductor run, placed, erected or maintained in violation of the provisions of this section (2) only the wire, cable or other conductor last in point of time run, placed, erected or maintained shall be held to be run, placed, erected or maintained thus in violation of said provisions.

Span wires.

SEC. 3. No commission, officer, agent or employee of the State of Nevada, or of any city and county or city or county or other political subdivision thereof, and no other person, firm or corporation shall run, place, erect or maintain any "span" wire attached to any wire, cable or other conductor used to conduct or carry electricity, without causing said "span" wire to be at all times effectively insulated between the outer point at which it is in any case fastened to the pole or other structure by which it is hung or supported, and at the point at which it is in any case thus attached: *Provided*, That such insulation shall not in any case be placed less than two (2) feet or more than four (4) feet from said point at which said "span" wire is so attached.

Enforcement.

SEC. 4. The public service commission of the State of Nevada shall do all things necessary and convenient for the enforcement of the provisions of this act, and shall make and prescribe such rules, regulations and course of procedure for the enforcement of the provisions of this act as such commission shall deem necessary and proper, and upon application by any person or persons either in writing or in person, they shall make such further rules and regulations regarding the construction, maintenance and operation of the plants and devices used to generate and distribute electricity in this State, as may appear necessary and reasonable to them, which procedure, rules and regulations shall have the same force and effect as this act: *Provided*, That nothing in this act shall be construed as vesting judicial powers in said commission or as denying to any person, firm, association, municipality, county, town or village the right to test in a court of competent jurisdiction the legality or reasonableness of any final orders made by the commission in the exercise of its duties and powers.

Violation.

SEC. 5. Any violation of any of the provisions of this act shall be deemed a misdemeanor and shall be punishable upon conviction by a fine of not exceeding five hundred dollars ($500), or by imprisonment in a county jail not exceeding six (6) months, or by both such fine and imprisonment.

Construction.

SEC. 6. Each section of this act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part of section to be void

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or inoperative for any cause shall not be deemed to affect any other section thereof.

Effect.

SEC. 8. This act shall take effect six (6) months from the date of its passage in so far as it relates to new work, and a period of five (5) years shall be allowed in which to reconstruct all existing work and construction to comply with the provisions of this act.

CHAPTER 276.—*Employment of labor—False representations.*

False representations of employers.

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 make any false representation or pretenses as to having sufficient funds to pay such wages, 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, 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 a misdemeanor, and upon conviction therefor, shall be punishable by imprisonment in the county jail not to exceed six months, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

CHAPTER 283.—*Hours of labor of employees on railroads.*

Application of law.

SECTION 1. The provisions of this act shall apply to any common carrier or carriers, their officers, agents and employees, engaged in the transportation of passengers or property by railroad in the State of Nevada. The term "railroad," as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract agreement, or lease and the term "employees," as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

Limit of sixteen hours.

SEC. 2. It shall be unlawful for any common carrier, its officers, or agents, subject to this act, to require or permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier 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*, That no employee who by the use of the telegraph or telephone or other electrical device, dispatches, reports, transmits, receives or delivers, orders or who from towers, offices, places and stations operates signals or switches or similar mechanical devices controlling, pertaining to, or affecting the movement of trains of more than two cars shall be required or permitted to be or remain on duty in any twenty-four-hour period for a longer period than eight hours, which period of eight hours shall be wholly within the limits of a continuous shift and upon the completion of which period such employee shall not be required or permitted to again go on duty until the expiration of sixteen hours. This proviso shall not apply to employees who in case of emergency use the telephone to obtain orders or information governing the movement of trains: *Provided further*, In case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period of not exceeding three days in any week.

Eight hours for dispatches, etc.

Violation.

SEC. 3. Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty

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in violation of the second section hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than two hundred and fifty dollars ($250) and not more than five hundred dollars ($500) for each and every violation of this act, in a suit or suits to be brought by the district attorney in the district courts of the State of Nevada having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorneys to bring such suits upon satisfactory information being filed with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the State railroad 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 common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officers or agent in charge of such employee at the time said employee left terminal and which could not have been forseen [foreseen]: *Provided further*, That the provision of this act shall not apply to the crews of wrecking or relief trains: *Provided further*, That the provisions of this act shall not apply to railroads not maintaining a regular night train schedule.

Proviso.

Enforcement. SEC. 4. It shall be the duty of the State railroad commission to execute and enforce the provisions of this act, and all powers granted by law to the State railroad commission are hereby extended to it in the execution of this act.

CHAPTER 285.—*Mine regulations—Certain employees to speak English.*

Men handling explosives, etc. SECTION 1. It shall be unlawful for any person, firm or corporation to employ in any underground mine in the State of Nevada, or in the handling of explosives either in underground mines or surface mine workings in the State of Nevada, any person or persons who cannot clearly speak and readily understand the English language, or who cannot readily read and understand any sign, notice or list of rules, or directions, printed in the English language in regard to rules of safety in said underground mine, or in the handling of said explosives.

Violation. SEC. 2. Any person, firm or corporation, 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 ($100) dollars, nor more than five hundred ($500) dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

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NEW HAMPSHIRE.

PUBLIC STATUTES—1891.

CHAPTER 159.—*Railroads—Safety appliances.*

SECTION 26. The proprietors of every railroad shall erect and maintain bridge guards at each end of every bridge or other structure erected less than eighteen feet above the track of their railroad, the character and location of which shall be approved by the board of railroad commissioners. Telltales to be erected.

SEC. 27. If the proprietors of any railroad shall fail to comply with the provisions of the preceding section, they shall forfeit fifty dollars for each month of continuance in such failure. Penalty.

CHAPTER 180.—*Employment of women and children—Hours of labor.*

SECTION 14 (as amended by chapter 94, Acts of 1907). No woman and no minor under eighteen years of age shall be employed in a manufacturing or mechanical establishment for more than nine hours and forty minutes in one day except in the following cases: I. To make a shorter day's work for one day in the week. II. To make up time lost on some day in the same week in consequence of the stopping of machinery upon which such person was dependent for employment. III. When it is necessary to make repairs to prevent interruption of the ordinary running of the machinery. In no case shall the hours of labor exceed fifty-eight in one week. Hours of labor.

SEC. 15. The proprietors of every such establishment shall keep posted in a conspicuous place in every room where such persons are employed a notice printed in plain, large letters, stating the exact time of beginning and of stopping work in the forenoon and in the afternoon, and the number of hours' work required of them each day of the week. Schedule to be posted.

SEC. 16. If any owner, agent, superintendent, or overseer of any such establishment shall willfully violate the provisions of either of the two preceding sections, he shall be fined not exceeding fifty dollars for each offense. Penalty.

SEC. 17. A certificate of the age of a minor, made by him and by his parents or guardian and presented to the employer at the time the minor is employed, shall be conclusive evidence of his age upon a prosecution for the violation of the provisions of section fourteen. Certificate.

SEC. 18. If any person shall make and utter a false certificate in regard to the age of a minor, with intent to evade the provisions of this chapter, he shall be fined twenty-five dollars, or be imprisoned thirty days, or both, for each offense. False statement.

SEC. 19. * * * Prosecutions under sections sixteen and eighteen shall be barred unless begun within one year after the offense was committed. Limitation.

CHAPTER 180.—*Hours of labor.*

SECTION 20. In all contracts relating to labor, ten hours' actual labor shall be taken to be a day's work unless otherwise agreed by the parties. Ten hours a day's work.

CHAPTER 180.—*Payment of wages—Weekly pay day.*

SECTION 21 (as amended by chapter 134, Acts of 1909). Every manufacturing, mining, quarrying, stonecutting, mercantile, rail- Who to pay wages weekly.

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road, telegraph, telephone, express, aqueduct, and municipal corporation employing more than ten persons at one time shall pay the wages earned each week by their employees who work by the day or week within eight days after the expiration of the week, or upon demand after that time. Every such corporation shall post a notice in a conspicuous place in its office that it will pay its employees' wages as above, and shall keep the same so posted.

Penalty. SEC. 22. If any such corporation shall violate the provisions of the preceding section, it shall be fined not more than twenty-five dollars for each offense, provided a prosecution therefor is begun within thirty days after the offense is committed, but not otherwise.

Exceptions. SEC. 23. The provisions of the two preceding sections shall not apply to municipal officers whose services are paid for by the day, nor to teachers employed by school districts.

CHAPTER 201.—*Wages as preferred claims—In assignments.*

Order of payment of demands. SECTION 32. The following claims are entitled to priority, and shall be paid in full in the order named:

I. Debts due the United States, and all taxes.

II. Wages due an operative, clerk, or servant, not exceeding fifty dollars, for labor performed within six months prior to the beginning of the insolvency proceedings.

III. Taxable costs in any suit begun in good faith in which an attachment is dissolved by the insolvency proceedings.

CHAPTER 215.—*Assignments of wages—Future earnings.*

Assignments not valid unless filed. SECTION 4. No assignment of, or order for, wages to be earned in the future shall be valid against a creditor of the person making it, until it has been accepted in writing and a copy of it and of the acceptance has been filed with the clerk of the town or city where the party making it resides. The clerks of towns and cities shall keep for public inspection an alphabetical list of all such orders and assignments filed with them.

CHAPTER 245.—*Exemptions of wages from execution.*

Certain wages exempt. SECTION 20. The money, rights, and credits of the defendant shall be exempt from trustee process in the following instances, and the trustees shall not be chargeable therefor:

I. Wages for labor performed by the defendant after the service of the writ upon the trustee.

II. Wages of the defendant earned before service of the writ upon the trustee, to the amount of twenty dollars, except in actions brought to recover for necessaries furnished to the defendant or any of his family.

III. Wages for the personal services and earnings of the wife and minor children of the defendant.

* * * * *

CHAPTER 264.—*Interference with employment.*

Insults, etc. SECTION 2. No person shall address any offensive, derisive, or annoying word to any other person who is lawfully in any street or other public place, nor call him by any offensive or derisive name, nor make any noise or exclamation in his presence and hearing with intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business or occupation.

Penalty. SEC. 20. A person convicted of any offense mentioned in the preceding sections shall be fined not exceeding twenty dollars, or be imprisoned not exceeding six months.

CHAPTER 265.—*Employment of children—Certain employments forbidden.*

Acrobatic, etc., occupations. SECTION 3. If any person shall employ or exhibit a child under the age of fourteen years in dancing, playing on musical instruments, singing, walking on a wire or rope, or riding or performing

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as a gymnast, contortionist, or acrobat in any circus or theatrical exhibition, or in any public place whatsoever, or shall cause, procure, or encourage any such child to engage therein, or if any person having the custody or control of any such child shall permit him to be so employed, such person shall be fined not exceeding one hundred dollars; but nothing in this section shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel, or school, or school exhibition, or to prevent their taking part in any concert or musical exhibition.

Employment to sell obscene, etc., literature.

SEC. 7. No person shall in any manner hire, employ, or use any minor to sell, or give away, or in any manner to distribute any such literature, picture, or advertisement [devoted to the publication or illustration of stories or accounts of bloodshed, lust, or crime, or principally made up of police reports and criminal news].

Permitting to sell.

SEC. 8. No person having the care or control of a minor child shall permit such child to sell or give away any such reading matter or any such advertisement.

Violations.

SEC. 9. If any person shall violate any of the provisions of the three preceding sections, he shall be fined not more than one hundred dollars, or be imprisoned not more than six months, or both.

CHAPTER 266.—*Interference with employment.*

Interference with workmen, etc.

SECTION 12. If any person shall interfere in any way whatever to injure or damage another in his person or property, while engaged in his lawful business, trade, or occupation, or while on the way to or from the same, or shall endeavor to prevent any person from engaging in his lawful business, trade, or calling, he shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding one year: *Provided, however,* It shall not be unlawful for any person to reason, talk or argue with, and by arguments persuade or induce such other person to do any act or thing or pursue any line of conduct which is not the commission of an offense under the laws of this State.

Proviso.

CHAPTER 271.—*Sunday labor.*

Sunday labor forbidden.

SECTION 3. No person shall do any work, business, or labor of his secular calling to the disturbance of others, on the first day of the week, commonly called the Lord's day, except works of necessity and mercy, and the making of necessary repairs upon mills and factories which could not be made otherwise without loss to operatives; and no person shall engage in any play, game, or sport on that day.

Trafficking.

SEC. 5. No person shall keep his shop, warehouse, cellar, restaurant, or workshop open for the reception of company, or shall sell or expose for sale any merchandise whatsoever on the Lord's day; but this section shall not be construed to prevent the entertainment of boarders, nor the sale of milk, bread, and other necessaries of life, nor drugs and medicines.

Penalty.

SEC. 10. If any person shall be guilty of a breach of any provision of this chapter, he shall be fined not exceeding ten dollars or be imprisoned not exceeding thirty days, or both, unless otherwise specially provided, and he may be required to give sureties to be of good behavior for one year.

Limitation.

SEC. 13. No prosecution for the violation of any provision of this chapter shall be sustained unless begun within thirty days after the commission of the offense.

CHAPTER 273.—*Labor organizations—Embezzlement of funds by officers.*

Embezzlement.

SECTION 17 (as amended by chapter 1, Acts of 1905). If any officer, agent, or servant of a corporation, public or private, or the clerk, servant, or agent of a person, shall embezzle or fraudulently

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convert to his own use any money, bill, note, or security for money, evidence of debt, or other effects or property whatever of such person or corporation, or in their possession or keeping, or shall knowingly or voluntarily pay or deliver any such money, bill, note, security for money, evidence of debt, or other effects or property to any person or to the order of any person, knowing that such person is not entitled to receive it, and punishment is not otherwise specially provided for the offense, he shall be fined not exceeding two thousand dollars, or be imprisoned not exceeding five years, or both. And if any officer, agent, clerk or servant of any incorporated or unincorporated trades-union, fraternal or benevolent association, club, society, or other association of persons levying assessments or dues upon its members or supported in whole or in part by their voluntary contribution, shall embezzle, fraudulently convert, or knowingly or voluntarily misapply any money or other effects or property of such association as aforesaid, he shall be deemed guilty of an offense under this section and punished as herein provided, notwithstanding that he may have an interest in said money, effects, or property.

Trade-unions, etc.

ACTS OF 1893.

CHAPTER 39.—*Railroads—Bridges over tracks, etc.*

Alterations may be ordered.

SECTION 1. The board of railroad commissioners may require the proprietors of a railroad to raise any railroad bridge and any overhead highway bridge, and in the case of a highway bridge to change the approaches thereto so as to make them as nearly level as practicable. Whenever it is necessary, in complying with such requirement of the commissioners, to raise or lower or otherwise change the location of a highway outside the railroad location, any land needed for that purpose shall be taken, and the damage, if any, to landowners shall be appraised and paid, in the manner described in chapter 158 of the Public Statutes. Any party aggrieved by such appraisal shall have a right of appeal as provided in said chapter. The expense of such improvements shall be paid in the first instance by the railroad corporation, but, upon its petition, the commissioners may apportion such part of the cost outside the railroad location, as is in their judgment just, to the city or town, and the railroad may recover the amount so apportioned in an action of debt. Proceedings under this act shall only be had after due notice to the railroad corporation, the town or city officials, and the landowners, and all orders and findings of the commissioners shall be filed with the clerk of the town or city in which such bridge is located, and served upon the railroad corporation.

Height of new structures.

SEC. 2. No covered railroad bridge shall hereafter be constructed in this State with less than twenty-one feet between the top of the rails and the lowest point of the overhead structure, except with the written consent of the railroad commissioners, said consent to be filed and recorded in the office of the secretary of state, and no railroad corporation shall receive or haul any freight car exceeding fourteen feet in height from the rails to the top of the running board.

Penalty.

SEC. 3. Neglect by any railroad corporation to comply with the orders of the commissioners, within a reasonable time to be specified in such orders, shall be punished by a fine of $50 per day, to be collected by the commissioners in the name and for the use of the State in an action of debt.

CHAPTER 48.—*Bureau of labor—Commissioner.*

Duties.

SECTION 5. The duties of the commissioner shall be to collect, assort, arrange, and present in annual reports, on or before the first day of January each year, statistical details relating to all departments of labor in the State of New Hampshire, especially in

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relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and the permanent prosperity of the productive industry of the State.

ACTS OF 1895.

CHAPTER 16.—*Seats for female employees.*

SECTION 1. Every person, firm, or corporation employing females in any manufacturing, mechanical, or mercantile establishment in this State, shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed. Seats to be provided.

SEC. 2. Any person, firm, or corporation violating any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than thirty dollars for each offense. Penalty.

ACTS OF 1899.

CHAPTER 69.—*Protection of employees on street railways—Inclosed platforms.*

SECTION 1. All cars used by any street railway company in the transportation of passengers shall have the platforms of such cars inclosed in such manner as the railroad commissioners direct, to protect the motormen, conductors, or other employees operating said cars from exposure to the inclemency of the weather during such months and upon such streets, highways, or routes as the railroad commissioners shall direct, after a hearing by said board, upon petition or of their own motion, and upon personal notice to the street railway company or companies interested, and such further notice as said railroad commissioners may deem expedient and order. And said board shall have authority to modify, change, and revise any orders by it made under this act from time to time, after personal notice to the street railway company affected, giving it a chance to be heard, and such further notice as it may deem expedient. Platforms to be inclosed.

SEC. 2. Any street railway company which fails or neglects to comply with such orders of the board of railroad commissioners shall be fined not more than fifty dollars ($50) for each day during which such failure or neglect continues. Penalty.

SEC. 3. The term "company," as used in this act, shall include any corporation, partnership, or person owning or operating a street railway. Definition.

ACTS OF 1901.

CHAPTER 60.—*Employment offices.*

SECTION 1. Whoever, without a license therefor, establishes or keeps an intelligence office for the purpose of obtaining or giving information concerning places of employment for domestics, servants, or other laborers, or for the purpose of procuring or giving information concerning such person for or to employers, or for the purpose of procuring or giving information concerning employment in business, shall pay a fine of ten dollars for each day such office is so kept. License required.

SEC. 2. The mayor and aldermen of any city, or the selectmen of any town, may, for the purposes mentioned in the preceding section, grant licenses to suitable persons, subject to the provisions of sections 3 to 7, inclusive, and may revoke the same at pleasure. Who may issue licenses.

SEC. 3. Licenses granted to keepers of intelligence offices shall be signed by the clerk of the city or town in which they are granted, and every such license shall be recorded by the clerk of the city or town in a book kept for that purpose, before being Records.

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delivered to the licensee. Such license shall set forth the name of the person licensed, the nature of the business, and the building or place in such city or town in which it is to be carried on, and shall continue in force until the first day of May next ensuing, unless sooner revoked.

Fee. SEC. 4. The board issuing such a license shall receive for the use of the city or town for each license such sum not less than two dollars as the board shall deem reasonable.

Time of issue. SEC. 5. Such license may be granted during the month of April, to take effect on the first day of May then next ensuing.

Restriction as to place. SEC. 6. No license issued as aforesaid shall be valid to protect the holder thereof in a building or place other than that designated in the license, unless consent to removal is granted by the mayor and aldermen or selectmen.

Revocation. SEC. 7. When such license is revoked, such clerk shall note the revocation upon the face of the record of the license, and shall give written notice to the holder of the license by delivering the same to him in person or leaving it at the place of business designated in the license.

ACTS OF 1903.

CHAPTER 95.—*Employment of women and minors in barrooms—Sale of liquor to employees.*

SECTION 17 (as amended by chapter 49, Acts of 1905). It shall not be lawful

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Who may not be employed. 2. To permit any girl or woman * * * to sell or serve any liquor on the premises; or to permit any male person under the age of twenty-one years to sell or serve any liquor on the premises, except to bona fide registered guests in their rooms and in dining rooms with meals under licenses of the first class.

* * * * *

Employers may give notice. SEC. 27 (as amended by chapter 49, Acts of 1905). The * * * employer of a person who has the habit of drinking intoxicating liquor to excess * * * may give notice in writing, signed by him or her, to any person requesting him not to sell or deliver such liquor to the person having such habit. The notice provided for in this section may be served by any officer duly qualified to serve process or by any individual of lawful age. Such officer or individual shall make return of service of said notice to the clerk of the city or town in which such service is made, giving the name of the party on whom served, the location by street and number, if any, of the place of business of the licensee on whom service is made, and the date and hour of service. An officer making service of such notice shall make his return thereon as upon civil process. An individual making service of such notice shall sign and make oath to the return thereon. The clerk of the city or town in which such service is made shall receive, file and preserve a copy of such notice and return without charge therefor. If the person so notified, at any time within twelve months thereafter, sells or delivers any liquor to the person having such a habit, or permits him to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified, not less than one hundred nor more than five hundred dollars, as may be assessed as damages; but an employer who gives such notice shall not recover unless he is injured in his person or property, and a druggist or apothecary shall not be liable hereunder for a sale made upon the prescription of a physician. * * *

ACTS OF 1907.

CHAPTER 113.—*Safety appliances on electric railways—Power brakes.*

Brakes to be provided. SECTION 1. On or before May 1st, 1910, all eight-wheeled or double-truck cars, so called, operated by electric power, for the

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purpose of conveying passengers, by any street railway in the State of New Hampshire shall be provided with power brakes of a standard of efficiency to be approved by the railroad commissioners.

SEC. 2. Any street railway failing to comply with the provisions of section 1 of this act shall be liable to a fine of ten dollars ($10) per day for each car operated without such equipment. Violation.

CHAPTER 137.—*Fire escapes on factories, etc.*

SECTION 1 (as amended by chapter 215, Acts of 1913). No building three or more stories in height, any part of which is used or occupied above the second story as a * * * factory, mill or workshop shall be let, leased or occupied for such purposes unless provided with a steel or wrought-iron balcony and stairway fire escape built and attached to the outer wall in such manner and place as to render egress from said building easy and safe. If said building be of a length greater than one hundred and fifty feet it shall be provided with one additional such fire escape for every additional one hundred and fifty feet or fractional part thereof. Every building in which laborers are employed shall be provided with sufficient means of escape in case of fire by more than one egress each of which shall be at all times free from obstruction and ready for immediate use. Every door leading in or to any such building shall be so constructed as to open outward when practicable, and shall not be locked, bolted, or fastened during working hours as to prevent free egress. The provisions of this section shall not apply to any such building as shall be adequately equipped with an approved sprinkler system and stairways inclosed with walls of fireproof material, or other means of exit duly approved in writing by the building inspector, chief of fire department, or board of selectmen. Fire escapes required.

SEC. 2 (as amended by chapter 164, Acts of 1909). Such fire escapes shall reach within eight feet of the ground and the location of the exits thereto shall be designated by red lights during such hours of the night as the building is occupied for the purposes designated in section 1 of this act. Construction. Exits.

SEC. 3 (as amended by chapter 164, Acts of 1909). If any person shall violate any of the provisions of this act, he shall be fined not exceeding five hundred dollars or imprisoned not exceeding six months, or both, and it shall be the duty of said officers to enforce the provisions of this act. Violations.

CHAPTER 142.—*Barbers—Regulations of practice.*

SECTION 1 (as amended by chapter 15, Acts of 1913). Boards of health of towns and cities are hereby authorized and directed to promulgate the following rules and regulations for the management of barber shops. Barber shops or places where the trade is carried on shall be kept at all times in a cleanly condition. Mugs, shaving brushes, razors, tweezers, needles, or lances shall be sterilized by immersion in boiling water or some sterilizing solution before every separate use thereof, and hair brushes, combs and neck dusters shall be sterilized each morning and the same shall be kept in a cleanly condition at all times. Fresh clean towels, or sterilized towels shall be used for each person. Alum, or other material, used to stop the flow of blood shall be used only in powdered form. The use of powder puffs and sponges is prohibited. Every barber shop shall be provided with running hot water, where water under pressure is available. No person or persons shall be allowed to sleep in any room used wholly or in part for tonsorial purposes, nor shall the business of a barber be carried on in any room used as a sleeping apartment. Every barber shall keep his hands thoroughly cleansed, and the headrest of every chair shall be protected with clean paper before serving any customer. Rules and regulations.

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Violations. SEC. 2. Any person violating any of the rules and regulations prescribed herein, or any other rules and regulations, prescribed by the boards of health for the protection of the public health in barber shops shall be fined not less than ten dollars for each offense.

Enforcement. SEC. 3. From and after the passage of this act it shall be the duty of boards of health in the several towns and cities to regularly inspect all barber shops and prosecute such violation of the rules and regulations as may come or be brought to their notice.

ACTS OF 1911.

CHAPTER 30.—*Accidents in factories—Provision for first aid.*

Medical, etc., supplies. SECTION 1. Every person, firm or corporation operating a factory or shop in which power machinery is used for any manufacturing purpose and in which three or more persons are employed, or for any purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of any city or town where such machinery is used, containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises.

Violations. SEC. 2. Any person, firm or corporation violating this act shall be subject to a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

CHAPTER 58.—*Employment of labor—Foremen, etc., accepting fees.*

Acceptance forbidden. SECTION 1. No agent, superintendent, foreman, or other employee of any corporation, firm, copartnership, or of any person, shall obtain money or property of any kind whatsoever, or obtain a promise to pay money or property of any kind whatsoever, from, for, or in behalf of any person for the purpose of procuring employment for such person in the service of said corporation, firm, copartnership, or person.

Workmen not to offer fees. SEC. 2. No person whomsoever shall offer, or promise to pay money or other property of any kind to any agent, superintendent, foreman, or employee of any corporation, firm, copartnership, or of any person whomsoever, for the purpose of securing employment, or promise of employment for any other person or persons, in the service of said corporation, firm, copartnership, or person.

Violations. SEC. 3. Any violation of any of the provisions of this act shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding one year, or both.

Construction of act. SEC. 4. The provisions of this act shall not be so construed as to affect or impair the right of any corporation, firm, copartnership or person to hire laborers, or accept apprentices in the ordinary and usual course of business, or in any way abridge the right to obtain and exercise licenses to run employment offices as provided by law.

CHAPTER 78.—*Payment of wages—Payments to be in cash.*

Cash payments required. SECTION 1. Weekly payment of wages by every manufacturing, mining, quarrying, stonecutting, mercantile, railroad, telegraph, telephone, express, aqueduct, and municipal corporation as contemplated by section 21, chapter 180 of the Public Statutes, as the same was amended by chapter 134 of the Session Laws of 1909, shall be made in cash, and no employee shall be compelled by his employer to accept any goods or merchandise in payment of wages.

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Checks permitted.

SEC. 2. Nothing in the preceding section shall be held to invalidate or prevent payment of wages by check or checks wherever such form of payment is acceptable to the employee to whom payment is made.

CHAPTER 162.—*Employment of children—General provisions.*

Age limit.

SECTION 1 (as amended by chapter 224, Acts of 1913). No child under the age of fourteen shall be employed or permitted or suffered to work, in, about, or in connection with, any mill, factory, workshop, quarry, mercantile establishment, tenement house manufactory or workshop, store, business office, telegraph or telephone office, restaurant, bakery, hotel, barber shop, apartment house, bootblack stand or parlor, or in the distribution or transmission of merchandise or messages.

Work during school time.

SEC. 2. No child under the age of sixteen shall be employed, or permitted or suffered to work, in any establishment named in section 1 during the time in which the public schools are in session in the district in which he resides, unless he can read understandingly and write legibly simple sentences in the English language: *Provided, however,* That if any child shall have reached the age of fourteen and shall have attended an English-taught school regularly for not less than three years and shall then be deemed by the superintendent of schools, or other person authorized to grant employment certificates, to be mentally incapable of learning to read and write legibly the English language in the regular schools, the case may be referred to the State superintendent of public instruction, who, after investigation either by himself or by his agent, may issue a permit authorizing the employment of such child even though such child may be unable to read understandingly and write legibly simple sentences in the English language.

Inspection.

SEC. 3. Whenever requested by the superintendent of public instruction, the State board of health shall cause to be made an inspection of any factory or other place in which children under the age of sixteen are employed, and may require the discharge of any child or children found employed therein who by reason of physical condition, of unsanitary conditions of employment, or of development below the normal development of children of that age, cannot in their judgment continue to be employed without undue risk to health.

Street trades.

SEC. 4. No boy under ten and no girl under sixteen years of age shall 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 years of age.

Nightwork of messengers, etc.

SEC. 5. No person under the age of eighteen years shall be employed or permitted 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.

Hours of labor.

SEC. 6 (as amended by chapter 224, Acts of 1913). No boy under the age of sixteen years, and no girl under the age of eighteen years, shall be employed or permitted or suffered to work at any gainful occupation, other than domestic service or work on a farm, more than fifty-eight hours in any one week, nor more than eleven hours in any one day; nor before the hour of half past six o'clock in the morning, nor after the hour of seven o'clock in the evening, except that minors sixteen years of age or over may work in retail stores and telephone exchanges until ten o'clock in the evening, and boys fourteen years or over may deliver newspaper routes after five o'clock in the morning, and boys twelve years old or over may deliver newspaper routes between four and eight o'clock in the evening.

Nightwork.

Certificates.

SEC. 7. No child under sixteen years of age shall be employed, or permitted or suffered to work, in, about, or in connection with, any place or establishment named in section 1, unless the person,

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firm, or corporation employing such child, procures and keeps on file, and accessible to any truant officer, or other authorized inspector, an employment certificate as hereinafter prescribed.

Surrender of certificates.

SEC. 8. On the termination of the employment of a child whose employment certificate is on file, such certificate shall be kept by the employer and surrendered to any authorized inspector on demand.

Who to issue.

SEC. 9. An employment certificate shall be issued only by the superintendent of schools, or where there is no superintendent, by a person authorized by the school board: *Provided, however,* That no 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: in the city of Manchester the provisions of chapter 205 of the Session Laws of 1905 shall remain in force, but the person appointed under such provisions shall be subject to the terms of this act.

Proof of age, etc.

SEC. 10. 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: (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 public record, showing the date and place of birth of such child. (3) A certificate from a medical officer of the local board of health, or from a physician designated by the school board, certifying that the child has reached the normal development of a child of his age, and that he is in sufficiently sound health and physically able to perform the work which he intends to do.

Appearance in person.

SEC. 11. No employment certificate shall be issued until the child in question has personally appeared before and been examined by the person issuing the certificate.

Contents of certificate.

SEC. 12. Every such employment certificate shall state the name, sex, and date and place of birth, of the child, shall describe the color of hair and eyes, the height and weight and any distinguishing facial marks of such child; that all papers required by the preceding sections have been duly examined, approved and filed; that the child named in the certificate has appeared before the person signing the same and been examined; and that such child has been found to be able to read understandingly and write legibly simple sentences in the English language. Every such certificate shall be signed, in the presence of the person issuing the same, by the child in whose name it is issued, and shall show the date of its issue.

School record.

SEC. 13. The school record required by this act shall be signed by the principal or chief executive officer of the school which the child has attended, and shall be furnished on demand to a child entitled thereto. Such record shall certify that the child has regularly attended the public schools, or private schools lawfully approved as such, for not less than three hundred half days, as shown by the school register, during the year previous to his arriving at the age of fourteen, or during the year previous to applying for such school record, and that he is able to read understandingly and write legibly simple sentences in the English language. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of his parent, guardian or custodian.

Record to be kept.

SEC. 14. The superintendent of schools or other person authorized to issue employment certificates shall keep a record of the same in a book. Such record shall contain a list of the names of all children to whom certificates are granted, numbered consecutively, together with the date of issue and the signature of the officer issuing the certificate, and such books shall be carefully preserved.

Forms.

SEC. 15. All blank forms for records used in the enforcement and administration of this act shall be uniform throughout the

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State, shall be prescribed by the superintendent of public instruction, and shall be furnished by the State, and methods of keeping the same shall be approved by him as being within the contemplation of this act.

Enforcement.

SEC. 16. The truant officer of each school district shall visit, inspect, and cause to be enforced the provisions of this act in his district, and for this purpose shall have power to serve warrants.

Inspectors.

SEC. 17. The superintendent of public instruction shall appoint not exceeding three State inspectors, who shall be paid their necessary expenses and such compensation as the governor and council shall determine, not exceeding $1,200 per annum each, and who shall devote their whole time to their work. The State inspectors, under the direction of the superintendent of public instruction, shall inspect all factories and other places of employment within the contemplation of this act and all records and methods of enforcement. They shall have the same power as to enforcement and the serving of warrants as the several truant officers. The superintendent of public instruction, with the approval of the attorney general, may employ counsel, and provide legal assistance whenever the same may, in his opinion, be necessary for the enforcement of the provisions of this act, and the cost thereof shall be a charge upon the appropriation hereinafter provided.

Certificate may be demanded.

SEC. 19. An inspector or truant officer shall make demand upon 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 him within ten 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 inspector shall require from such employer the same evidence of age of such child as is required in 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.

Violations.

SEC. 20. 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 be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than ten nor more than thirty days, or both, in the discretion of the court.

Continued violations.

SEC. 21. Whoever continues to employ any child in violation of any of the provisions of this act, after being notified thereof by an inspector, or truant officer, shall for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars.

False statements.

SEC. 22. Any person authorized to sign any certificate or paper called for by this act, who certifies to any materially false statement therein, shall be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than five nor more than thirty days, or both, in the discretion of the court.

Refusal to produce certificate.

SEC. 23. Refusal by an employer to produce any employment certificate required by this act shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced.

Violations by school officers.

SEC. 24. 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 nor more than twenty-five dollars.

Appropriation.

SEC. 25. The sum of six thousand five hundred dollars annually is appropriated for the purposes of this act.

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CHAPTER 164.—*Accidents to public service employees—Reports and investigations.*

Investigation.

SECTION 15 (as amended by chapter 145, Acts of 1913). (a) The commission shall investigate the causes of all accidents happening upon the railroads of the State resulting in the loss of life, and of all other accidents happening upon said railroads or in connection with the operation of public utilities in the State, which, in the opinion of the commission, ought to be investigated. Any such investigation may be made by the full commission, or by a single commissioner, or by an agent of the commission, in such manner as the commission may determine.

Reports required.

(b) Every railroad corporation and public utility shall report to the commission accidents occurring in connection with the operation of its business wherein loss of life occurs or any person is injured, or of such a nature as to endanger the safety, health or property of its consumers or the public, as and whenever directed by such rules and regulations as the commission may prescribe.

Reports not public.

(c) Reports of accidents filed under the preceding paragraph shall not be made public otherwise than in the published reports of the commission.

CHAPTER 198.—*Arbitration of labor disputes—Bureau of labor.*

Bureau of labor created.

SECTION 1 (as amended by chapter 70, Acts of 1913). The office of commissioner of labor is hereby abolished and a bureau of labor is established in place thereof in accordance with the provisions of this act. Said bureau of labor shall consist of a labor commissioner who shall be appointed by the governor with the advice and consent of the council, within thirty days after the passage of this act, and such clerks and assistants as shall be necessary for the performance of the duties of the bureau. The labor commissioner shall hold his office for three years from the date of his appointment and until his successor shall be appointed and qualified, and he may be removed at any time by the governor with the advice and consent of the council, for cause, and his successor shall be appointed in the same manner for the same term. Any vacancy existing in the office of labor commissioner shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the council. Said commissioner shall appoint a clerk of the bureau and such other clerical assistants as may be necessary and fix their compensation subject to the approval of the governor and council. The records of said bureau shall be public records open to the inspection of any person interested. The salary of said labor commissioner shall be one thousand six hundred dollars ($1,600) a year, payable monthly by the State treasurer in full for his services, and his actual expenses incurred in the work of his office shall be paid by the State treasurer on duly detailed vouchers approved by the governor.

Duties and powers.

SEC. 2. Said labor commissioner shall exercise and perform all the powers and duties heretofore exercised and performed by the commissioner of labor, together with such other powers and duties as are authorized by this act. It shall be the duty of the commissioner, without notice, at such times as he shall deem it necessary, to visit the manufacturing, mechanical and mercantile establishments in the State, so far as practicable, for the purpose of ascertaining whether the laws with reference to the employment of help are complied with, and for the further purpose of ascertaining if reasonable sanitary and hygienic conditions are maintained calculated to promote the health and welfare of the working people. If he shall deem it necessary, he shall transmit to the legislature a report upon these matters when he shall deem the occasion of sufficient importance, with such recommendations as he shall think advisable. Whenever he shall deem it necessary,

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the commissioner shall prosecute any offences against the laws regulating the employment of help.

Board of conciliation and arbitration.

SEC. 3 (added by chapter 186, Acts of 1913). There shall be a State board of conciliation and arbitration consisting of three persons who shall be appointed by the governor, with the advice and consent of the council, not later than July 1st, 1913, for the terms of one, two and three years respectively. Thereafter the governor, with the advice and consent of the council shall annually, in June, appoint a member whose term shall be three years from the first day of July following. One member of said board shall be an employer or shall be selected from an association representing employers of labor, one shall be selected from a labor organization and shall not be an employer of labor, and the third shall be appointed upon the recommendation of the other two, or if the two appointed members do not, at least thirty days prior to the expiration of a term, or within thirty days after the happening of a vacancy, agree upon a third member he shall then be appointed by the governor. Each member shall, before entering upon the duties of his office, be sworn to the faithful performance thereof. The board shall choose from its members a chairman, who shall preside at its meetings.

Mediation.

SEC. 4. Whenever any controversy or difference arises relating to the conditions of employment or rates of wages between any employer, whether individual, copartnership or corporation, and whether resident or nonresident, and his or their employees, such controversy involving the interests of employees not less than ten persons in the same general line of business in this State, the labor commissioner shall, upon application as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into all the conditions and circumstances of the situation, hear all persons interested therein who may come before him, advise the respective parties what, if anything, ought to be conceded by either or both, and adjust such controversy or difference and, within five days after such inquiry, make a written decision thereon, a copy of which shall be furnished the parties and a copy kept on file in the bureau of labor.

Application.

SEC. 5. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employees, the commissioner shall, before proceeding further, satisfy himself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by the commissioner.

Arbitration.

SEC. 6 (as amended by chapter 186, Acts of 1913). Whenever in case of any such controversy or difference the employer and employee shall fail to agree to a settlement through the commissioner as provided in section 4, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to said board of arbitration. The findings of said board of arbitration shall be final. Said findings shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employees by posting the same in three conspicuous places in the place of employment. Pending the decision of the board the business shall continue on the existing basis and the employees remain at work and said board shall render its decision within seven days after the completion of their hearing, and if said hearing is on question of wages said decision to revert back to the date when the employees presented their demand in writing to said employer. The chairman of said board shall keep a record of the proceedings, issue subpœnas and administer oaths to the members of said board

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and to any witness said board may deem necessary to summon. Any notice or process issued by said board may be served by any sheriff or constable to whom the same may be directed or in whose hands the same may be placed for service. Such arbitrators shall receive eight dollars ($8) per day for each day actually engaged in such arbitration and the necessary traveling expenses, to be paid upon vouchers signed by the labor commissioner with the approval of the governor out of the funds appropriated for the maintenance of the bureau of labor.

Refusal to arbitrate.

SEC. 7 (as amended by chapter 186, Acts of 1913). Upon the failure of the labor commissioner in any case to secure a reference to said board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any sworn statement made to the labor commissioner under this provision shall be for public use and shall be given publicity in such newspapers as desire to use it.

Notice by third parties of disputes.

SEC. 8 (as amended by chapter 186, Acts of 1913). Whenever it shall come to the knowledge of said labor commissioner, either by notice from a mayor of a city, the county commissioners, the president of a board of trade, or other representative body, the president of a central labor council or assembly, or of any five reputable citizens, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or town of the State involving an employer and his or its present or past employees, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said commissioner shall be satisfied that such information is correct, it shall be the duty of such commissioner, within three days thereafter, to put himself in communication with such employer and employees and endeavor by mediation to effect an amicable settlement between them or to persuade them to submit the matter to said board of arbitration and conciliation and to act as hereinbefore provided in case of disputes and controversies. In case the parties do not agree to so submit the matter, the said commissioner may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility.

Report.

SEC. 9. The said commissioner shall annually make a report of the proceedings of the bureau of labor to the governor and council containing the transactions of the office and such other matters and recommendations as he shall deem proper.

ACTS OF 1913.

CHAPTER 38.—*Payment of wages—Biweekly pay day—Public employees.*

Biweekly payments.

SECTION 1. All persons performing regular work in the service of the State of New Hampshire who are not under salary shall receive their wages in biweekly payments.

CHAPTER 95.—*Employers' insurance—Policies.*

Conditions of policy.

SECTION 1. No corporation, association, company or other insurer shall issue or deliver any policy of insurance against loss or expense by reason of claims made upon the assured for damages on account of bodily injuries suffered by an employee or employees of the assured, or by any person or persons not employed by the assured, or on account of damage to or the destruction of property, which shall contain any provision making, or purporting to make, the prepayment of any judgment that may be recovered against the assured upon any claim covered by the policy, a condition precedent to any right of action against the insurer upon said policy; but every such policy shall contain an

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agreement in clear and explicit terms binding the insurer, to the extent of the liability assumed by the policy, to pay and satisfy any such judgment, and to protect the assured against the levy of any execution issued upon the same.

CHAPTER 116.—*Railroads—Construction, etc., of caboose cars.*

SECTION 1. The provisions of this act shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroad passengers or property within this State to which the regulative power of this State extends. Scope of law.

SEC. 2. From and after the first day of April, 1913, it shall be unlawful for any such common carrier by railroad to build, construct, purchase or operate within this State any caboose car or other car used for like purposes unless such caboose or other car shall be equipped with two four-wheeled trucks: *Provided, however,* It shall not be unlawful for said common carrier to operate within this State such caboose cars or cars used for like purposes as were in use and operation on its system by said common carrier on April 1, 1913. Trucks.

SEC. 3. Any common carrier as provided in section 1 of this act violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred ($100) dollars nor more than five hundred ($500) dollars for each offense. Violation.

CHAPTER 118.—*Occupational diseases—Reports.*

SECTION 1. Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, 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 within 48 hours send to the State board of health a report stating: Physician to report.

(a) Name, address and occupation of patient.
(b) Name, address and business of employer.
(c) Nature of disease.
(d) Such other information as may be reasonably required by the State board of health. The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report, within the time required, in a stamped envelope addressed to the office of the State board of health, shall be a compliance with this section.

SEC. 2. The State board of health shall prepare and furnish, free of cost, to the physicians included in section 1, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the State board of health. Blanks.

SEC. 3. Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported. Reports not evidence.

SEC. 4. Any physician who neglects or refuses to send the report or reports as herein required shall be liable to the State for a penalty of five dollars for each offense, recoverable by civil action by the State board of health. Violation.

SEC. 5. It shall furthermore be the duty of the State board of health to transmit a copy of all such reports of occupational disease to the commissioner of labor. Transmission of reports.

CHAPTER 123.—*Mothers' pensions—Aid for dependent children.*

SECTION 1. It shall be the duty of the county commissioners of each county to provide out of the moneys in the county treasury not otherwise appropriated an amount sufficient to meet the purposes of this law for the partial support of women, when such Provision for support.

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women are of good repute but poor and dependent on their own efforts for support and are mothers of children under the age of sixteen years.

Allowance. SEC. 2. The allowance to each of such women shall not exceed ten dollars ($10) a month when she has but one child under the age of sixteen years, and if she has more than one child under the age of sixteen years, it shall not exceed the sum of ten dollars ($10) a month for the first child and five dollars ($5) a month for each of the other children under the age of sixteen years.

Conditions. SEC. 3. Such allowance shall be made by the county commissioners upon the recommendation of the school board for the district in which such mother resides and only upon the following conditions: (1) the child or children for whose benefit the allowance is made must be living with the mother of such child or children; (2) the allowance shall be made only when in the absence of such allowance the mother would be required to work regularly away from her home and children, and when by means of such allowance she will be able to remain at home with her children; (3) the mother must, in the judgment of the school board, be a proper person, morally, physically and mentally, for the bringing up of her children; (4) such allowance shall in the judgment of the school board be necessary to save the child or children from neglect; (5) no person shall receive the benefit of this act who shall not have been a resident of the county in which such application is made for at least two years next before the making of such application for such allowance.

Discontinuance. SEC. 4. Whenever any child shall reach the age of sixteen years an allowance made to the mother of such child shall cease. The school board for the district in which the mother resides may recommend at any time before such child reaches the age of sixteen years that the allowance to any mother and for any child be discontinued or modified and the county commissioners, in their discretion, may thereupon discontinue or modify the same.

Application of law. SEC. 5. The provisions of this law shall not apply to any woman who is not dependent on her own efforts for the support of herself and family and at the time of receiving such aid is not of good repute and making an earnest effort for self-support.

CHAPTER 156.—*Employment of women and children—Hours of labor.*

Hours of labor. SECTION 1. No female and no minor shall be employed or be permitted to work in any manufacturing, mechanical or mercantile establishment, laundry or restaurant, or confectionery store, or by any express or transportation company, in this State, more than ten and one-quarter hours during any one day nor more than fifty-five hours in any one week. The hours may be so arranged as to permit the employment of females at any time, but they shall not work more than ten and one-quarter hours during the twenty-four hours of any one day, nor more than fifty-five hours during one week. If, however, any part of a female's daily employment is performed between the hours of eight o'clock p. m. and six o'clock a. m. of the following day, all the employment shall be considered nightwork, and no such female so employed at nightwork shall be employed or permitted to work thereat more than eight hours in any twenty-four hours nor more than forty-eight hours during the week. If any such female is employed not more than one night in the week (after eight o'clock as herein provided) then such female may be permitted to work fifty-five hours in any such week: *Provided*, That at least one hour for dinner be allowed each female during her working period, but no part of such hour shall be considered as a part of the permitted period of daily employment.

Work at night.

Notice to be posted. SEC. 2. Every employer shall post in a conspicuous place in every room, where such females are employed, a printed notice stating the hours of commencing and stopping such work, the

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time allowed for dinner or other meals, and the maximum number of hours any female employee is permitted to work in any one day.

Evidence of violation.

SEC. 3. The employment of any female in any such place or establishment, as defined in subsection 1, of this section, at any time other than those of the posted hours of labor, as hereinbefore provided for, shall be prima facie evidence of a violation of this act.

Penalty.

SEC. 4. Any person or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars.

CHAPTER 185.—*Inspection of steam vessels.*

Appointment and duties of inspector.

SECTION 1. The public service commission, with the approval of the governor and council, shall employ an inspector of electric, naptha, gasoline, or steam power boats, whose duty it shall be to inspect all such boats, and the boilers, engines and hulls thereof, and their appliances, devices, and equipment for the safety of passengers and freight, operated as common carriers or kept for hire on any public water in the State, not subject to the authority in this respect of United States inspection laws, or where inspections under such laws are not regularly made. He shall be paid such salary as may be fixed by the governor and council in equal monthly payments, together with his expenses when performing official duties outside of Concord, which expense account shall be subject to the audit and approval of the State auditor. Such inspector, when not engaged in the examination or inspection of boats or launches, shall perform such duties with reference to the department of the public service commission as said commission shall direct.

Operating without certificate.

SEC. 3. Any person who after July 1, 1913, shall use any boat or launch hereinbefore described on any public lake, river or pond in this State without a certificate of inspection under this act, * * * or who shall violate any rule or regulation prescribed by the public service commission under authority of this act with reference to the inspection, equipment or operation of such boats or launches, shall be subject to a fine of not exceeding five hundred dollars, or imprisonment for not exceeding one year, or both such fine and imprisonment. Any person owning, leasing or operating on any such waters any such boat, not operated as a common carrier or kept for hire, who shall violate any rule or regulation prescribed by the public service commission relating to the equipment or operation of such boats shall be punished by a fine of not exceeding one hundred dollars or imprisonment for not more than one year, or by both such fine and imprisonment, for each offense.

CHAPTER 188.—*Holiday labor.*

Unnecessary work forbidden.

SECTION 1. No employee shall be required to work in any mill or factory on any legal holiday, except to perform such work as is both absolutely necessary and can lawfully be performed on the Lord's Day.

Violation.

SEC. 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding five hundred dollars.

CHAPTER 208.—*Protection of employees as members of labor organizations.*

Preventing employees from joining unions.

SECTION 1. No person, corporation, agent or officer on behalf of any person or corporation, shall coerce or compel or attempt to coerce or compel any person or persons into an agreement, either written or verbal, not to join or become a member of any labor organization, as a condition of such person or persons securing employment or continuing in the employment of any such person or corporation.

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Violation.

SEC. 2. Any person or corporation violating any of the provisions of this act shall be fined not less than two hundred dollars nor more than one thousand dollars, or be punished by imprisonment in the county jail not to exceed nine months or both.

CHAPTER 212.—*Employment of labor—Notice of labor disputes.*

Notice of strike.

SECTION 1. If an employer, during the continuance of a strike among his employees or during the continuance of a lockout or other labor trouble among his employees, publicly advertises in newspapers, or by posters or otherwise, for employees, or by himself or his agents solicits persons to work for him to fill the places of strikers, he shall plainly and explicitly mention in such advertisements or oral or written solicitations that a strike, lockout or other labor disturbance exists.

Act not operative, when.

SEC. 2. The provisions of this act shall cease to be operative when the State board of 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.

Violation.

SEC. 3. If any person, firm, association or corporation violates any provisions of this act, he or it shall be punished by a fine not exceeding one hundred dollars for each offense.

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NEW JERSEY.

COMPILED STATUTES—1910.

Arbitration of labor disputes.

(Page 107.)

SECTION 8. If a majority of the employees in any manufacturing establishment, or in any particular department thereof, shall give notice to their employer or employers, in writing, signed by themselves, that they are dissatisfied with the terms or conditions on which they are employed, or with the wages they are receiving, or with any proposed reduction of their wages or proposed alteration of the terms or conditions on which they are employed, and that they propose to submit the matters complained of to arbitration, and shall name an arbitrator to represent them; and if such employer or employers can not adjust such differences, it shall be the duty of such employer or employers, if they choose to accept this method of compromise, to nominate and appoint, in writing, an arbitrator to represent him or them, and to give notice to said employees of such appointment. Notice by employees. Arbitrators.

SEC. 9. The two arbitrators, so as aforesaid appointed, shall forthwith meet and proceed to select a third arbitrator; and the said three arbitrators shall without unnecessary delay notify the employees and the employer or employers of the time and place when and where they will meet to hear arguments on the matters in dispute, which meetings shall be held under such conditions, rules and regulations as the said arbitrators may mutually agree upon; the questions at issue shall be submitted to the arbitrators in writing, and their decision shall be confined to the questions so submitted; either of such arbitrators may administer an oath or affirmation to any person testifying before them, and any person so sworn who shall testify falsely, shall be deemed guilty of perjury; either of the parties to such arbitration may be represented before the arbitrators by counsel, if they so desire, and the arguments may be oral or in writing, as the parties themselves may respectively prefer. Meetings.

SEC. 10. The finding of the said arbitrators shall be reduced to writing, and a copy thereof served upon each of the parties to the dispute, or upon their respective representatives, and shall be deemed to be binding upon both parties submitting the matters in dispute to arbitration, and shall take effect from the date of the finding, unless some other time is fixed in the finding for the taking effect thereof. Findings.

SEC. 11. The costs of arbitration shall be fixed and paid as the parties may previously or mutually agree, and if not so agreed upon, they shall be fixed and paid as the arbitrators themselves may decide. Costs.

Wages as preferred claims—In assignments.

(Page 118.)

SECTION 10. The wages of clerks, mechanics and laborers due from the assignor at the time of making such general assignment, shall be preferred debts and shall be first paid by said assignee before any other claim or debt shall be paid, and in case any such wages shall have been earned, or partly earned, at the time of Wages to be paid first.

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making such general assignment, but shall not be then payable, the same shall be equitably apportioned and shall be paid as preferred debts as aforesaid up to the said time of making said assignment: *Provided, however*, That no payment shall be made as a preferred debt to any one person to an amount exceeding three hundred dollars; and in case any claim shall receive a preference to the extent of three hundred dollars under this section, any balance of such claim yet remaining unpaid shall be entitled to all dividends to be calculated upon such balance.

Exemption of wages from attachment.

(Page 132.)

Wages exempt, when.

SECTION 1. * * * wages or other compensation for labor or services due to a nonresident employee, shall not be attached at the suit of a nonresident creditor or his assigns, nor shall the personal property of a nonresident being in this State be liable to attachment at the suit of a nonresident creditor, when the said property is exempt from liability for debts by law of the State of which the said debtor and creditor are residents.

Assignments of wages—Wage brokers.

(Page 461.)

License required.

SECTION 1. No person shall engage in the business of making or giving advancements or loans of money or other things of value and of taking or receiving as collateral security therefor pledges of personal property, chattel mortgages or assignments of salary or wages, or power of attorney authorizing the execution of such assignment of salary or wages without having first obtained a license to do such business in manner hereinafter provided.

Regulations to be made.

SEC. 2. The common council or other governing body of any city, town, township, borough or other municipal body in this State shall and may, by ordinance, provide for the licensing, regulation and control of the business of making or giving loans or advancements on pledges of personal property, chattel mortgages and assignments of salary or wages, and said common council or other governing body is hereby authorized and empowered to fix and regulate the form of such license, the license fees to be paid therefor to the municipal body, such rules and regulation for the control and conduct of said business as may be reasonable and proper.

Fees.

SEC. 3. The license fee for the conduct of such business in cities of first class shall not be less than five hundred dollars per annum; in cities of the second class, not less than two hundred and fifty dollars per annum; cities of the third class, not less than two hundred dollars per annum; in all other cities, boroughs, towns, townships or other municipalities of said State, not less than one hundred and fifty dollars per annum.

Preliminary report.

SEC. 4. Upon securing from the common council or other governing body of any municipality the license to do business, the person, firm or corporation securing said license shall, within thirty days, make report to the commissioner of banking and insurance on blanks to be provided for such purpose, which said blanks shall contain the names of the person, persons, firm or corporation engaged in said business, the location of the place of business and the amount of capital paid in and employed at the date of the making of the certificate and all other funds used as loanable capital in said business and obtained in any manner other than through capital contribution.

Interest rate.

SEC. 5. The rates of interest to be charged by any person or persons, firm or corporation upon loans on pledges of personal property, chattel mortgages, assignment of salary or wages, shall not exceed the sum of twelve per centum per annum.

Records.

SEC. 6. Any person or persons, firm or corporation engaged in the business of making loans on pledges of personal property,

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chattel mortgages and assignment of salary or wages shall keep full, true and correct records of all loans made on pledges of personal property, chattel mortgages or assignment of salary or wages, which record shall show the name of the persons to whom said loan or advancement is made, the value and kind of pledge or security given therefor, and the amount loaned or advanced thereon, and the rate of interest at which the loan or advancement is made.

Inspection.

SEC. 7. The chief of police or other head officer of the police department of the municipality in which such business is licensed is hereby empowered and authorized to inspect the records of loans made by any person, firm or corporation making loans upon pledges of personal property, chattel mortgages or assignment of salary or wages, and the common council or other governing body of such municipality may by ordinance prescribe that such reasonable reports of the business as said body may deem necessary be made by person, firm or corporation conducting said business to the chief of police or other head of the police department of the municipality.

Employer to accept assignments.

SEC. 8. No assignment of or order for wages to be earned in the future shall be valid against the employer of the person making said assignment or order until such assignment or order is accepted in writing by said employer and the said assignment and order and acceptance of the same has been filed with the clerk of said town, township, borough or other municipality where the party making said assignment or order resides if a resident of the State, or in which he is employed if a nonresident.

Filing.

Consent of wife.

SEC. 9. No such assignment of or order for wages or salary to be earned in the future shall be valid when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto: *Provided*, That where a married man is living separate and apart from his wife for a period of five months prior to said assignment, then such consent shall not be required.

Violations.

SEC. 10. Any person engaged in the business of making loans on pledges of personal property, chattel mortgages and assignment of salary or wages without a license therefor first had as provided in this act shall be guilty of a misdemeanor; any person charging for a loan or advancement on pledges of personal property, chattel mortgages or assignment of salary or wages a rate of interest greater than set forth in the schedule to be issued by the commissioner of banking and insurance as hereinbefore provided shall be guilty of a misdemeanor.

Penalties.

SEC. 11. The common council or other governing body of any city, township or other municipality hereby authorized to adopt ordinances according to the provisions of this act is further authorized and empowered to fix or prescribe the penalty or penalties for the violation thereof either by imprisonment in the municipal lockup or county jail, as may be designated by said governing body, for a term not to exceed ninety days, or by a fine not exceeding two hundred dollars and imprisonment in the municipal lockup or county jail, as may be designated by the governing body, for a term not exceeding ninety days in default of payment of said fine; and it shall be lawful for the governing body to authorize and empower the officer or magistrate before whom any person or persons, firm or corporation offending may be brought, on conviction, to impose any fine in the discretion of such officer to the maximum fixed in said ordinance or to imprison for any term not exceeding the term of imprisonment therein fixed.

Exemptions.

SEC. 12. This act shall not be held to apply to pawnbrokers who are already regulated by law, nor to provident loan associations authorized to do business by chapter ninety-six of the laws of one thousand nine hundred and four, or to those doing business under chapter three hundred and sixty-eight of the laws of one thousand eight hundred and ninety-five, nor shall it apply to banks, bankers, trust companies or savings banks, or to any transactions with banks, bankers, trust companies or savings banks,

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or to loans made by manufacturers or merchants to their customers and secured by chattel mortgages.

Public service—Discharge of employees.

(Page 984.)

Removal, etc., restricted.

SECTION 1434. No employee of a municipal board of street and water commissioners, constituted under the provisions of the act to which this is a supplement, who shall have been in such employ continuously for a space of five years, shall be removed, discharged or reduced in pay or position except for inefficiency, incapacity, conduct unbecoming a public employee, or other just cause, and until he shall have been furnished with a written statement of the reasons for such removal, discharge or reduction, and shall have been given a reasonable time to make written answer thereto. Nor shall such removal, discharge or reduction be made until the charge or charges shall have been examined into and found true in fact by the board of street and water commissioners at a hearing, upon reasonable notice to the person charged, at which he may offer the testimony of witnesses or other evidence in his own behalf.

Hearings.

Wages as preferred claims—In insolvency of corporations.

(Page 1650.)

Wages a prior claim.

SECTION 83. In case of the insolvency of any corporation the laborers and workmen, and all persons doing labor or service of whatever character, in the regular employ of such corporation, shall have a first and prior lien upon the assets thereof for the amount of wages due to them respectively for all labor, work and services done, performed or rendered within two months next preceding the date when proceedings in insolvency shall be actually instituted and begun against such insolvent corporation.

What liens precede.

SEC. 84. Such lien shall be prior to all other liens that can or may be acquired upon or against such assets, except the lien and encumbrance of a chattel mortgage, recorded more than two months next preceding the date when proceedings in insolvency shall have been actually instituted against such insolvent corporation, and except the lien and incumbrance of a chattel mortgage recorded within two months next preceding the date when proceedings in insolvency shall have been actually instituted against such insolvent corporation, for money loaned or for goods purchased within said period of two months; and also except as against the lien of mortgages given upon the lands and real estate of such insolvent corporation.

Protection of employees as voters.

(Page 1752.)

Threats, etc.

SECTION 27d. Any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person whosoever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm, or loss against any person or persons in his employ, in order to induce or compel such employee or employees to vote or refrain from voting for any particular candidate or candidates at any election, or on account of such employee or employees having voted or refrained from voting for any particular candidate or candidates at any election, or who shall, by any sort of duress, constraint or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce, or prevail

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upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to disfranchisement for a period of five years from the date of conviction.

Second conviction.

SEC. 27e. Any person who, having once been convicted of a violation of any of the provisions of this act, shall again be convicted of a violation of any of the provisions of this act, whether such conviction be for the same offense or not, shall, on such second conviction, be sentenced to disfranchisement and to pay a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding five years, or both, at the discretion of the court.

Trade-marks of mechanics, etc.—Counterfeiting.

(Page 1802.)

Counterfeiting declared a misdemeanor.

SECTION 196. Any person who shall knowingly and willfully forge or counterfeit, or cause or procure to be forged or counterfeited, upon any goods, wares or merchandise, the private stamps or labels of any mechanic or manufacturer, with intent to defraud the purchasers or manufacturers of any goods, wares or merchandise whatsoever, or who shall vend any goods, wares or merchandise, having thereon any forged or counterfeited stamps or labels, purporting to be the stamps or labels of any mechanic or manufacturer, knowing the same to be forged or counterfeited, without disclosing the fact to the purchaser, shall be guilty of a misdemeanor.

Promising employment, etc.—Fraudulent acts.

(Page 1804.)

False promises of employment.

SECTION 202. Any person who shall obtain from another, with intent to cheat and defraud, any money or anything of value, upon a promise or agreement to procure or to endeavor to procure for such person employment or a loan of money or anything of value, shall be guilty of a misdemeanor.

Bribery of employees.

(Page 1810.)

Bribery, etc., prohibited.

SECTION 212e. Whoever gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who, without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift, or to do an act beneficial to himself, under an agreement, or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant who, being authorized to procure materials, supplies or other articles, either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor, and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be guilty of a misdemeanor.

Employment offices.

(Page 2202.)

Definitions.

SECTION 1. The term person, when used in this act, means and includes any individual, company, association or corporation, or

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their agents, and the term employment agency means and includes the business of procuring or offering to procure help or employment or of giving information as to where help or employment may be procured, whether such business is conducted in a building or on the street or elsewhere; and the business of keeping an intelligence office, employment bureau, theatrical, or shipping agency, nurses' registry, or agency for procuring engagements for vaudeville or theatrical performers, or other agency or office for procuring work or employment for persons seeking employment where a fee or privilege or commission is exacted, charged or received directly or indirectly for procuring or assisting or promising to procure employment, work, engagement or a situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such fee is collected from the applicant for employment or the applicant for help, excepting agencies conducted exclusively for procuring employment for persons as teachers, and in recognized educational institutions only, as occupants of technical or executive positions, and registries of all incorporated associations of registered nurses and bureaus conducted by registered medical institutions, and excepting also departments maintained by persons, firms, corporations or associations for the purpose of securing help for themselves where no fee is charged the applicant for employment. The term fee, as used in this act, means money or a promise to pay money. The term fee also means and includes the excess of money received by any such licensed person over what he has paid for transportation, transfer of baggage or lodging for any applicant for employment. The term fee, as used in this act, also means and includes the difference between the amount of money received by any person who furnishes employees or performers for any entertainment, exhibition or performance and the amount paid by said person to the employees or performers whom he hires to give such entertainment, exhibition or performance. The term privilege, as used in this act, means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

License required.

SEC. 2 (as amended by chapter 42, Acts of 1911). No person shall open, keep or carry on any such employment agency unless every such person shall procure a license therefor from the common council or other governing body of the municipality in which such person intends to conduct such agency. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than fifty dollars and not more than two hundred and fifty dollars, or by imprisonment for a period of not more than one year, or both, at the discretion of the court. Such license shall be granted upon the payment to the treasurer of such municipality, or other similar officer, of a fee of not exceeding twenty-five dollars annually for such employment agency, the amount of such fee to be fixed by said common council or other governing body of such municipality. The common council, or other governing body, may remit said license fee on application of any charitable or benevolent association.

Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued, or any place other than that designated in the license, and shall not be transferred or assigned to any other person.

Location.

No such agency shall be located in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building, or on premises where intoxicating liquors are sold to be consumed on the premises, excepting cafés and restaurants in office buildings. If said licensed person shall conduct a lodging house

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for the unemployed, separate and apart from such agency, it shall be so designated in the license. The application for such license shall be filed not less than one week prior to the granting of said license, and the common council, or other governing body, shall act upon such application within thirty days from the time of such application. Every such applicant shall be required to furnish satisfactory proof, by affidavits, of good moral character, and any person may protest against the issuance or the transfer of any license. The names and addresses of all applicants for licenses, or for transfers of licenses, shall be posted daily in the office of the clerk of said municipality. The license shall run to the first day of January next ensuing the date thereof, and no longer, unless sooner revoked by the common council, or other governing body granting the same.

Registers.

SEC. 3. It shall be the duty of every such licensed person, except those conducting theatrical agencies, or agencies for the employment of vaudeville performers, or nurses' registries, or agencies for the procuring of technical, clerical, sales or executive positions for men only, to keep a register, approved by the mayor or other head officer, in which shall be entered, in the English language, the date of the application for employment; the name and address of the applicant to whom employment is promised or offered; the amount of the fee received, and, whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person, except those above specified in this section, shall also enter in a separate register, to be approved as aforesaid, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon. The aforesaid registers of applicants for employment and for help shall be open during office hourse [hours] to inspection by the officers of said municipality. No such licensed person, his agent or employees, shall make any false entry in such registers. It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families, or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: *Provided*, That if the applicant for help voluntarily waives in writing such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this act. Every licensed person exempted from the provisions of this section as to the keeping of registers shall keep accurate records, in the English language, of all persons to whom work is promised or offered, or from whom a fee is taken, and of all persons from whom an application for an employee is accepted, together with the date of the engagement, the amount of the fee received, and the rate of remuneration agreed upon.

Fees.

SEC. 4. The fees charged applicants for employment as lumbermen, agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrubwomen, laundresses, maids, nurses (except professional) and all domestics and servants, unskilled workers and general laborers, shall not in any case exceed ten per centum of the first month's wages, and for all other applicants for employment shall not exceed the amount of the first week's wages or salary, or five per centum of the first year's salary, except when the employment or engagement is of a temporary nature, not to exceed in any single contract one month, then the fee shall not exceed ten per centum of the salary paid. In case the applicant shall not accept or obtain help or employment, through such agency, then such licensed person shall on demand repay the full amount of the said fee, allowing three day's time to determine the fact of the applicant's failure to obtain help or employment. If an employee furnished fails to remain one week in the situation,

Return of fee.

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a new employee shall be furnished to the applicant for help if he so elects, or three-fifths of the fee returned, within four days of demand: *Provided*, Said applicant for help notifies said licensed person within thirty days of the failure of the applicant to accept the position or of the applicant's discharge for cause. If the employee is discharged within one week without said employee's fault, another position shall be furnished or three-fifths of the fee returned to the applicant for employment, if he so elects. Failure of said applicant for help to notify said licensed person that such help has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee. No such licensed person shall send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed, the said licensed person shall refund to such applicant, within three days of demand, any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant. It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt, in which shall be stated the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt, excepting only those given by theatrical, and those procuring technical, clerical, sales and executive positions for men only, shall have printed on the back thereof a copy of this section, in the English language, and in any language which the person to whom the receipt is issued can understand. No such licensed person shall receive or accept any valuable thing or gift as a fee or in lieu thereof. No such licensed person shall divide fees with contractors or their agents, or other employers, or anyone in their employ to whom applicants for employment are sent. Every such licensed person shall give to each applicant for employment a card or printed paper containing the name of the applicant, name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency sections four, five and six of this act, which shall be printed in large type, in languages which persons commonly doing business with such office can understand. Such printed law shall also contain the name and address of the officer charged with the enforcement of this law.

Orders to be bona fide.

Receipts.

Dividing fees.

Law to be posted.

Enticing domestics.

Sending laborers outside city.

SEC. 5. No such person shall induce or attempt to induce any domestic employee to leave his employment with a view to obtaining other employment through such agency. Whenever such licensed person, or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall file with the mayor or commissioner of licenses, within five days after the contract is made, a statement containing the following items: Name and address of the employee; nature of the work to be performed, hours of labor; wages offered, destination of the persons employed and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment in a language which he is able to understand.

Immoral, etc., resorts.

SEC. 6. No such licensed person shall send or cause to be sent any female as a servant or inmate or performed [performer] to enter any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purposes of prostitution, or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agency. No such licensed person shall accept any application for

Children.

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employment made by or on behalf of any child under the age of fourteen years, or shall place or assist in placing any such child in any employment whatever. No licensed person, his agents, servants or employees, shall induce or compel any person to enter such agency for any purpose, by the use of force or by taking forcible possession of said person's property. No such licensed person, his or her agents or employees, shall have sexual intercourse with any applicant for employment. No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises, whether or not dues or a fee or privilege is exacted, charged or received directly or indirectly. For the violation of any of the foregoing provisions of this section the penalty shall be a fine of not less than fifty dollars and not more than two hundred and fifty dollars, or imprisonment for a period of not more than one year, or both, at the discretion of the court. No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement; all advertisements of such employment agency by means of cards, circulars or signs and in newspapers and other publications, and all letter heads, receipts and blanks shall contain the name and address of such employment agency, and no such licensed person shall give any false information, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help.

Advertisements.

Enforcement.

SEC. 7. The enforcement of this act shall be entrusted to the police departments of all municipalities not having license inspectors and to the license inspector or inspectors in other municipalities. The chief of police or such license inspector as may be appointed by the chief of police, which inspector shall have no other duties except under this act, shall make, at least, bimonthly visits to every such agency excepting those agencies exempted from keeping the prescribed registers under section four of this act, which shall be inspected on complaint made to said license inspector. Said inspectors shall have a suitable badge which they shall exhibit on demand of any person with whom they may have official business. Said inspectors shall see that all the provisions of this act are complied with, and shall have no other occupation or business. Complaints against any such licensed person shall be made in writing to any police magistrate or justice of the peace and reasonable notice thereof, not less than one day, shall be given in writing to said licensed person by serving upon him a concise statement of the facts constituting the complaint, and a hearing shall be had before the police magistrate or justice of the peace within one week from the date of the filing of the complaint, and no adjournment shall be taken for a period longer than one week. A daily calendar of all hearings shall be kept by the police magistrate or justice of the peace, and shall be posted in a conspicuous place in his court room or office for at least one day before the date of such hearings. The police magistrate or justice of the peace shall render his decision within eight days from the time the matter is finally submitted to him. Said police magistrate or justice of the peace shall keep a record of all such complaints and hearings. The said mayor or other said officer may refuse to issue and may revoke any license for any good cause shown, within the meaning and purpose of this act, and when it is shown to his satisfaction that any licensed person is guilty of any immoral, fraudulent or illegal conduct, in connection with the conduct of said business, it shall be his duty to revoke the license of such persons; but notice of the charges shall be presented and reasonable opportunity shall be given said licensed person to defend himself. Whenever for any cause such license is revoked, license shall not be issued to said licensed person or his representative, or to any person with whom he is to be associated in the business of furnishing employment. The violation of any provision of this act, except as provided in sections two and six, shall be punishable by a fine not to exceed twenty-five

Revocation of license.

Violations.

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dollars, and any city magistrate, police justice, justice of the peace, or any inferior magistrate having original jurisdiction in criminal cases, shall have power to impose said fine, and in default of payment thereof to commit the person so offending for a period not exceeding thirty days. Any person may institute criminal proceedings for its enforcement before any court of competent jurisdiction.

Inspection and regulation of factories, etc.—Manufacture, etc., of food products.

(Page 2577.)

Rooms to be lighted, ventilated, etc.

SECTION 51. Every building, room, basement or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market, or other place or apartment used for the production, manufacture, preparation, packing, storage, or distribution of food intended for sale or distribution, shall be properly lighted, drained, plumbed and ventilated, and the operations carried on in such building, room, basement or cellar shall be conducted in such a manner that the purity and wholesomeness of the food therein produced, manufactured, prepared, packed, stored, sold or distributed shall not be impaired.

Basements, etc.

Cleanliness and sanitation.

SEC. 52. The floors, sidewalks, ceilings, furniture, receptacles, implements and machinery of every establishment, or place where food intended for distribution or sale is produced, manufactured, prepared, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of such food products shall at no time be kept in an unclean or unsanitary condition. * * * The clothing worn by all operatives, employees, clerks and and [sic] other persons while engaged in work in any of the places where food intended for sale or distribution is produced, manufactured, prepared, packed, stored, sold, distributed or transported shall be in a clean condition at all times. No person shall transport any such food in such a manner that the purity or wholesomeness thereof shall be in any wise impaired.

Walls.

SEC. 53. The side walls of every bakery, confectionery, creamery, cheese factory, hotel or restaurant kitchen shall be well plastered, wainscoted or ceiled with metal or lumber, and shall be oil painted, or kept well limewashed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel or restaurant kitchen shall be kept well oiled or painted with oil paint, and shall be kept washed clean with soap and water; and every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food intended for distribution or sale in which food is exposed

Floors.

shall have a tight floor made of cement, or of tile laid in cement, brick, wood, or other suitable material which can be flushed or washed clean with water.

Rules for workmen.

SEC. 54. All operatives, employees, clerks, or other persons who handle the material from which food intended for distribution or sale is prepared, or the finished product, before beginning work and after visiting the toilet, shall wash their hands and arms thoroughly with clean water and soap, and every owner or manager of any place in which food is produced, manufactured, prepared, packed, stored, distributed or sold shall provide adequate facilities for such washing, and it shall be the duty of every such owner or manager to take all reasonable means to compel all operatives, employees, clerks, or other persons handling the material

Toilets, etc.

from which such food is prepared, or the finished product, to perform such washing as aforesaid. All toilets, lavatories and wash rooms shall be separate and apart from the room or rooms where any processes incident to the production, manufacture, preparation, packing, storage, sale or distribution of such food are carried on, and such toilets, lavatories and wash rooms shall, at all times, be kept in a clean and sanitary condition.

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Cuspidors.

SEC. 55. Cuspidors for the use of operatives, employees, clerks, or other persons, shall be provided wherever necessary, and each cuspidor shall be emptied and thoroughly washed out daily with a disinfectant solution, and at least five ounces of such disinfectant solution shall be left in each cuspidor while the same is in use. No operative, employee, clerk, or other person shall expectorate anywhere in any building, room, basement or cellar where the production, manufacture, preparation, packing, storage, sale or distribution of any food intended for sale or distribution is conducted, except in cuspidors provided for that purpose.

Sleeping in workrooms.

SEC. 56. No person or persons shall be allowed to live or sleep in any room where food intended for sale or distribution is produced, manufactured, packed, distributed or sold.

Diseased employees.

SEC. 57. No employer shall require, permit or allow any person to work, nor shall any person work in any building, room, basement, cellar or vehicle, occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food intended for sale or distribution who is affected with any communicable disease.

Violations.

SEC. 59. Any person who violates any of the provisions of this act, or refuses, neglects or fails to comply with any lawful order or requirement of the State board of health or of any local boards of health, duly made in writing, * * * shall be liable to a penalty not exceeding fifty dollars for the first offense, one hundred dollars for the second offense, and two hundred dollars for the third and each subsequent offense; such penalties to be recovered by an action of debt in the name of the State board of health or local board of health, as the case may be, in the manner prescribed for the recovery of penalties in the act to which this is a supplement.

Each day a violation.

SEC. 60. When any person shall violate any of the provisions of this act, or shall refuse to comply with any orders duly made in writing, * * * each day upon which such violation occurs shall be deemed to constitute a distinct and separate violation, and each day elapsing after the expiration of the time limit fixed for the compliance with the said order in writing shall be deemed to constitute a distinct and separate offense.

Enforcement.

SEC. 61. The State board of health shall make uniform rules and regulations for the carrying out of the provisions of this act, which said rules and regulations shall apply to all boards and persons entrusted with the enforcement of the provisions of this act.

Abstract of law to be posted.

SEC. 62. An abstract of this law shall be prepared and furnished upon request by the board of health to every corporation, firm or person in this State who is affected thereby, and every person engaged in the production, manufacture, preparation, packing, storing, distribution, or transportation of food intended for sale or distribution to whom a copy of such abstract is sent or delivered 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 coming in or going from the place where the aforesaid business of such person is conducted.

Employment of children—Certain employments forbidden.

(Page 2816.)

Children under 15 years of age.

SECTION 47. Any person having the care, custody or control of any minor child under the age of fifteen years who shall in any manner sell, apprentice, give away or otherwise dispose of such child, and any person who shall take, receive, or employ such child for the vocation or occupation of rope or wire walking, or as an acrobat, gymnast, contortionist or rider, and any person having the care, custody or control of any minor child whatsoever who shall sell, apprentice, give away or otherwise dispose of such child, or who shall take, receive or employ such child for any obscene, indecent or illegal exhibition or vocation, or any vocation

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injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor or employ any minor child in or about any assignation house or brothel, or in any place where any obscene, indecent or illegal exhibition takes place, shall be guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace, magistrate or court of record, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

Under 18 years of age.

SEC. 48. Any person having the care, custody or control, lawful or unlawful, of any minor child under the age of eighteen years, who shall use such minor or apprentice, give away, let out, hire or otherwise dispose of such minor to any person for the purpose of singing, playing on a musical instrument, begging, or for any mendicant business whatsoever, in the streets, roads or other highways of this State, and whosoever shall take, receive, hire, employ, use or have in custody any such minor for the vocation, occupation, calling, service or purpose of singing, playing upon musical instruments or begging upon the streets, roads or other highways of the State, or for any mendicant business whatever, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars.

Employment in saloons, etc.

SEC. 49. Any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or permit such child to sing, dance, act or in any manner exhibit in any dance house whatever, or in any concert saloon, theater or place of entertainment where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passageway or entrance, and any proprietor of any dance house whatever, or any such concert saloon, theater or place of entertainment so employing any such child, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

Employment in mines.

SEC. 50. Any person who shall take, receive, hire or employ any child under twelve years of age in any underground works or mine or like place whatsoever, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than ten dollars nor more than fifty dollars.

CHAPTER 191.—*Accident insurance—Collective insurance by labor organizations, etc.*

(Page 2876.)

Premium rates to be uniform.

SECTION 116. No life insurance company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between the insured of the same class and equal expectation of life in the amount of payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; except that any life insurance company doing business in this State may issue policies of life or endowment insurance with or without annuities on the industrial plan, with special rates of premiums less than the usual rates of premiums for such policies to members of labor organizations, lodges, beneficial societies or similar organizations, or employees of one employer, who through their secretary, or employer may take out insurance in an aggregate of not less than one hundred members, and pay their premiums through such secretary or employer: * * *

Exception as to labor organizations.

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Sale of intoxicants to employees.

(Page 2895.)

Penalty for sale without consent.

SECTION 25. If any innholder or tavern keeper shall sell any vinous, spirituous or strong liquors to any apprentice or servant, knowing or having reason to suspect or believe him or her to be such, without the consent of his or her master or mistress, such innholder or tavern keeper shall, for every offense, forfeit the sum of four dollars, to be recovered by action of debt, with costs, by the master or mistress of such apprentice or servant, in any court of record having cognizance thereof.

Bureau of labor statistics.

(Page 3021.)

Chief to be appointed.

SECTION 1. There shall be appointed from this State, on nomination of the governor, to be confirmed by the senate, some suitable person to act as chief of, and who shall constitute a bureau of statistics, with headquarters in the statehouse, who shall hold his office for five years and until his successor is appointed.

Duties of bureau.

SEC. 2. The duties of such bureau shall be to collect, assort, systematize and present in annual reports to the legislature, on or before the last day of October in each year, statistical details relating to all departments of labor in the State, especially in its relations to the commercial, industrial, social, educational and sanitary condition of the laboring classes, and in all suitable and lawful ways foster and enlarge our manufacturing and every other class of productive industry, with the view to their permanent establishment upon a prosperous basis, both to the employer and the employed.

Statistics of manufactures.

SEC. 2a. The bureau of statistics provided for in the act [secs. 1–4, page 3021] * * * shall, in addition to the duties prescribed in said act, collect and publish in the annual report of said bureau statistics showing the number of private firms and corporations engaged in the several industries in this State; the capital invested; amount of raw material used and its cost value; amount of goods manufactured and the selling price of said goods; the number of persons employed, by months, and distinguished as to sex; total wages paid; classification of wages, and such other information as may be necessary to show the true condition of each of the said manufacturing industries.

Names not to be divulged.

SEC. 2b. The information secured shall be presented in the annual report by figures only; the names of persons, firms or corporations shall in no case be printed and the business of manufacturers, individually, shall not be divulged.

Power.

SEC. 3. The said chief shall have power to examine witnesses under oath.

Compensation.

SEC. 4. The compensation of said chief shall be twenty-five hundred dollars annual salary, * * *

Owners of factories, etc., to report.

SEC. 10. It shall be the duty of every owner, operator, lessee, manager or superintendent of every factory, mill, workshop, mine or other establishment or industry in which labor is employed within this State, to make such reports or returns on blanks furnished by the bureau of statistics of labor and industry as the said bureau may require for carrying out the purposes and compiling such statistics as are authorized * * * ; and the said owner, operator, lessee, manager, or superintendent shall make such report or return within the time prescribed therefor, and shall certify to the correctness of the same.

Penalty.

SEC. 11. Any owner, operator, lessee, manager or superintendent of an establishment or industry in which labor is employed within this State, who willfully neglects to fill such blank within the time allowed for doing so, or who refuses to fill such blank, shall forfeit for every such delay, [or] refusal, the sum of fifty dollars, to be recovered in a court of competent jurisdiction, by an

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action in which the State shall be represented by the chief of the bureau of statistics of labor and industry as plaintiff.

Deputy chief. SEC. 12. * * * the chief of the bureau of statistics of labor and industries shall appoint a deputy, who shall be commissioned by the governor to be deputy chief of said bureau; the said deputy shall hold his office during the pleasure of the chief, and perform all the duties of the chief of the bureau in his absence; he shall, also, perform all the duties now imposed by law upon the secretary of said bureau, together with such other special duties as may be assigned him by the chief; and from and after the appointment of said deputy chief, the office of secretary of the bureau of statistics of labor and industries shall be abolished.

Compensation. SEC. 13. The deputy chief shall receive such annual compensation as may be fixed by the chief with the approval of the governor, which salary shall be paid monthly by the treasurer on warrants drawn by the comptroller in the same manner as the salary of the chief of the bureau is now paid.

Clerks, etc. SEC. 14. The chief of the bureau of statistics of labor and industries may employ such clerks and other assistants as he may deem necessary, and with the approval of the governor, fix their compensation; he may also incur such expenses as may be necessary for stationery, blanks, postage, expressage, and other incidental expenses of his office: *Provided*, Such compensation and expenses shall not exceed in the aggregate the sum annually appropriated for said bureau by the legislature.

Alien labor—Employment on public works.

(Page 3023.)

None but citizens to be employed. SECTION 15. It shall not be lawful for the State or any county, city, town, township or borough, or other municipal corporation within this State, or for any board, committee, commission or officer thereof, or for any officer, board, body or organization having charge of any public work or any construction, whether the same be a building, excavation, pipelaying, bridge or dock building, sewer or drainage construction, road building, paving, or any other form or kind of public work which shall be undertaken and done at public expense, or for any person or corporation, to employ as a mechanic or laborer upon such public work or construction, or any part thereof, any person who is not at the time of such employment a citizen of the United States; any contractor or officer who shall violate the provisions of this act shall forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction, with costs, and such penalty when recovered shall be paid into the treasury of the State, county, city or other municipal corporation within which and under whose authority such officer or contractor claims to act: *Provided*, The provisions of this act shall not apply to any contract now in force.

Employment of children—General provisions.

(Page 3023.)

Age limit. SECTION 16. No child under the age of fourteen years shall be employed, allowed or permitted to work in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on; any corporation, firm, individual, parent, parents or custodian of any child who shall violate any of the provisions of this section, shall be liable to a penalty of fifty dollars for each offense.

Definition. SEC. 17. The word custodian as used in this act shall include any person, organization or society having the legal custody of a child.

Evidence. SEC. 18. If at the time of the employment of a child, the proofs of age specified in subdivisions I. and II. of this section, are filed with the corporation, firm or person employing the child, such

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proofs shall be conclusive evidence of the age of child in a suit against such employer for a violation of section one [16]: *Provided, however*, That correct copies of all papers, certificates, passports and affidavits relating to such employment shall be mailed, postage prepaid, to the department having charge of the enforcement of this act, at Trenton, New Jersey, within twenty-four hours after the same are filed, together with a statement of the legal name of the person, firm or corporation employing such child.

Native-born children.

I. The parent, parents or custodian shall make and swear to an affidavit before some officer authorized by the law of this State to take affidavits, setting forth the following facts: The name of the child in full; his or her residence, giving street and number; place where and year, month and day when born; name of father; maiden name of mother; church attended, if any; school last attended and time when, if any, and where the church and school are situated; if child was baptized, name and location of church or parish in which such baptism took place; there must accompany such affidavit a transcript of the record of the child's birth, duly attested by an officer having by law the authority to keep records of birth in the State, county, town or city in which the child was born; if no such birth record can be obtained and the child was baptized, then a certified copy of the baptismal record of the church or parish in which such baptism took place, duly certified as a true copy, under the hand of the person having the custody of such church or parish records, shall accompany the affidavit, and the affidavit shall set forth the age of child at time of baptism.

Foreign-born children.

II. An affidavit to be made by the same persons and containing the same statement of facts as in the case of native-born children, with an additional statement that the child named in the affidavit is the same mentioned and described in the passport under which the child was admitted to this country; a true copy of said passport must in all cases be attached to the affidavit.

Evidence.

III. The commissioner shall have power to issue permits of employment to children upon the production of evidence of the child's age satisfactory to him: *Provided*, That he shall first be satisfied that the child can not obtain a transcript of birth record, a baptismal certificate or passport, as provided in either subdivision I. or II.

Records as evidence.

SEC. 19. In any suit brought to recover a penalty for violation of section one [16] of this act, a copy of the baptismal record, certified to be a true copy under the hand of the person having the custody of such records for the church or parish in which such child was baptized, shall be prima facie evidence of the child's age: *Provided*, That in case the age of the child is not set forth in the baptismal record, that there shall be other proof showing the age of the child at the time he or she was baptized.

Enforcement.

SEC. 20. The commissioner, assistant or any inspector is hereby empowered to demand of any parent, parents or custodian, proof of the age of a child satisfactory to the commissioner, and such parent, parents or custodian shall, within five days after such demand is made, furnish to such officer proofs of such child's age; and in event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing signed by the commissioner, and shall not be reemployed until such proof of age shall have been furnished to the commissioner; any person violating the provisions of this section shall be liable to a penalty of fifty dollars for each offense.

False statements.

SEC. 21. Any one who shall swear falsely to any affidavit or present any certificate or passport which he or she knows to be false, and any person or persons who shall aid, assist or advise the making of a false affidavit or the obtaining of a false certificate or passport, shall be liable to a penalty of fifty dollars for each offense.

Physical fitness.

SEC. 22. The commissioner, assistant or the inspectors shall have power to demand a certificate of physical fitness from some regu-

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lar practicing physician in the case of minors under the age of sixteen years, who, in the judgment of such officer, shall be physically unable to do the work in which such minor is employed, and shall have the power to prohibit the employment of such minor until he or she shall produce a certificate of physical fitness; and any manufacturer or employer who shall retain in his employ a minor after such certificate shall be demanded, shall be liable to a penalty of twenty-five dollars.

Register. SEC. 23. A corporation, firm or person, owning or operating a place coming under the provisions of this act and employing, allowing or permitting minors under the age of sixteen years to work therein, shall keep or cause to be kept in the main office of such place, in the town or city where such place is located, a register in which shall be recorded the names, places of residence and time of employment of all such minors working under certificates, transcripts, passports or affidavits; such registers and certificates, transcripts and affidavits shall be produced for inspection upon demand of the commissioner, assistant or any of the inspectors; truant officers shall have the same right as inspectors to examine such registers and the certificates, transcripts, passports or affidavits, when authorized in writing so to do by the commissioner; any corporation, firm or person failing to keep such register or refusing to permit the person herein authorized to inspect the same or the certificates, transcripts, passports or affidavits, shall be liable to a penalty of fifty dollars for each offense.

Hours per week. SEC. 24. No minor under the age of sixteen years shall be employed, permitted or allowed to work in a place coming under the provisions of this act more than ten hours a day, or fifty-five hours in a week, and between the fourth day of July, in the year nineteen hundred and ten, and the fourth day of July, in the year nineteen hundred and eleven, no minor under the age of fifteen years shall be employed, permitted or allowed to work in a place coming under the provisions of this act between the hours of six o'clock in the evening and six o'clock in the morning, and after the fourth day of July, nineteen hundred and eleven, no minor under the age of sixteen years shall be employed, permitted or allowed to work in a place coming under the provisions of this act between the hours of six o'clock in the evening and six o'clock in the morning. Any corporation, firm or person permitting or allowing any person to work contrary to the provisions of this section shall be liable to a penalty of fifty dollars for each offense.

Nightwork.

Affidavits. SEC. 25. Affidavits of the age of children made and filed with the manufacturer before this act takes effect, shall have the same force and effect as the proofs required under subdivisions I. and II. of section three [18], of this act.

Inspection and regulation of factories.

(Page 3026.)

Hoistways, etc., to be guarded. SECTION 26. The openings of all hoistways, hatchways, elevators and wellholes upon every floor of any place coming under the provisons of this act, shall be protected by good and sufficient trapdoors or self-closing hatches and safety catches, or strong guardrails at least three feet high, and shall be kept closed and protected at all times except when in actual use by the occupant of the building having the use and control of the same.

Belt shifters, etc. SEC. 28 (as amended by chapter 6, Acts of 1912). 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,

Guards. all machinery shall be provided with loose pulleys; all vats, pans, saws, planers, power presses, foot presses, cogs, gearing, belting,

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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. Lighting.

This act does not abolish the defense of assumption of risks. 70 Atl. 327.

Blowers for emery wheels, etc.

SEC. 29. All corporations, firms or persons conducting a manufacturing business in any of the places coming under the provisions of this act, where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels, or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers or similar apparatus, which shall be placed over, beside or under wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact and small emery wheels that are used temporarily for tool grinding in small shops employing not more than three persons at such work, shall be exempt from the provisions of this section if so ordered by the commissioner.

Construction.

SEC. 30. It shall be the duty of any person, firm or corporation conducting such manufacturing business, to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth above, as follows: Each and every such wheel shall be fitted with a sheet or cast-iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by a current of air into a suction pipe attached to some hood or hopper.

Same subject.

SEC. 31. Each and every such wheel six inches or less in diameter shall be provided with a round suction pipe three inches in diameter; wheels six inches to twenty-four inches in diameter, with round suction pipe five inches in diameter; and all wheels larger in diameter than those stated above shall be provided each with a round suction pipe not less than six inches in diameter; the suction pipe from each wheel so specified must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall in its diameter and capacity be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with such suction pipe or pipes shall be as large or larger than the suction pipe.

Air pressure, etc.

SEC. 32. It shall be the duty of any person, firm or corporation, operating any such place to provide the necessary fans or blowers to be connected with such pipe or pipes, as set forth in this act, which shall be run at the rate of speed such as will produce a pressure of air in such suction or discharge pipes sufficient to raise a column of water not less than five inches in a U-shaped tube; all branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall

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be below the emery or buffing wheels and as close to the same as possible, and shall be either upon or beneath the floor on which the machines are placed to which such wheels are attached; all bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Enforcement. SEC. 33. It shall be the duty of the commissioner to make orders in writing for the carrying into effect the provisions of sections fourteen, fifteen, sixteen and seventeen [secs. 29 to 32].

Air space. SEC. 34. Not less than two hundred and fifty cubic feet of air space shall be provided for each employee or operative at work in a room in a place within the meaning of this act between the hours of six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space for each employee so employed between the hours of six o'clock in the evening and six o'clock in the morning: *Provided*, In all cases where the amount of air space provided does not exceed the amount above fixed, that such room is lighted by electricity during all hours that artificial lights are necessary and persons are employed therein, unless a written permit shall be obtained from the commissioner.

Ventilation required. SEC. 35 (as amended by chapter 5, Acts of 1912). 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, or 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 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 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.

Polishing wheels, etc.

Minors cleaning machinery. SEC. 36. No minor under sixteen years of age shall be required, allowed or permitted to clean any part of the gearing or machinery in any place coming under the provisions of this act, while the same is in motion, or to work between the fixed or traversing parts of any machinery while it is in motion by the action of steam, water or other mechanical power.

Explosives. SEC. 37. Every corporation, firm or person having or keeping in his place or its place or manufactory coming under the provisions of this act, any explosive or inflammable compound, shall keep or store such explosive or inflammable compound in such factory, mill, workshop or place in such way as not to obstruct or render hazardous the egress of employees or operatives in case of fire.

Water-closets. SEC. 38. Every factory, workshop or mill shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also a suitable and convenient wash room; the water-closets used by women shall have separate approaches; if women or girls are em-

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ployed, a dressing room shall be provided for them when ordered by the commissioner.

Lime washing.

SEC. 39. Factories and workshops in which women and children are employed, and where dusty work is carried on, shall be lime-washed or painted at least once in every twelve months.

Law to be posted.

SEC. 40. An abstract of this law shall be prepared and furnished upon request by the commissioner to every corporation, firm or person in this State who is affected thereby, and every manufacturer to whom a copy of such abstract is sent or delivered 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 coming in or going out from said factory, workshop or mill.

Hindering commissioner.

SEC. 41. No person shall interfere with, delay, obstruct or hinder by force or otherwise, the commissioner, the assistant commissioner or inspectors, while in the performance of their duties, or refuse to answer in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

Forfeitures to be reciprocal.

SEC. 42. Any person, firm or corporation engaged in manufacturing which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges without similar notice a person in such employ, unless in case of a general suspension of labor in his or its factory, mill or place where the manufacture of goods of any kind is carried on.

Accidents.

SEC. 43. All accidents that prevent the injured person or persons from returning to work within two weeks, or which result in death, shall be reported in writing to the department, at Trenton, New Jersey, within twenty-four hours after the expiration of four weeks or after the death of such person injured, as the same may be; such notice may be sent by mail, postage prepaid.

Name of firm to be furnished.

SEC. 44. Every corporation, firm or person shall within one month after he, they or it shall begin to occupy a factory, workshop, mill or place where the manufacture of goods of any kind is carried on, notify in writing the department, at Trenton, New Jersey, of such occupancy, giving the legal title of such corporation and name of agent upon whom service of a summons can be made, and in case of a firm, the individual names of the members of the firm or the legal title of the concern so occupying such factory or workshop.

Powers of commissioner.

SEC. 45. For the purpose of carrying into effect the provisions of sections * * * [26 to 32, 34, 36 to 39 and 41 to 43] the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employees and operatives and the enforcement of this act in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person violating any of the provisions of [the above-mentioned] sections * * * shall, for each offense, be liable to a penalty of fifty dollars.

Manufactures in tenements.

SEC. 46. No room or rooms, apartment or apartments, in any tenement or dwelling house, shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, except by the immediate members of the family living therein; no person, firm or corporation shall hire or employ any person to work in any room or rooms, apartment or apartments, in any tenement or dwelling house, at making, in whole or in part, any coats, vests, trousers, knee pants, overalls, cloaks, furs, artificial flowers or cigars, unless such person, firm or corporation first shall have obtained a written permit from the commissioner; which permit may be revoked by the commissioner at any time

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that the health of the community or of those employed as aforesaid may, in his judgment, require it, and that such permit shall not be granted until due and satisfactory inspection of the premises affected shall have been made by the said commissioner, assistant, or an inspector; such permit shall be framed and posted in a conspicuous place in the main room of the place to which it relates, shall be duly numbered and shall state the number of persons allowed to be employed therein.

Violations. SEC. 47. Any person, firm or corporation being the owner, lessee or occupant of the place to which the preceding section relates, shall, for the violation of any of the provisions therein, be liable to a penalty of one hundred dollars for each offense.

Exemptions. SEC. 48. This act shall not apply to a private house or private room used for manufacturing purposes by the family dwelling therein.

Department of labor. SEC. 60 (as amended by chapter 117, Acts of 1912). 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

Commissioner. 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 gov-

Inspectors. ernor 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 re-

Powers of commissioner, etc. quired 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

Extra inspectors. 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,

Duties. 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,

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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, 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.

Additional inspectors.

SEC. 61. In addition to the inspectors provided by the act to which this is a supplement, and the amendments and supplements thereto, the governor shall, immediately after the passage of this act, appoint two suitable persons as inspectors, one of whom shall be a woman, whose salary, powers and duties and term of office, shall be the same as the inspectors already provided for.

Seats to be provided for female employees.

SEC. 73. Every person or corporation employing female employees in any manufacturing, mechanical or mercantile establishment in this State shall provide suitable seats for the use of the female employees so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty.

Proviso.

SEC. 74. Any person or corporation who shall be guilty of any violation of the provisions of this act shall be liable to a penalty of fifty dollars for each offense: *Provided*, That ten days' notice in writing shall be given by any person or persons who may choose to do so, to any person or persons or corporation violating this act, that they are required to comply with the provisions of the first section of this act [sec. 73], and any person or corporation failing to comply therewith upon or before the expiration of ten days from the date of service of such notice, shall be liable to the said penalty of fifty dollars for each offense, to be recovered in an action of debt in any district court in any city or before any justice of the peace having jurisdiction in civil causes; * * *

Employment of labor—Notice of discharge.

(Page 3039.)

Notice of discharge to be given, when.

SECTION 79. Whenever any operative in any mill, factory or other manufacturing establishment shall contract or agree with his or her employer, or the agent of such employer, to forfeit any part of his or her wages or pay in case he or she shall quit work or service in such mill, factory or manufacturing establishment, without giving a certain specified notice of intention so to do, such operative shall, before being discharged from such work or service, be given notice thereof for the same length of time as that of the notice required of him or her as aforesaid, and in default of such notice, shall receive wages or pay for the same length of time for which his or her wages or pay would have been forfeited in case he or she had quit such work or service without

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Adjustment of wages.

notice as aforesaid; and whenever, in such a case, the wages or pay of such operative shall not be a fixed sum, as for instance, so much per day or week, then the wages or pay to be so received by such operative shall be the amount he or she might ordinarily have earned in the time for which such notice should have been given; and such operative, upon making demand for such wages or pay, and a refusal to pay the same, shall be entitled to sue for and recover the same, the same as if it was due under an express contract; and if he or she shall recover judgment in such suit for such wages or pay, or for a larger amount than had been tendered him or her in case a tender had been made, then he or she shall be allowed as part of the costs thereof, an attorney's fee, to be fixed by the court, and in case the defendant shall appeal from such judgment, and shall not be successful on such appeal, then such operative shall be allowed, as part of the costs of such appeal, an additional attorney's fee, to be fixed by the court: *Provided, however,* That such operative shall not be entitled to receive or recover such wages or pay in consequence of having been discharged without notice as aforesaid, if he or she, by his or her misconduct in or about such work or service, or incompetency to perform properly such work or service, shall have given or afforded sufficient cause for such discharge.

Proviso.

Seats for female employees—Mercantile establishments.

(Page 3041.)

Seats to be provided.

SECTION 85. Every individual, firm, or corporation or the managing agent of such individual, firm, or corporation, having in his or their employ one or more females engaged in the services and operations incident to any commercial employment, shall provide and maintain seats of a suitable kind, conveniently situated at or near the counter, workbench, or other places where her or their work is ordinarily performed, for the use of such females, who shall be allowed free access to such seats at all times except when engaged in the discharge of duties that can not properly be performed in a sitting position.

Enforcement.

SEC. 86. It shall be the duty of the commissioner of labor and his authorized deputies to see that the provisions of this act are carried out in all the mercantile establishments throughout the State in which female labor is employed, and the said commissioner or one of his deputies shall thereafter at reasonable intervals examine and inspect all such mercantile establishments for the purpose of seeing that the seats as provided for in this act are fully maintained, and that female employees are permitted to use them freely and without hindrance according to the spirit of this act.

Violations.

SEC. 87. Any individual, firm or corporation owning or managing an establishment to which this act applies, who shall fail to comply with its requirements within ten days after the date on which notice to do so has been served by the commissioner of labor or one of his deputies shall be liable to a penalty of twenty-five dollars (25) for each offense, and a failure to comply within the period of ten days (10) with such repetition of the notice as may be necessary, shall each constitute a separate offense.

Liability of employers for injuries to employees.

(Page 3042.)

Injuries caused by—

SECTION 89. Where, * * * personal injury or death results to an employee who is himself in the exercise of reasonable care at the time:

Defective machinery;

I. By reason of any defect in the condition of the place, ways, works, machinery or plant connected with or used in the business of the employer, which arose from, or had not been discovered or

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remedied, owing to the negligence of the employer or of any person in the service of the employer, and entrusted by him with the duty of seeing that the place, ways, works, machinery or plant were in proper condition; or

Negligence of superintendent;

II. By reason of negligence of any person in the service of the employer entrusted with, and at the time of the injury exercising superintendence, whose sole or principal duty is that of superintendence, or in the absence of such superintendent of any person acting as superintendent, with the authority or consent of such employer; or

Negligence of person in charge of railroad signals, etc.

Status of claim.

III. By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad; said employee, or in case the injury results in death, the executor or administrator of such deceased employee who has left surviving a husband, wife or next of kin, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of, nor in the service of the employer, nor engaged in his work. The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this act, shall apply to an action brought by an executor or administrator of such deceased employee suing under the provisions of this act.

Notice.

Limitation.

SEC. 90. No action against an employer for recovery of compensation for injury or death of an employee under this act shall be maintained unless notice of the time, place and cause of injury is given to the employer within one hundred and twenty (120) days, and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured, or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in said section, he may give the same within ten (10) days after such incapacity is removed. In case of his death without having given such notice his executor or administrator may give such notice within sixty (60) days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place, or cause of the injury if it be shown that there was no intention to mislead, and that the party entitled to notice was not, in fact, misled thereby. The notice required by this section shall be served on the employer, or if there is more than one employer, upon one of such employers, and may be served by delivering the same to, or at the residence or place of business of the person on whom it is to be served. The notice may be served by post by registered letter, addressed to the person on whom it is to be served, at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation notice shall be served by delivering the same or by sending it by post by registered letter, addressed to the office or principal place of business of such corporation.

Assumption of risks.

SEC. 91. An employee by entering upon, or continuing in the service of an employer, shall be presumed to have assumed all risks necessarily incident to his occupation or employment. The necessary risks of the occupation or employment shall, in all cases arising after this act takes effect, be considered as including those risks, and those only, which are inherent in the nature of the business, and which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action maintained for the recovery of damages for personal injuries to an employee, received after this act takes effect, owing to any cause for which the employer would otherwise be liable, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such

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employee, or after he had been informed of the danger of personal injury therefrom, shall not, as a matter of law, be considered as an assent by such employee to the existence or continuance of such risks of personal injury therefrom, or as negligence contributing to such injury. The question whether the employee understood and assumed the risk of such injury, or was guilty of contributory negligence, by his continuance in the same place and course of employment with knowledge of the risk of injury, shall be one of fact, subject to the usual powers of the court in a proper case to set aside a verdict rendered contrary to the evidence. An employee, or his legal representative, shall not be entitled under this act to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury, and failed, within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who had entrusted to him some general superintendence, unless it shall appear on the trial that such defect or negligence was known to such employer or superior person, or could have been discovered by reasonable and proper care or inspection by such employer or superior person prior to such injury to the employee.

Contributory negligence.

Questions for jury.

Defects to be reported.

Contributions by employer as offset.

SEC. 92. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries, for which compensation may be recovered under this act, or to any relief society or benefit fund, may prove in mitigation of damages recoverable by an employee under this act such proportion of the pecuniary benefit, which has been received by such employee from such fund or society on account of such contribution of employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

Construction of statute.

SEC. 93. Every existing right of action for negligence or to recover damages for injuries resulting in death is continued, and nothing in this act contained shall be construed as limiting any such right of action, nor shall the failure to give the notice provided for in section two (2) [sec. 90] of this act be a bar to the maintenance of a suit upon any such existing right of action.

Payment of wages.

(Page 3044.)

Goods not to be removed;

SECTION 94. No goods, chattels or personal property whatsoever, being in this State, and belonging to any manufacturer or other person or persons, or to any corporation, shall be liable to be removed by virtue of any execution, attachment or other process, unless the party by whom or at whose suit the said execution, attachment or other process was issued or sued out, shall first pay or cause to be paid to the operatives, mechanics and other employees employed by such manufacturer, person or persons or corporation, the wages then owing from such manufacturer, person, persons or corporation, to the operatives, mechanics and other employees employed by them: *Provided*, The same shall not exceed two months' wages, and in case the sum owing as aforesaid shall exceed two months' wages, then the said party at whose suit such process is sued out, upon paying the said operatives, mechanics and other employees two months' wages, may proceed to execute his process as he might have done before the passage of this act; and the sheriff or other officer is hereby empowered and required to levy and pay to the plaintiff, as well the money so paid for wages as the money to be made by virtue of such process.

Nor sold.

SEC. 95. If the sheriff or other officer shall, by virtue of any execution, attachment or other process, remove from the possession or premises of any person, persons or corporation against whom such process may be issued, any goods, chattels or personal property, without first paying to the operatives, mechanics

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and other employees of such person or persons or corporation, their wages to the amount in the preceding section specified, such goods or chattels or personal property shall not be sold by such sheriff or other officer so taking or removing the same, until ten days after such removal, and then not until the plaintiff or party at whose suit such goods or chattels are taken as aforesaid shall, before the sale thereof, pay to the operatives, mechanics and other employees of such person or persons or corporation against whom such process is issued, the wages due them at the time of such removal: *Provided*, The same shall not in any case exceed two months' wages, and if more than two months' wages is owing to such operatives, mechanics or other employees, then the party by whom or at whose suit such execution or other process is issued, by paying two months' wages, may proceed to execute his process, and sell such goods or personal property: *Provided*, The persons to whom such wages may be owing shall, before the expiration of said ten days after such removal, give notice to the sheriff or other officer holding such process of the amount of wages due and claim the same, which notice may be served by delivering the same to said officer or leaving a copy thereof at his usual place of abode.

Proviso.

Wages a prior claim.

SEC. 96. Whenever, in any suits at law or in equity, pending in any of the courts of this State, it shall become necessary or advisable for such court to appoint a receiver to take the charge and possession of the goods, chattels and personal property of any manufacturer, distiller, brewer or producer of any manufactured articles, in whatsoever stage the same may then be, and then being due and unpaid to the mechanics, workmen and laborers employed by such manufacturer and other persons, sole or corporate, producing such manufactured articles, wages for the labor and services by such mechanics and workmen bestowed upon the goods, chattels and personal property thus then taken by such receiver, it shall be the duty of the chancellor, or of the judge appointing such receiver, on being petitioned by such workmen and employees for the payment of such unpaid wages due to them, setting forth the nature and kind of services performed, and of the amount due to such petitioners, to make an order directing a reference to a master in chancery to ascertain and report upon the correctness of the allegations in such petition contained, and of the amount of wages then due and unpaid to such petitioner and petitioners, and thereupon further direct such receiver forthwith to make sale of so much of such personal property as may be necessary to pay such wages to such employees and workmen in preference to any other creditor, and without delay.

Sale of personal property.

Payment in goods, etc., unlawful.

SEC. 101. It shall not be lawful for any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer, cranberry grower or his agent or company, their agents or clerks, to pay the wages of workmen or employees by them employed in either store goods, merchandise, printed, written, verbal orders, or due bills of any kind.

An agreement by a workman to take merchandise in partial payment for his services is a violation of this section. 33 Atl. 210.

Forfeiture.

SEC. 102. Any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer, cranberry grower or his agent, or company paying to the said workmen or employees, or authorizing their clerks or agents to pay the wages, or any part thereof, in either store goods, merchandise, printed, written, verbal orders, or due bills of any kind, except as aforesaid, shall forfeit the amount of said pay or any part of wages of said workman or employee given in store goods, merchandise, printed, written, verbal orders or due bills of any kind, and the same not to offset against the wages of said workman or employees, but he or they shall be entitled to recover the full amount of his or their wages, as though no such store goods, merchandise, printed, written, verbal orders or due bills had been given or paid; and no settlement made with such employer shall bar such action until after a lapse of one year from such settlement.

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Application of law. Penalty.

SEC. 103. The provisions of this act shall extend to all seamstresses, females and minors employed in factories or otherwise.

SEC. 104. Any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer or company offending against the provision[s] of this act, shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars or more than one hundred dollars for each and every offense, or imprisonment not to exceed the term of thirty days, at the discretion of the court.

Attempting to control trade.

SEC. 105. It shall not be lawful for any manufacturer, firm, company or corporation, their agents, clerks or superintendents, in this State, who own or control a store for the sale of general store goods or merchandise in connection with their manufacturing or other business, to attempt to control their employees or laborers in the purchase of store goods and supplies at the aforesaid store by withholding the payment of wages longer than the usual time of payment, whereby the employee would be compelled to purchase supplies at said manufacturer's, firm's, company's or corporation's store.

Penalty.

SEC. 106. Any manufacturer, firm, company or corporation offending against the provisions of this act, the same shall be a misdemeanor, and on conviction in any court having jurisdiction thereof, shall be fined not to exceed one hundred dollars, with costs of suit, for each offense, to be sued by and for the benefit of any citizen of the State.

Contracts for retention of wages.

SEC. 109. It shall not be lawful for any corporation doing business in this State to require workmen, laborers or other employees, in their contract of employment, or prior or subsequent thereto, to sign a written consent for said corporation to retain or keep back any part of their wages when due, under pretense of investing the same or establishing a fund for the relief or assistance of such workmen, laborers or other employees when sick or otherwise disabled.

Retention of wages without consent.

SEC. 110. It shall not be lawful for any corporation of this State, or any corporation doing business in this State, to retain or keep back any part of the wages due their workmen, laborers or other employees, without the free and voluntary consent of such workmen, laborers or employees, under pretense of assisting, relieving or maintaining said employees when sick or otherwise disabled.

Diversions are against public policy.

SEC. 111. All such diversions of the wages of the employees without the free and voluntary consent of such workmen, laborers or employees of corporations aforesaid when due from the use, possession or control of said employees, to the control or possession of said corporation for the pretended use or benefit of said employees, shall be adjudged by the courts of this State to be against public policy.

Penalty.

SEC. 112. All violations of the first or second sections of this act [secs. 109 and 110] by the directors or managing officials of any corporation of this State or corporation doing business in this State shall be deemed a misdemeanor, and shall subject them or any of them to an indictment for misdemeanor in any county in this State where said corporation does business, and upon conviction thereof he, she or they shall be punished by fine or imprisonment in the county jail, said fine not to exceed two hundred dollars and said imprisonment not to exceed six months, or both, in the discretion of the court.

Discounting claims for wages.

SEC. 113. It shall not be lawful for any person or persons to purchase or have assigned to him or them any pay or wages due, or to become due, to any laborer or employee of any corporation or individual or individuals doing business in this State, for any work or labor to be rendered by such laborer or employee of any such corporation or individual or individuals, upon which such person or persons so purchasing or having assigned to him or them shall directly or indirectly have received, or contracted to receive, from such laborer or employee, more than the legal rate of interest established by the laws of this State upon the amount of such pay or wages due, or to become due, so purchased or assigned.

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Penalty.

SEC. 114. Any person or persons violating the first [sec. 113] section of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, at the discretion of the court: *Provided, however*, That this act shall not apply to any assignment of such pay or wages, made for the payment of any goods, wares or merchandise sold to such employee for the full value, or for any professional service rendered to such laborer or employee mentioned in such assignment.

Proviso.

Biweekly pay day.

SEC. 123. Every person, firm, association or partnership doing business in this State, and every corporation organized under or acting by virtue of or governed by the provisions of an act entitled "An act concerning corporations" (revision of one thousand eight hundred and ninety-six), in this State, shall pay at least every two weeks, in lawful money of the United States, to each and every employee engaged in his, their or its business, or to the duly authorized representative of such employee, the full amount of wages earned and unpaid in lawful money to such employee, up to within twelve days of such payment: *Provided, however*, That if at any time of payment, any employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand; any employer or employers as aforesaid who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars for each and every offense, at the discretion of the court: *Provided*, Complaint of such violation be made within sixty days from the day such wages become payable according to the tenor of this act; the provisions of this section shall not apply to any employee or employees engaged in agricultural work or as watermen.

Proviso.

Contracts in violation of act.

SEC. 124. It shall not be lawful for any such person, firm, association, partnership or corporation, as aforesaid, to enter into or make any agreement with any employee for the payment of the wages of any such employee otherwise than as provided in section one [section 123] of this act [secs. 123–125], except it be to pay such wages at shorter intervals than every two weeks; every agreement made in violation of this act shall be deemed to be null and void, and the penalties provided for in section one hereof may be enforced notwithstanding such agreement; and each and every employee with whom any agreement in violation of this act shall be made by any such person, firm, association, partnership, corporation or the agent or agents thereof, shall have his or her action and right of action against any such person, firm, association, partnership or corporation, for the full amount of his or her wages in any court of competent jurisdiction in this State.

Enforcement.

SEC. 125. The department of labor of this State shall be and hereby is authorized and directed to enforce the provisions of this act [secs. 123–125] and the commissioner of labor shall make complaint against any employer or employers who neglect to comply with the provisions of this act for a period of two weeks after having been notified in writing by said commissioner of labor of the violation of this act; and it is hereby made the duty of county prosecutors of the pleas of the various counties in this State, to appear in behalf of the department of labor in all proceedings brought herein by the commissioner of labor.

To whom wages of deceased employees may be paid.

SEC. 126. It shall be lawful for any employer in this State at any time not less than thirty days after the death of the employee, to pay all wages due to such deceased employee to the wife, child or children, father or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters of administration to be issued upon the estate of said deceased employee, where such wages do not exceed seventy-five dollars in amount: *Provided, however*, That if such deceased employee shall not leave a wife, child or children, father,

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Effect.

mother, sister or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employee, first, to the undertaker for his services such sum as shall be due him, and second, the residue, if any, to physician, boarding-house keeper and nurse, pro rata, upon a bill furnished duly verified by affidavit.

SEC. 127. The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

Protection of employees as members of labor organizations.

(Page 3051.)

Combinations of workingmen.

SECTION 128. It shall not be unlawful for any two or more persons to unite, combine or bind themselves by oath, covenant, agreement, alliance or otherwise, to persuade, advise or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person, persons or corporation.

Since this act, it is not unlawful for the members of an association to combine for the purpose of securing control of the work connected with their trade, and to endeavor to effect such purposes by peaceable means. 47 Eq. 519.

The purpose of this act was to legalize strikes. It would seem also to intend a legalization of a combination to induce others to join in a strike, but the methods must be persuasive and not coercive. 46 Atl. 208.

The statute affects the status of the acts described only as declaring them not to be criminal, but does not take away the right of any individual injured by them to bring suit to recover damages. 52 Atl. 152.

Restraining employees from joining unions.

SEC. 129. No corporation or employers of labor doing business in the State shall, directly or indirectly or through any manager, agent, superintendent, or employee thereof, make, as a condition of employment of labor in any branch of its service, that any applicant or applicants for such employment shall, either individually or collectively, be required to sign any paper, document, or writing of any description, by which an obligation is made or implied of renouncing existing membership in any organization, society or brotherhood, or by which a promise is given of not joining such organizations at any future time.

Requiring resignation.

SEC. 130. No corporation or employers of labor shall in like manner require directly or indirectly or through any of its managers, superintendents, agents or employees, that any individual or individuals shall either individually or collectively, in any manner promise to renounce existing membership in any lodge, brotherhood, or labor organization of any kind, or promise to refrain from joining any such lodge, brotherhood, or organization at any future time.

Penalty.

SEC. 131. Any violation of the above act [secs. 129–131] shall be punishable with a fine not to exceed five hundred dollars or three months' imprisonment, or both, as the court may direct.

Actions for personal injuries—Limitation.

(Page 3164.)

Must be commenced within two years.

SECTION 3. * * * All actions hereafter accruing for injuries to persons caused by the wrongful act, neglect or default of any person or persons, firm or firms, individual or individuals, corporation or corporations within this State, shall be commenced and instituted within two years next after the cause of such action shall have accrued and not after.

Inspection of steamboats.

(Page 3699.)

Inspectors of steamboats.

SECTION 29. It shall be the duty of the governor of this State to appoint such number of properly qualified persons, not less than one and not exceeding three, as to him shall seem necessary and

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advisable, to be official inspectors of steamboats and steamboat boilers in this State for the purposes hereinafter mentioned, and such inspectors shall be appointed to hold their office for one year from the date of their appointment respectively, and shall be commissioned by the governor, and any vacancy occurring may be filled from time to time by a like appointment by the governor at his discretion; and such inspectors shall, before they enter upon the discharge of the duties of their office, take and subscribe an oath well, faithfully and impartially to discharge the duties of their office according to law.

Duty of inspectors.

SEC. 30. It shall be the duty of such inspector of steamboats and steamboat boilers respectively, whenever requested so to do by or in behalf of any owner or owners of any steamboat or boat propelled by steam power, navigating any of the inland or private waters of this State, and upon tender of the fees fixed by law for such service, to thoroughly and carefully inspect and examine such steamboat and to thoroughly and carefully inspect, examine and test the steam boiler or boilers thereof for the purpose of ascertaining whether such steamboat is so constructed and is in such safe and seaworthy condition and state of repair that passengers can be conveyed thereon in safety and the number of persons that can be carried thereon with safety, and also for the purpose of ascertaining whether such steam boiler or boilers is or are safely constructed and in good repair and condition, and the number of pounds pressure per square inch which such boiler or boilers is or are capable of sustaining in safety, and forthwith to file in the office of the secretary of state a certificate certifying the result of such inspection, and it shall be the duty of the secretary of state to record such certificate in a book to be provided for that purpose, which record shall be a public record; and upon request by or in behalf of the owner or owners of such steamboat and upon payment of the fee therefor prescribed by law, in all cases where such certificate of the inspector shall show such steamboat or boat propelled by steam power to be seaworthy and safe for carrying passengers, and the number of persons who can safely be carried thereon at one time, and the boiler or boilers thereof to be in a safe and proper condition, to issue to the owner or owners of such steamboat a license under the great seal of the State, which license shall continue in force for one year from the date of such inspection and shall specify the name, description of the steamboat licensed, the name of the owner or owners thereof, the number of passengers it can safely carry at one time, and the number of pounds steam pressure per square inch the boiler or boilers thereof can safely carry and the date of such inspection and test and the name of the inspector and the fact that such steamboat and the boiler or boilers thereof were by such inspector at such date inspected and tested and found to be seaworthy and safe to the capacities stated.

Certificate.

Fees.

SEC. 36. For each inspection of a steamboat and its boiler or boilers under the provisions of this act the inspector performing such service shall be entitled to charge and receive the sum of fifteen dollars, * * * and for filing the certificate of inspection and issuing and recording a license to any steamboat under the provisions of this act the secretary of state shall be entitled to charge and receive a fee of three dollars, * * *.

Negligence of employees on steamboats.

(Page 3709.)

Loading safety-valves, etc.

SECTION 65. Any person having the charge, command or control of a power vessel who

* * * * *

VI. Intentionally loads or obstructs, or causes to be loaded or obstructed, in any way the safety-valve of the boiler of any power vessel or naphtha launch, or employs any other means or device whereby the boiler of such vessel may be subjected to a greater

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pressure than is allowed by the inspectors' certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of the water or steam in any boiler, or to give warning of approaching danger, or intentionally permits the water to fall below the prescribed low-water limit of the boiler;

* * * * *

Is guilty of a misdemeanor.

Labor organizations—Municipal advertising in union organs.

(Page 3766.)

Labor newspapers to be patronized.

SECTION 23. In all cities containing a population of fifty thousand or more inhabitants, as shown by the last preceding census, all advertising required by law, pertaining to affairs connected with the city government, shall be made in a newspaper specially devoted to the interests of organized labor, if one be published in said city, in addition to the official newspaper now authorized to be designated by law: *Provided*, Said paper has been published at least once a week for a period of three years prior to the passage of this act [sec. 23], and that the fees for publication shall not exceed the fees now allowed by law.

Civil service—Labor service.

(Page 3800.)

Unskilled laborers.

SECTION 72. The labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered in their respective localities by the civil service commission. Preference in employment from such lists shall be given according to the date of application. There shall be separate lists of applicants for different kinds of labor or employments, and the said commission may establish separate labor lists for various localities, institutions and departments. The said commission shall require an applicant for registration for the labor service before he can be registered to furnish evidence or to pass such examinations as they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the trade or employment for which he applies.

Railroads—Offenses of employees—Strikes.

(Page 4244.)

Intoxication.

SECTION 50. * * * if any person shall, while in charge of an engine running upon a track of any railroad company, or while acting as conductor of a car or train, be intoxicated, he shall be guilty of a misdemeanor.

Disobeying rules, etc.

SEC. 61. Any employee of any railroad company who shall willfully or negligently disregard and disobey any rule, regulation or published order of the company in regard to the running of trains, shall be deemed guilty of a misdemeanor; * * * the penalties imposed by this section shall not exclude any other liability, penalty or remedy, civil or criminal.

Abandoning engine.

SEC. 62. If any railroad employee on any railroad within this State engage in any strike or with a view to incite others to such strike, or in furtherance of any combination or preconcert with any other person to bring about a strike, shall abandon the engine in his charge when attached to a train at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to continue to discharge his duty, or to proceed with such train to the place of destination aforesaid; or if any railroad employee within this State, for the purpose of furthering the object of or lending aid to any strike organized or attempted

Strikes.

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to be maintained on any other railroad, either within or without the State, shall refuse or neglect in the course of his employment to aid in the movement over and upon the tracks of the company employing him of the cars of such other railroad company received therefrom in the course of transit, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may also be imprisoned for a term not exceeding six months, at the discretion of the court.

Interference by strikers.

SEC. 63. If any person in aid or furtherance of the objects of any strike upon any railroad, shall interfere with, molest or obstruct any locomotive engineer or other railroad employee engaged in the discharge or performance of his duty as such, or shall obstruct any railroad track within this State, or shall injure or destroy the rolling stock or other property of any railroad company, or shall take possession of or remove any such property, or shall prevent or attempt to prevent the use thereof by such company or its employees, or shall by offer of recompense induce any employee of any railroad company within this State to leave the service of such company while in transit, every such person offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, and may also be imprisoned not more than one year, at the discretion of the court.

Wages as preferred claims—In receiverships of railroads.

(Page 4256.)

Wages to be paid.

SECTION 86. * * * the surplus, if any, shall be distributed as the chancellor may direct; and the receiver [of a railroad] shall apply all unincumbered personal effects not required in the operation of the road, and all moneys transferred to him at the time of his appointment, towards the payment of wages then due to employees of the company, not exceeding two months' wages; this section shall not apply to any railroad at any seaside resort built principally for the transportation of summer travelers, nor to a temporary suspension necessary for the completion, reconstruction or change of grade of any railroad.

Street railways—Regulations as to employees.

(Page 4990.)

Seats to be provided.

SECTION 2. All horse-car passenger railroads in the cities and towns of this State shall provide a proper seat upon the front platform of each car, for the use of the driver on such car when driving the same, under reasonable restrictions by the company operating such car as to the use of the said seat in going up or down grade or otherwise.

Penalty.

SEC. 3. Any such company failing to comply with the requirements of the first section of this act [sec. 2] shall be liable to a penalty of twenty-five dollars for each day any car belonging to them shall be in use without such seat, to be recovered in an action of debt before any justice of the peace or district court in the county or city where such railroad may be, by any person suing for the same; one-half of said forfeiture to be paid to the county treasury of the county where such suit is brought and one-half to the person who shall prosecute the same to effect.

Twelve hours a day's work.

SEC. 57. Twelve hours' labor, to be performed within twelve consecutive hours, with reasonable time for meals, not less than half an hour for each, shall constitute a day's labor in the operation of all cable, traction and horse-car street surface railroads, and of all cable, traction and steam elevated railroads, owned or operated by corporations incorporated under the laws of this State, for the employees of such corporations in operating such railroads.

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Penalty.

SEC. 58. It shall be a misdemeanor for any officer or agent of any such corporation to exact from any of such employees more than twelve hours' labor within the twenty-four hours of the natural day, and within twelve consecutive hours therein as in the first section [sec. 57] provided: *Provided, however*, That in case of accident or unexpected contingency demanding more than the usual service by such corporation to the public, or from such employees to the corporation, extra labor may be permitted and exacted for extra compensation.

Act construed.

SEC. 59. It is the true intent and purpose of this act to limit the usual hours of labor of the employees of railroad corporations as aforesaid to twelve hours' actual work a day, to be performed within a period of twelve consecutive hours as aforesaid, whether such employees be employed by the trip or trips, the job, the hour, the day, the week, the month, or in any other manner.

Platforms to be inclosed, when.

SEC. 152. * * * it shall not be lawful for any company operating a street railway or railroad, or other railroad operated as a street railway, by means of electric motors, to use upon its said railroad or railway any car, motor or vehicle for the conveyance of passengers, between the first day of November and the first day of April in any year, unless said car, motor or other vehicle shall be constructed with inclosed or vestibuled platforms, provided with proper glazed sashes at the ends of the car and with open doorways at the sides.

Penalty.

SEC. 153. For each day, or part of day, any such car, motor or other vehicle for the conveyance of passengers shall be operated and used in the operation of any street railroad or railway operated by means of electric motors, the company owning or operating said car, motor or vehicle shall be liable to a penalty of twenty-five dollars, to be recovered in any court of competent jurisdiction, together with the costs of suit, by the person, board or other authority having by law control of the police department of any municipality in which or through which said car, motor or vehicle shall be operated; the said penalty, when recovered, to be paid into the treasury of said municipality the same as the penalties collected for infraction of other police regulations of said municipalities.

Employment of intemperate drivers on public conveyances.

(Page 5652.)

Sober and prudent drivers to be employed.

SECTION 9. It shall be, and hereby is declared to be the duty of the owner or owners of every stagecoach, wagon, or other carriage, used for conveying passengers for hire or reward, to employ none but prudent, careful, and sober drivers of every such stagecoach, wagon, or other carriage; and in case any such stagecoach, wagon or other carriage, in which any passenger or passengers shall be traveling, shall be overset in consequence or by reason of the intoxication or misconduct of the driver thereof, the driver so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such conviction shall be had, the fine not to exceed one hundred dollars, nor the imprisonment twelve months; and the owner or owners of any stagecoach, wagon, or other carriage, which shall be overset, as aforesaid, shall be jointly and severally liable to each and every passenger who shall be personally injured thereby, for all damages thereby sustained.

Intoxication of driver.

Sunday labor.

(Page 5712.)

Sunday labor forbidden.

SECTION 1. No traveling, worldly employment or business, ordinary or servile labor or work either upon land or water (works of necessity and charity excepted), * * * , shall be done, performed, used or practiced, by any person or persons within this State, on the Christian Sabbath, or first day of the week, com-

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monly called Sunday; and that every person, being of the age of fourteen years or upwards, offending in the premises, shall for every such offense, forfeit and pay, * * * the sum of one dollar; and that no person shall try, show forth, or expose to sale, any wares, merchandise, fruit, herbs, meat, fish, goods, or chattels, upon the first day of the week, commonly called Sunday, or sell or barter the same, upon pain that every person so offending shall forfeit and pay * * * , the sum of two dollars; * * * : *And provided further*, That it shall and may be lawful for any railroad company in this State to run one passenger train each way over their roads on Sunday, for the accommodation of the citizens of this State.

Railroads.

The prohibition of traveling on Sunday does not apply to the use of those trains of cars which are authorized to run on that day. 17 Vr. 7.

Acts permitted.

SEC. 1a. * * * It shall not be unlawful for any person or corporation, on the Christian Sabbath, or first day of the week, commonly called Sunday, to print, publish and sell newspapers, to sell and deliver milk, or to walk, ride, or drive for recreation, and to hire horses and carriages or other conveyances for riding or driving: *Provided, however*, That the board of aldermen, common council, township committee, or other governing body of the municipalities, or incorporated camp meeting associations of this State shall have the power to adopt such ordinances or rules as they may deem necessary and proper to regulate or prohibit the acts hereby made lawful, and may prescribe fines and penalties for the violation of the same, which shall be enforced and collected in the same manner as is now provided by law for the violation of other ordinances and rules of such municipalities or associations.

Proviso.

Running stages.

SEC. 3. If any stage or stages shall be driven through any part of this State on the first day of the week, called Sunday, except sufficient reason shall be offered to show that it be done in cases of necessity or mercy, or in case of carrying the mail to or from any post office, the driver or drivers, proprietor or proprietors of such stage or stages, shall, on being thereof convicted * * * forfeit and pay the sum of eight dollars for every such offense; * * *

Carters, drovers, etc.

SEC. 4. No wagoner, carter, drayman, drover, butcher, or any of his or their servants, shall ply or travel with his or their wagons, carts or drays, or shall load or unload any goods, wares, merchandise, or produce, or drive cattle, sheep or swine, in any part of this State, on the first day of the week, called Sunday, under the penalty of two dollars for every offense, * * *

Transportation of freight.

SEC. 13. No transportation of freight, excepting milk, on any public highway, railroad or canal, shall be done or allowed by any person or persons within this State, on the first day of the week, commonly called the Christian Sabbath: *Provided*, That nothing in this act contained shall be construed so as to prevent the transportation of the United States mail by railroad or on the public highways, or to the regular trips of ferryboats within the State or between this and another State.

Observance of seventh day.

SEC. 33. Every inhabitant of this State, who religiously observes the seventh day of the week as the Sabbath, shall be exempt from answering to any process, in law or equity, either as defendant, witness, or juror, except in criminal cases; likewise from executing, on the said day, the duties of any post or office to which he may be appointed or commissioned, except when the interest of the State may absolutely require it, and shall also be exempt from working on the highways, and doing any militia duty on that day, except when in actual service.

Defense.

SEC. 34. If any person, charged with having labored or worked on the first day of the week, commonly called Sunday, shall be brought before a justice of the peace to answer the information and charge thereof, and shall then and there prove, to the satisfaction of the said justice, that he or she uniformly keeps the seventh day of the week as the Sabbath, and habitually abstains

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from following his or her usual occupation or business, and from all recreation, and devotes the day to the exercise of religous worship, then such defendant shall be discharged: *Provided, always,* That the work or labor, for which such person is informed against, was done and performed in his or her dwelling house or workshop, or on his or her premises or plantation, and that such work or labor has not disturbed other persons in the observance of the first day of the week as the Sabbath: *And provided also,* That nothing in this section contained shall be construed to allow any such person to openly expose to sale any goods, wares, merchandise, or other article or thing whatsoever in the line of his or her business or occupation.

Provisos.

ACTS OF 1911.

CHAPTER 88.—*Payment of wages—Semimonthly pay day—Employees of counties.*

Scope of law.

SECTION 1. All county employees in counties of the first class of this State shall be paid semimonthly.

CHAPTER 94.—*Labor organizations—Bribery of representatives—Foremen accepting fees from employees.*

Bribery forbidden.

SECTION 1. Any person who gives or offers to give any money or other thing or things of value to any duly appointed representative of a labor organization, with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, or any such representative who accepts or agrees to accept any money or other thing or things of value for such purpose or purposes, shall be guilty of a misdemeanor.

Accepting fees for employment.

SEC. 2. Any person employed by any individual or corporation in this State as foreman, or in a similar capacity, having other workmen or employees under his control or authority, who shall accept from any such workman or employee any sum of money or any thing or things of value for the purpose of influencing such foreman or person in authority to retain such workman or employee in his position; or for the purpose of procuring employment in the business of such individual or corporation, or to avoid being discharged from such employment; or any person who shall agree or offer to accept a sum of money or any thing or things of value for the purposes mentioned in this section, or any person who shall give or offer to give to any such foreman or person in control or authority, any money or any thing or things of value for the purposes mentioned in this section, shall be guilty of a misdemeanor.

Witnesses to testify.

SEC. 3. On the trial of any indictment against any person or persons for violation of any of the provisions of this act, all witnesses sworn on any such trial shall truly answer all questions put to them which the court shall decide to be proper and pertinent to the issue involved; and no witnesses shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or might or would tend to incriminate him; but no answer or answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions.

CHAPTER 136.—*Employment of children—General provisions.*

Employment during school time.

SECTION 1. No child under the age of fourteen years shall be employed, allowed or permitted to work in any mercantile establishment during any of the hours in which the public schools are in session in the district in which such child resides; any corporation, firm or individual who shall employ, allow or permit to work

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in any mercantile establishment any child under the age of fourteen years during the time prohibited by this section shall incur a penalty of fifty dollars. Age limit.

SEC. 2. No child under the age of sixteen years shall be employed, allowed or permitted to work in or in connection with any mercantile establishment more than fifty-eight hours in any one week, or before seven o'clock in the morning or after seven o'clock in the evening of any day (excepting one day in the week, when such minors may be permitted to work until nine o'clock in the evening). The provisions of this section shall not apply to the employment of such minors between the fifteenth day and the twenty-fifth day of December, inclusive, when such minors may be permitted to work until ten o'clock in the evening; any corporation, firm or individual who shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars. Hours of labor. Nightwork.

SEC. 3. It shall be the duty of the commissioner of labor, the assistant commissioner, or the inspectors of the department of labor, or truant officers or other person empowered by law to compel the attendance of children at school, and they shall have power to investigate and inspect all mercantile establishments coming under the intent and provisions of this act. Enforcement.

SEC. 4. A corporation, firm or person owning or operating a place or places coming under the provisions of this act, and employing, allowing or permitting children actually or apparently under sixteen years of age to work therein, shall keep or cause to be kept in the main office of such place in the town or city in which such place is located, a register or record in which shall be recorded the name, place of residence and time of employment of all such minors employed therein, together with a transcript of the record of birth of such minors duly attested by an officer having by law the authority to keep records of birth in the State, county or city in which such child was born; if no such birth certificate can be obtained, and the child was baptized, then a certified copy of the baptismal record of the church or parish in which such baptism took place, duly certified as a true copy under the hand of the person having the custody of such church or parish records, which shall set forth the age of the child at the time of baptism. In the case of foreign-born children, the same transcript of the record of the birth or baptismal certificate shall be required as is required of a native-born child, in addition to the passport under which such child was admitted to this country, or a true copy of the same. The commissioner of labor shall have power to issue permits of employment to children, upon the production of evidence of the child's age, satisfactory to the commissioner: *Provided*, That he shall first be satisfied that the child cannot obtain a transcript of the birth record or passport or a baptismal certificate as above provided; such registers, certificates and transcripts shall be produced for inspection upon demand of the commissioner, assistant, or any of the inspectors, or any truant officer or other person empowered by law to compel the attendance of children at school; any corporation, firm or person failing to keep such registers, or refusing to permit the persons herein, authorized to inspect the same, or the certificates, transcripts and passports, shall be liable to a penalty of fifty dollars for each offense. Registers. Permits.

SEC. 5. Anyone who shall swear falsely to any affidavit or present any certificate or passport which he or she knows to be false, and any person or persons who shall aid, assist or advise the making of a false affidavit or the obtaining of a false certificate or passport, shall be liable to a penalty of fifty dollars for each offense. False statements.

SEC. 6. The commissioner of labor, his assistant, or any inspector, or truant officer, or other person empowered by law to compel the attendance of children at school, is hereby empowered to enter into and inspect at any reasonable time and without notice or request for permission all mercantile establishments coming under the provisions of this act and to demand of any Inspection.

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parent, custodian or guardian proof of the age of the child satisfactory to the commissioner, and such parent, parents, custodian or guardians shall, within five days after such demand is made, furnish to such officer proof of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing, signed by the commissioner, and shall not be reemployed until such proof of age shall have been furnished to the commissioner.

Hoistways, etc. SEC. 7. The openings of all hoistways, hatchways, elevators and wellholes upon every floor of any place coming under the provisions of this act shall be protected by good and sufficient trapdoors or self-closing hatches and safety catches, or strong guardrails at least three feet high, and shall be kept closed and protected at all times except when in actual use by the occupant of the building having the use and control of the same.

Ventilation. SEC. 8. The owner, agent or lessee of a place coming under the provisions of this act, or employer, shall provide in each mercantile establishment proper and sufficient means of ventilation; in case of failure, the commissioner shall order such ventilation to be provided; such owner, agent, lessee or employer shall provide such ventilation within twenty days after the service upon him of such order in writing, and in case of failure 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.

Water-closets, etc. SEC. 9. Every mercantile establishment shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also, if ordered by the commissioner of labor, a suitable and convenient wash room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing room shall be provided for them when ordered by the commissioner.

Laws to be posted. SEC. 10. An abstract of this law shall be prepared and furnished upon request by the commissioner to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person to whom a copy of such abstract is sent or delivered 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 coming in or going out from said mercantile establishment.

Hindering inspectors. SEC. 11. No person shall interfere with, delay, obstruct or hinder, by force or otherwise, the commissioner, the assistant commissioner, inspectors or truant officers while in the performance of their duties, or refuse to answer, in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

Enforcement. SEC. 12. For the purpose of carrying into effect the provisions of sections seven, nine, ten and eleven of this act the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employees and operatives and the enforcement of this act, in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person violating any of the provisions of sections seven, nine, ten and eleven, shall, for each offense, be liable to a penalty of fifty dollars.

Same. SEC. 13. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner, to be instituted in any district court of a city, recorder's court of cities, or before any justice of the peace having due jurisdiction, * * * the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execu-

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tion to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution he shall not be discharged under the insolvent laws of the State but shall only be discharged by the court making the order for the body execution, one or more of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Construction of act.

SEC. 14. Nothing herein contained shall be construed to repeal in whole or in part the act * * * [chapter 64, act of 1904] or the amendment thereof and supplements thereto, but the provisions of this act shall be held to be in addition thereto.

Definition.

SEC. 15. "Mercantile establishment" as used in this act shall be construed to apply to any employment of labor other than a factory, workshop, mill or other place where the manufacture of goods of any kind is carried on.

CHAPTER 195.—*Accidents on railroad—Reports and investigations.*

Power of board.

SECTION 17. The board [of public utility commissioners] shall have power, after hearing, upon notice, by order in writing, to require every public utility as herein defined:

* * * * *

Reports.

(g) To give such notice to the board as the board may by rule require of any and all accidents which may occur within this State upon the property of any public utility as herein defined or directly or indirectly arising from or connected with its maintenance or operation, and to investigate any such accident and to make such order or recommendation with respect thereto as in its judgment may be just and reasonable.

Investigation.

* * * * *

CHAPTER 206.—*Inspection and regulation of factories, etc.—Foundries.*

Entrances.

SECTION 1. All entrances to foundries shall be constructed and maintained so as to minimize drafts. All passageways in foundries, now in operation or hereafter to be built, shall be constructed and maintained of sufficient width to make them reasonably safe for the workmen, and no unnecessary obstruction shall be allowed in such passageways during the hours of casting. Whenever a foundry is so constructed or operated that smoke, steam, dust or noxious gases are not promptly carried off by the general ventilation, exhaust fans shall be provided. Foundries shall be reasonably well lighted throughout the working hours, and reasonably well heated during the cold and inclement weather. Hot water shall be kept available for washing purposes during the season in which artificial heating is necessary. When it is thought necessary and advisable by a State factory inspector, facilities shall be provided for drying the clothing of persons employed therein. All pits around furnaces in any such brass factory shall be covered with substantial iron gratings. All stairways around such furnaces shall be constructed of iron. There shall be kept on hand at all times in every foundry a reasonable supply of lime-water, sweet oil, vaseline, bandages and absorbent cotton for use by the workmen in case of burns or accident. It is hereby made the duty of each and every State factory inspector to enforce the provisions of this act.

Ventilation.

Sanitation.

Guards.

Provisions for accidents.

Definition.

SEC. 2. Any place or establishment where metal castings or cores are made shall be deemed a foundry within the meaning of this act.

CHAPTER 210.—*Inspection and regulation of factories, etc.—Inspectors.*

Six additional inspectors provided for.

SECTION 1. In addition to the inspectors provided by the act to which this is a supplement [page 3023, secs. 16–60], and the

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amendments and supplements thereto, the commissioner of labor shall, immediately after the passage of this act, appoint six suitable persons as inspectors, whose salary, powers, duties and term of office shall be the same as the inspectors already provided for.

Appointment, etc.

SEC. 2. All inspectors of the department of labor, appointed under this act, or the act to which this act is a supplement [page 3023, secs. 16–60], shall hereafter be appointed by the commissioner of labor, and all inspectors, including those referred to in paragraph one [sec. 1], shall be appointed, hold their offices and perform their duties subject to the provisions of an act [page 3795, secs. 57–89] * * *

CHAPTER 214.—*Fire escapes on factories, etc.*

Exits.

SECTION 1. Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on shall hereafter, under the supervision and direction of the commissioner of labor, be provided with ample and proper ways and means of egress or escape in emergency arising from fire or otherwise, sufficient for the use of all persons therein, and as well shall be protected, so far as practicable, against the origin and spread of fire.

Two ways of egress.

SEC. 2. Buildings two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress from the second story thereof, placed as far as possible at opposite ends of the room or building. Such egress may be provided by inside stairways or outside fire escapes, or both, and doors communicating therewith, as the said commissioner shall direct. Buildings more than two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress communicating with each story thereof, one of which shall be an inside stairway and one an outside fire escape.

Fire escapes.

The said commissioner shall have power to order the construction of a second inside stairway and additional outside fire escapes, doors and windows as in his judgment are necessary to furnish proper and adequate protection to the inmates of such building.

Location.

SEC. 3. All such fire escapes, stairways, doors and windows shall be located at such places in or on said building, and shall include as many stories and doors thereon as the commissioner

Type.

shall direct. All such stairways, fire escapes, doors and windows added by order of the commissioner shall conform to the requirements and standards established by this act for new buildings. The commissioner is hereby given authority to order such changes in existing stairways, fire escapes and elevator shafts, doors and windows as may in his judgment be necessary to establish them as safe and proper means of egress. Any existing fire escape or stairway which in the judgment of the commissioner can not be made safe and proper by alteration shall be condemned, removed and replaced as the commissioner shall direct.

Construction of new buildings.

SEC. 4. No building shall hereafter be erected, nor any building not now used for factory purposes be adopted for such use, nor any addition be constructed, more than two stories in height, unless the plans and specifications, as to stairways, elevator shafts, fire escapes and doors and windows, ventilation and sanitation therefor be first submitted to and approved by the commissioner upon the advice of the department of charities and corrections. With such plans and specifications shall be submitted an estimated number of employees to be engaged upon each story or separated subdivision of any story of the proposed building. Such buildings two stories in height shall conform to the provisions of paragraph two.

Stairways and fire escapes.

SEC. 5. Buildings referred to in paragraph four, more than two stories in height, shall be equipped with one or more inside stairways and one or more outside fire escapes, the number, location and construction thereof to be approved by the commissioner. All stairways and elevator shafts in such buildings shall be enclosed in walls of fireproof or fire-resisting material, which shall

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run from the foundations to and through the roof; the stairways shall be constructed as nearly as possible of fireproof or fire-resisting material, and all entrances thereto shall be protected by doors of fireproof or fire-resisting material. The commissioner of labor may require that proper fire stops shall be provided in the floors, walls and partitions of such buildings, and may make such further requirements as may be necessary or proper to prevent the origin or spread of fire therein.

Form of fire escapes.

SEC. 6. The first escapes shall be constructed according to specifications to be issued or approved by the commissioner of labor, and shall, as near as practicable, conform to the requirements of this act; and shall consist of outside iron balconies, and stairways at each floor above the first, connecting said balconies to the ground, except in the case of a fire escape over a public highway, or private driveway, when balanced stairs shall connect the lowest balcony to the ground in a manner hereinafter specified; the stairways shall be placed at a slope no steeper than forty-five degrees, or as near as possible thereto, and shall be, where practicable, on the straight run type similar to a flight of stairs; the balcony on the top floor shall be provided with a gooseneck ladder leading from said balcony to and above the roof, when ordered by the commissioner. Fire escapes may project into the public highway to a distance not greater than four feet six inches beyond the building line. The balconies shall not be less than four feet wide in the clear, when one balcony is placed directly above another, and three feet when the escape is constructed on the straight run plan, taking in at each story above the ground floor at least one door of each part of building separated by inside walls; they shall be not more than one foot below the door sills, and extend in front of and not less than nine inches beyond each door; there shall be a landing not less than twenty-four inches square at the head and foot of each stairway; the stairway well-hole on each platform shall be of a size sufficient to provide a clear headway, and shall be protected by a railing similar to that provided for balance of platform. All entrances to fire-escape platforms shall be made by means of doors, which must be cut down to the level of the floor, except when some other construction is specified by the commissioner of labor. The doors shall open in the manner designated by the commissioner of labor. All doors or windows opening onto a fire escape or directly under a fire escape shall be metal-covered and all glass used therein shall be wire glass.

Balconies.

SEC. 7. The floors of balconies shall be of wrought-iron slats not less than two inches by three-eighths inch refined flat wrought iron placed not more than one inch apart, and well secured and riveted at each intersection with three-eighths inch rivets, the iron runners not less than one and three-quarters inch by one and three-quarters inch by one-quarter inch gusset plate placed at point of bracket one-quarter inch think [sic]. Brackets to be riveted together with one-half inch rivets driven hot concentric with sections, riveted together in such a manner that the holes are completely filled, and rivets must be well rounded; wall connections to be provided with one fifteen-sixteenths inch hole. For frame buildings to have feet turned down two inches on lower flange of angle with eleven-sixteenths inch hole in same. For brick, stone or cement buildings to extend in wall one and one-half inches. The openings for stairways in all balconies shall not be less than twenty-four inches wide, and such openings shall have no covers of any kind; the platforms of balconies shall be constructed and erected to safely sustain in all their parts a safe load of not less than eighty pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts.

Balcony rails.

SEC. 8. All balcony rails shall in no case be less than three feet above the floor of balcony, and shall extend around the entire platform, and in all cases shall go through the wall at each end and be worked out to three-quarters inch both sides and be prop-

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erly secured by nuts with washers at least four inches square and three-eighths inch thick, and no top rail shall be connected at angles by gray cast iron. The top rail of balconies shall be one three-quarters inch by one-half inch of wrought iron, or one three-quarters inch angle iron at least three-sixteenths of an inch thick, or a three run three-quarters inch inside diameter wrought-iron pipe railing, all pipe railings to be continuous. The bottom rails shall in no case be more than eight inches above the floor of balcony, and shall be of one one-half inch by three-eighths inch wrought iron, or of one one-half inch angle iron at least three-sixteenths of an inch thick, all leaded or cemented into the wall; the standard or filling-in bars shall not be less than five-eighths inch round or square wrought iron well riveted to the top and bottom rails, and shall be placed not more than six inches apart, and the lower rail of the platform shall be riveted or bolted to the frame of platform in such a manner as approved by the commissioner of labor. Where the three run pipe rail is adopted for the balcony railing no additional filling-in bars will be required.

Stairways. SEC. 9. The stairway shall be constructed and erected to fully sustain all parts and carry a safe load of not less than one hundred pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts, with the exception of the tread which must safely stand at said ratio a concentrated load of two hundred pounds. The treads shall be not less than seven inches wide in the clear, and the rising of each step not more than nine inches; the treads shall be constructed of two pieces of one one-quarter inch by one one-quarter inch by three-sixteenths inch angles and one piece of two one-half inch by three-sixteenths inch flat riveted on each end with five-sixteenths inch rivets to one one-quarter inch by three-sixteenths inch angles. Each step will have one piece of one inch by one inch by one-eighth inch angle riveted to each of the side angles forming the step and a two one-half inch by three-sixteenths inch slat between same with five-sixteenths inch counter sunk rivets on top, such stiffener to be located in the center of steps. The stairs shall be not less than twenty-four inches wide between inside of strings, and there shall remain a clear passageway between the stairway and wall. The strings shall be not less than six inches by one-quarter inch flat wrought refined iron. Stairways to be connected to platforms by two one three-quarter inch by three-eighths inch flat wrought-iron hooks, one on each side, both secured by two half-inch bolts. The stairs shall have a handrail of not less than three-quarters inch inside diameter round wrought-iron pipe, to be of double run pattern, railing to connect at top and bottom to platform; posts to be not less than thirty-six inches in a vertical line from top of step to top run of railing. All posts to be of three-quarter inch inside diameter wrought iron, pipe to be spaced at intervals not greater than six feet and all fittings to be standard malleable iron; said pipe posts to be secured to the stairway runners by seven-sixteenths inch U bolts. The pipe posts must not be flattened where connection is made to stair runners, but must extend to bottom of said runners in its full and original shape.

Brackets. SEC. 10. Brackets shall be placed not more than four feet apart, and shall extend across full width of balcony and on new buildings shall be set as walls are being built.

Landings. SEC. 11. Proper balanced stairways of a cantilever type or such other style as may be approved by the commissioner of labor reaching to a safe landing place below on the ground, shall be provided from the lower balcony of any fire escape over a public highway or private driveway in place of a stairway and when the floor of such balcony is more than sixteen feet above the sidewalk or ground, a suitable landing platform shall be provided; such platform shall be located not more than ten feet above the ground and shall be connected with the balcony above by means of a stairway constructed as this act requires for stairways between balconies; such platform shall not be less than three feet

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in width and four feet long and provided with railings as before specified for balconies, and the ground shall be reached in the manner specified for lower balconies not more than sixteen feet in height or by such other method as may be approved by the commissioner of labor; the gooseneck ladder shall be securely bolted through the wall of the building and the strings shall extend at least thirty inches above the roof and return down and be secured to same; there shall be a space of not less than fourteen inches between such ladder and the outer rail of balconies.

Painting.

SEC. 12. All the parts of such fire escapes shall receive not less than two coats of paint, one in the shop and one after erection, and shall be painted thereafter at least once in each year.

Enforcement.

SEC. 13. The commissioner shall have power to enforce the provisions of this act by order in writing served upon the owner or owners of any building coming within the operation of this act, specifying the directions to be executed and the time limited for the completion thereof. Any person, firm or corporation failing or neglecting to comply with the terms of such order within the time therein limited, or any extension thereof granted by the said commissioner, shall be liable to a penalty of one hundred dollars for such failure and to a further penalty of ten dollars for each day that shall elapse after the expiration of the time limit until compliance is made with the terms of such order. If the order is not complied with within the time limited, in addition to the foregoing penalty, the commissioner shall forthwith cause the said building to be closed for manufacturing purposes until such order is complied with. The commissioner shall give the owner of such building twenty-four hours' notice, in writing, of a closing order, and then shall post on the doors of such building a notice that such building has been closed for manufacturing purposes pending compliance with an order of the department of labor. If the said building shall be used for any manufacturing purpose until such order shall have been revoked by the said commissioner upon compliance with said order, the owner of such building shall be liable to a penalty of one thousand dollars.

For violation of any mandatory portion of this act, if an order of the commissioner with reference thereto have not been issued, the owner of such building shall be liable to a penalty of one hundred dollars.

Minimum requirements.

SEC. 14. The provisions of this act shall be construed as furnishing minimum requirements for the guidance of said commissioner of labor; he may multiply or add such requirements as in his judgment are necessary and proper in each particular instance, and the orders of the said commissioner shall be construed as the minimum requirements in each particular case. No municipality shall issue orders or permits in derogation thereof, but any municipality may require, in addition thereto, such precautions or devices as are not inconsistent with the provisions of this act, but the municipality shall be responsible for the enforcement of the orders issued under its authority.

Number of employees to be considered.

SEC. 15. All installation of fire escapes or stairways shall be made with reference to the maximum number of persons to be employed upon each story of any building or separated subdivision thereof, a statement of which number shall be posted by the owner upon the wall of each story or separated subdivision thereof, so as to be visible at all times. Under no circumstances shall this number, when once ascertained and installation of fire escapes and stairways be made with reference thereto, be exceeded, except by permission of the commissioner.

Stairway to roof.

SEC. 16. In all buildings not detached, a stairway running from the top floor to the roof by means of a bulkhead may be ordered by the commissioner.

Partitions.

No partitions which interfere with established means of egress shall be erected unless by approval of the commissioner.

Water, etc.

Pails of water and sand shall be provided and located as ordered by the commissioner.

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Waste. A suitable disposition shall be made of all inflammable articles and suitable waste cans or barrels shall be provided for the proper handling of sweepings, oily waste or other combustible material, as directed by the commissioner.

Doors and handrails. Such doors and handrails may be required on stairways as may be approved by the commissioner.

Approval. No fire escapes shall be constructed without the approval of the commissioner of labor, unless specifically required by municipal authorities.

Signs. Doors leading to fire escapes shall be clearly indicated by signs posted or painted on the walls above or at the side of such doors. The approaches to such doors shall be kept free and unobstructed at all times.

Tower. A fire tower approved by the commissioner may be substituted for an inside stairway or outside fire escape.

Doors to open outward. All exit doors throughout the building shall open outward, or be sliding doors, and if kept closed during working hours, shall be fastened only in such manner as to be capable of ready and immediate opening from the inside.

Fire alarm. SEC. 17. Factory buildings more than two stories in height shall be equipped with a system of fire alarm, with sufficiently large gongs, located on each floor of the factory building, or within each separate room where more than one factory is located on a single floor.

The system shall be so installed as to permit the sounding of all the alarm gongs within a single building whenever the alarm is sounded in any one portion thereof. The means of sounding these alarms shall be placed within easy access of all the operatives within the specified factory or room, and shall be plainly labeled. This system of fire alarms is not to be used for any purpose other than in case of a fire or fire drill, and it shall be the duty of the person in charge of any factory or section of a factory wherein a fire originates immediately to cause an alarm to be sounded.

Fire drill. SEC. 18. A fire drill sufficient to enable the operatives of a factory immediately and rapidly to leave a building shall be maintained in every factory building more than two stories in height, and shall be practiced at least once in every calendar month. A demonstration of this fire drill shall be given upon the request of a representative either of the department of labor, or of the fire department of the municipality in which the factory is located. The chief of each fire department shall advise the commissioner of labor of any violation of the requirements of this law coming to his knowledge.

CHAPTER 241.—*Employers' liability commission.*

Commission to observe operation of law. SECTION 1 (as amended by chapter 177, Acts of 1913). The governor is hereby authorized to appoint six citizens of this State, at least two of whom shall be representatives of organized labor, as an employers' liability commission, who shall hold their offices for the term of two years and until their successors are appointed and qualified. They shall receive no compensation for their services, but their actual traveling expenses incurred upon the business of the commission shall be paid by the State treasurer, upon warrants approved by the president of the said commission. The commission shall have power to choose one of their number as president and to call upon the department of labor for such clerical assistance as it may require in the performance of its duties, which department shall perform all clerical and statistical work heretofore performed by the commission. The expenses of the commission shall be paid from appropriations made for that purpose in any annual or supplemental appropriation bill. It shall be the duty of the commission to observe in detail, so far as possible, the operations throughout the State of the recent act of the legislature commonly known as the "Employers' Liability Act." * * * [chapter 95, Acts of 1911].

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Accidents to be reported.

SEC. 2. * * * every employer of labor within the State of New Jersey shall report to said commission, upon the occurrence of any injury to any of his employees the name and nationality of the employee so injured, the nature and extent of such injury, whether said injured employee and the employer at the time of said injury were subject to the provisions of section one or section two of said act, and the amount of compensation when determined, together with such other facts relating to such injury as the commission may request. The information thus received shall be tabulated, from time to time, and the records thereof shall be the private records of the commission; they shall not be made public or open to inspection unless in the opinion of the commission the public interests shall require it, and they 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. The commission shall hold meetings, from time to time, as they may deem necessary, and shall present to each session of the legislature a report showing the operations under the said act during the preceding year, together with any suggestions or recommendations which they may deem necessary or proper for the improvement of the said act, in order to accomplish with the greatest efficiency the purposes of the said act.

Reports.

[See chapter 156, Acts of 1912.]

CHAPTER 243.—*Hours of labor on public works—Eight-hour day.*

Eight-hour day prescribed.

SECTION 1. The service and employment of all mechanics, workmen and laborers, who are now or who may hereafter be employed by or on behalf of this State, or by or on behalf of any county, city, township or other municipality therein, or by or on behalf of any contractor or subcontractor in the construction or repair of any of the public works of this State, or of any county, city, township or other municipality therein, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer or agent of this State, or of any county, city, township or other municipality therein, or of any contractor or subcontractor, whose duty it shall be to employ, direct or control the services of any mechanic, workman or laborer employed or engaged upon such public works, to require or permit any such mechanic, workman, or laborer to work more than eight hours in any calendar day: *Provided*, That in case of accident or unexpected contingency extra labor may be permitted for extra compensation.

Violations.

SEC. 2. Any officer or agent of this State, or of any county, city, township or other municipality therein, is of any contractor or subcontractor, [sic] whose duty it shall be to employ, direct or control any mechanic, workman or laborer employed in the construction or repair of any of the public works of this State, or in the construction or repair of any of the public works of any county, city, township or other municipality therein, who shall violate the provisions of this act, shall be guilty of a misdemeanor and for each and every offense shall, upon conviction, be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

CHAPTER 273.—*Time for meals to be allowed employees in factories.*

One-half hour to be allowed.

SECTION 1. Every corporation, firm or person owning or operating any place coming under the provisions of the act to which this act is a supplement, [secs. 16–60, pp. 1386 et seq.], shall give all operatives and employees at least one-half hour for their midday meal, after being continuously employed for a period of not more than six hours, on any workday except Saturday.

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Fixing time. SEC. 2. The period for such meal shall be fixed by every such employer, having in view the health and physical welfare of such operatives and employees in all such factories, workshops, mills and places where the manufacture of goods of any kind is carried on; if any such place is operated at night, or in eight-hour shifts, such meal period shall be fixed as aforesaid for such operatives and employees at such time as may be consistent with the mutual interests of such employer and operatives and employees.

Notice to be posted. SEC. 3. Notice of the hours within which such operatives may obtain such meals shall be plainly printed and kept posted in a conspicuous place in all workrooms where any such employees or operatives are engaged.

Violations. SEC. 4. Any such owner or employer, violating any of the provisions of this act shall be liable to a penalty of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

CHAPTER 363.—*Employment of children—Messenger service.*

Night work prohibited. SECTION 1. No person under the age of twenty-one years in cities of the first class, and no person under the age of eighteen years in other municipalities, shall be employed or permitted to work as a messenger for or by any telegraph, telephone or messenger corporation, firm or person owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of other service, before five o'clock in the morning or after ten o'clock in the evening of any day: *Provided*, That the commissioner of labor shall have the power to grant permits under extraordinary circumstances for the delivery of telegrams or telephone messages between the hours of ten p. m. and five a. m.

Violations. SEC. 2. Any such corporation firm or person engaged in or operating the business of distributing, transmitting or delivering goods or messages as aforesaid, who shall violate any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each offense, to be sued for in an action of debt, for the use of the State as hereinafter provided. Any repetition or repetitions thereof shall each constitute a separate offense.

Enforcement. SEC. 3. It shall be the duty of the commissioner of labor and his authorized deputies to enforce the provisions of this act, and to examine and inspect, at reasonable intervals, the business and practice of all telegraph, telephone or messenger corporations, firms and persons owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of other service, for the purpose of enforcing the provisions of this act.

Proceedings. SEC. 4. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner of labor, but for the use of the State, to be instituted in any district court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, * * * the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

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CHAPTER 371.—*Payment of wages—Semimonthly pay day—Railroads.*

Times of payment prescribed.

SECTION 1. Every railroad company authorized to do business by the laws of the State of New Jersey shall, on or before the first day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay the employees thereof the wages earned by them during the last half of the preceding calendar month: *Provided, however,* That if at any time of payment any employee shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place when the next pay is due; any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum of twenty-five dollars for each violation of this act which shall be proved, to be recovered in any court of competent jurisdiction by any person who shall sue for the same, one-half of said penalty to go to said person so suing therefor, and the other half to go to the State: *Provided, further,* Complaint of such violation be made within sixty days from the date such wages become payable, according to the tenor of this act.

Violations.

Contracts waiving rights.

SEC. 2. It shall not be lawful for any railroad company to enter into or make any agreement with any employee for the payment of wages of any such employee otherwise than as provided in section one of this act, except it be to pay such wages at shorter intervals than herein provided. Every agreement made in violation of this act shall be deemed to be null and void, and it shall not be a defense to the suit for the penalty provided for in section one of this act; and each and every employee with whom any agreement in violation of this act shall be made by such railroad company shall have his or her action and right of action against such railroad company for the full amount of his or her wages in any court of competent jurisdiction of this State.

ACTS OF 1912.

CHAPTER 67.—*Factory inspectors.*

Additional inspectors.

Qualifications.

SECTION 1. In addition to the inspectors provided by the act to which this [act is] a supplement, [secs. 16–60, pp. 1386 et seq.], 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.

CHAPTER 83.—*Department of labor—Civil service.*

Assistant commissioner and inspectors in classified 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

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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.

CHAPTER 127.—*Inspection and regulation of bakeries, etc.*

Scope of law. 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

Sanitation. 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. Expectorating 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

Use of cellars, etc. 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.

Height of rooms. 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

Floors, walls, etc. 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 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

Infectious or contagious diseases. 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 loath-

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some 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.

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 operators.

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.

Nightwork.

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 employees shall so work during such week, but it

Ten-hour day.

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shall be lawful, in cases of emergency, for an employer to permit any employee to work 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.

Notices.

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.

License required.

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 foodstuffs, 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.

Violations.

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 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,

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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 foodstuffs, confectionery, candy, ice cream or frozen sweets are manufactured, or any other provisions of * * * [secs. 16–60, pp. 1386 et seq.]

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 provisions of this act.

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 injured 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.

Violations.

SEC. 4. Any corporation, firm or person violating any of the provisions of this act shall for each offense be liable to a penalty

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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.

CHAPTER 202.—*Suits for wages.*

Costs remitted, when.

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.

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 * * *

CHAPTER 216.—*Employment of women—Hours of labor.*

Ten-hour day.

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.

Canneries.

Enforcement.

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.

Law to be posted.

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.

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 un-

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constitutional or invalid, the same shall not be held to affect any other section or provision of this act.

CHAPTER 351.—*Occupational diseases—Reports.*

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.

ACTS OF 1913.

CHAPTER 47.—*Safety appliances at docks, etc.*

Ladders to be provided.

SECTION 1. All persons, companies or corporations owning or operating any dock or docks, or pier or piers in the State of New Jersey shall provide at least one ladder manufactured from wood, rope, iron, or cast steel, for the passage of laborers or workmen or employees, commonly termed "longshoremen," from the pier or piers, or dock or docks owned or operated by said person, company, companies, corporation or corporations to the deck of each vessel such as a barge, canal boat, tug boat, or any similar watercraft moored or fastened to such dock or docks, pier or piers, and that said ladders shall be so constructed or manufactured that they shall have a carrying or bearing or resisting power or strength sufficient to bear a weight of at least six hundred (600) pounds. Failure to provide such ladder leading to the deck of each vessel as aforesaid shall be punishable by a fine of one hundred dollars in each instance in which said person, persons, company, companies, corporation or corporations shall be found guilty of violating the provisions of this act.

CHAPTER 183.—*Inspection and regulation of factories, etc.—Elevators.*

Scope of law.

SECTION 1. Every elevator located in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on shall conform in every respect to the specifications and requirements hereafter named.

Label showing safe weight required.

SEC. 2. Such elevator shall have fastened in a conspicuous place therein a metal plate having suitable raised letters on same, which shall designate the number of pounds weight said elevator is con-

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structed to safely carry. Such sign shall be of such character and shall be so placed as to be easily read from any part of such elevator.

Construction.

SEC. 3. All elevator cars except door openings shall be suitably enclosed with substantial materials to a height of at least six feet, and the construction properly braced. If enclosed with wood, the same shall not be less than seven-eighths of an inch in thickness, and said enclosure shall be of a solid construction to a height of at least four feet from the floor of the car. Construction extending higher than the solid enclosure shall have material that will not have more than one inch open space between members of same and shall be protected at the top by an angle iron or bar iron brace rail. Carriage elevators of the four-corner lift type shall be limited to a one-story lift and the counterweights in connection with same must be enclosed on the shaft. No enclosure for car platforms of the type of elevator last mentioned shall be required.

Floors.

SEC. 4. There shall be not more than one and one-quarter inches space between the floor of the car and the floor saddles and where the saddles project in the shaft, the same shall be properly beveled or protected on the under side. The under side of the car must be of incombustible materials.

Cables.

SEC. 5. Lifting and weight cables shall have at least one full turn of the cable on the drum when they have reached the limit of travel. Where overhead machines are installed, the use of equalizer arms and counterweights on the car will be permitted. Every elevator shall have not less than two lifting cables independently connected with the car and to each set of counterweights: *Provided, however,* In case of any elevator now in use in any such building the commissioner of labor may permit the installation of an effective safety device in lieu of the two independent lifting cables when, in the judgment of said commissioner it would be impossible to provide two independent lifting cables for such elevator without unreasonable expense. This section shall not apply to hand-power elevators.

SEC. 6. All counterweights shall have their sections strongly bolted together and shall be so constructed that they can not fall on any part of the elevator or machinery.

Counterweights.

SEC. 7. If counterweights run in the same shaft as the car, they shall be protected with a substantial screen of iron which shall extend from the top grating in the shaft to a point at least five feet below such grating, and with a like screen which shall extend from the bottom of the shaft upward for at least ten feet.

Grating at top of shaft.

SEC. 8. Immediately under the sheaves at the top of every elevator shaft there shall be provided and securely fastened to the shaft a substantial grating of iron or steel having not more than one and one-half inches space between any two members, except at the spaces necessary to be provided for cables to pass through.

Clearances.

SEC. 9. There shall be not less than three feet clearance between the top of each counterweight and the under side of overhead beams when the car is resting on the bumpers. A clear space of not less than three feet must be provided between the bottom of the shaft and lowest point of the under side of the car floor when the car is at its lowest landing and between the top of crosshead of the car and the under side of the overhead grating when the car is at its top landing. In case in the opinion of the commissioner of labor it shall be impossible, without unreasonable expenditure, to make any elevator now in use in such buildings comply with any or all of the requirements of this section, such requirements may be dispensed with by said commissioner.

Protection of machinery and lighting.

SEC. 10. All parts of the elevator machinery shall be properly enclosed by suitable partitions of incombustible materials, and such enclosures must be lighted, except in the case of machines suspended from ceiling, and in such case, machines so suspended shall be protected by platforms under same composed of incombustible material. Free and safe access must be provided to all parts of elevator machinery.

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Top of car.

SEC. 11. All elevators shall have a covering on the top of the car of expanded metal or wire mesh of sufficient thickness and spaced not more than two-inch centers.

Beams.

SEC. 12. The carrying or sheave beams for all machinery shall be of wrought iron or steel.

Cable locks.

SEC. 13. All elevators operated by hand rope shall be equipped with safety cable locks on each floor.

Egress.

SEC. 14. All elevators shall have a trapdoor in top of car of such size as to afford an easy egress for passengers, or where two cars are in the same shaft such means of egress may be provided in the side of the car.

Gates.

SEC. 15. All gates at entrance to elevator shafts shall be semi-automatic or automatic in their action. Every such gate shall be not less than five feet six inches in height unless such gate is placed at a distance of at least twelve inches from the car running line, in which case such gate shall be at least three feet six inches in height. All gates must extend to a distance of not more than ten inches from the floor. All semiautomatic or automatic elevator gates shall be constructed in a substantial manner, providing either solid or open construction. If open construction is adopted, not more than two inches between any member shall be permitted. All gates shall run in grooves and shall have at least one inch bearing in each groove and a clearance of not less than one-quarter of an inch provided on both sides of gate. All counterweights for gates shall be enclosed by a pipe well or an enclosure equally as good, which must be approved by the commissioner of labor. Gates exceeding three feet six inches in width shall contain top and center reenforcement braces. All anchors, brackets, and connections for grooves and gates shall be of wrought or malleable iron. Substantial chains or cables connecting gates with counterweights must be provided and securely fastened to same. Pulleys for chains or cables shall be recessed sufficiently to allow said chain or cables used to set safely in same, and provided with wrought iron, U-shape, or similar protections to prevent same from slipping off the pulleys. Pulleys shall be securely bolted to wall. Gates shall be constructed of wood or of any other material approved by the commissioner of labor.

Telltales.

SEC. 16. All elevators having shaft gates less than five feet six inches in height shall be equipped with telltale chains fastened to the bottom of the car not less than four feet in length and spaced not more than six-inch centers.

Doors.

SEC. 17. All doors or gates leading to any passenger elevator shaft shall be opened only from the shaft side so as to be controlled only by the operator of the car, and said shaft doors or gates shall be closed immediately the car is put in motion.

Locking device.

SEC. 18. All cars not operated by a permanent attendant shall be equipped with an approved locking device.

Plans.

SEC. 19. Before any elevator shall be hereafter installed in any such building, or before any elevator now in use in any such building shall be altered, the owner of such building shall, either by himself or his agent or architect, submit to the commissioner of labor, for his approval, plans and specifications in duplicate, which plans shall show the type of construction of car enclosures and gates to be used for such elevator, together with the location of gates in connection with the elevator shaft.

Certificates.

SEC. 20. No elevator hereafter installed in any such building or no elevator now in use in any such building, which shall be hereafter altered in any particular covered by the provisions of this act shall be put into service until a certificate has been obtained therefor, which certificate shall be signed by the commissioner of labor and shall recite the fact that such elevator complies in all respects with the requirements of this act.

Violation.

SEC. 21. The owner of any building mentioned in the first section of this act in which building is located an elevator which does not comply in all respects with the provisions of this act shall be guilty of a violation of this act and shall be liable to a penalty

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of fifty dollars, and every person who shall violate the provision of section [sic] of this act shall be liable to a penalty of fifty dollars. If, after conviction of any violation of this act, said violation shall continue for a period of three months, such person so convicted shall be liable to a penalty of two hundred dollars for such continuance. Every continuance of such offense for a period of three months after the entry of judgment for two hundred dollars shall be considered a separate offense, for each of which separate offenses the person so violating this act shall become liable to a penalty of two hundred dollars.

Order forbidding use.

SEC. 22. In case any elevator located in any building mentioned in section one of this act shall not comply with the provisions of this act and shall be in such a condition that its operation, in the judgment of the commissioner of labor, is hazardous to the persons using the same or to the persons employed in such building, the said commissioner of labor shall forthwith prevent the further use of such elevator until the same is made to comply with the provisions of this act. The commissioner of labor shall give to the owner of such building, and to the occupant thereof, in case the same is occupied by some person other than the owner, twenty-four hours' notice in writing of an order forbidding the further use of such elevator, as aforesaid, and at the expiration of such notice shall post at each entrance to such elevator on each floor, a notice that the use of such elevator has been forbidden by an order of the department of labor. Such elevator shall not be used after the posting of such notices until a certificate shall be issued by the commissioner of labor stating that such elevator complies with all of the provisions of this act. The owner of such building, if he be the occupant of the building, or the occupant of the building, in case the owner is not the occupant, shall, for any violation of this section, be liable to a penalty of two hundred dollars for each offense.

Penalties.

SEC. 23. All penalties for violation of any of the provisions of this act shall be sued for and recovered by the commissioner of labor of the State of New Jersey for the use of said State in the same way and manner as penalties incurred by violation of the act to which this act is a supplement. [Secs. 16–60, pp. 1386 et seq.]

CHAPTER 190.—*Railroads—Sufficient crews for trains.*

Crew required on freight trains of more than 30 cars;

SECTION 1. It shall be unlawful for any railroad company, its officers or agents, receiver, or any person or persons doing business in this State, to run or operate over its road, or any part of its road, or permit to be run or operated over its road, or any part of its road, any freight train consisting of more than thirty (30) freight or other cars, exclusive of caboose and locomotive, with train crew consisting of less than six (6) persons, to wit, one engineman, one fireman, one conductor, one flagman, and two brakemen.

Less than 30 cars;

SEC. 2. It shall be unlawful for any railroad company, its officers or agents, receiver, or any person or persons doing business in this State, to run or operate over its road, or any part of its road, or permit to run or operate over its road, or any part of its road, any freight train consisting of less than thirty (30) freight or other cars, exclusive of caboose and locomotive, with a train crew consisting of less than five (5) persons, to wit. engineman, one fireman, one conductor, one flagman, and one brakeman.

Passenger trains.

SEC. 3. It shall be unlawful for any railroad company, its officers or agents, receiver, or any person or persons doing business in this State, to run or operate over its road, or any part of its road, or permit to be run or operated over its road, or any part of its road, any train carrying passengers, consisting of not more than three (3) passenger coaches and one baggage car, with a train crew consisting of not less than five (5) persons, to wit one engineman, one fireman, one conductor, one baggageman, and one flagman. And further, where such train is operated by

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electricity, consisting of not more than three (3) electric passenger coaches and one electric baggage car, the train crew shall consist of not less than four (4) persons, to wit, one motorman or motorneer, one conductor, one baggageman and one flagman. The provisions of this section not to include the train porters or Pullman employees, if any.

Exceptions.

SEC. 4. Nothing in this act shall be so construed as to make it apply to any train carrying passengers, consisting of three or less cars: *Provided*, That nothing in this act shall be so construed to prevent the increasing of the number of men upon trains as set forth herein.

Five cars or more.

SEC. 5. It shall be unlawful for any railroad company, its officers or agents, receiver, or any person or persons doing business in this State, to run or operate over its road, or any part of its road, or permit to be run or operated over its road, or any part of its road, any train carrying passengers, consisting of four (4) or more passenger coaches and one baggage car, with a crew of less than six (6) men, to wit, one engineman, one fireman, one conductor, one baggageman, one brakeman, one flagman. And further, where such train is operated by electricity, consisting of four (4) or more electric passenger coaches and one electric baggage car, the train crew shall consist of not less than five (5) persons, to wit, one motorman or motorneer, one conductor, one baggageman, one brakeman or guard, and one flagman. The provisions of this section not to include the train porters or Pullman employees, if any.

Four cars or more.

SEC. 6. It shall be unlawful for any railroad company, its officers or agents, receiver, or any person or persons doing business in this State, to run or operate over its road, or any part of its road, or permit to be run or operated over its road, or any part of its road, any train consisting of four or more passenger, express, or mail cars, with a crew consisting of less than five (5) men, to wit, one engineman, one fireman, one conductor, one brakeman, one flagman; this not to include train porters or Pullman employees, if any.

Equipment of trains with mail or express cars.

SEC. 7. It shall be unlawful for any railroad company, its officers or agents, officers of the court, receiver, or any person or persons doing business in this State, to run or operate over its road, or part of its road, or permit to be run or operated over its road, or any part of its road, any train consisting of United States mail, or express cars, without the rear end of the rear car so equipped, with exit free from obstruction, platform of thirty inches in width, guardrails and steps, also heating appliances to maintain a temperature of sixty-five degrees.

Violations.

SEC. 8. Any railroad company, its officers or agents, officers of the court, receiver, or any person or persons operating a railroad, violating any of the provisions of this act, shall be guilty of a misdemeanor, and liable to a penalty of one hundred [dollars] ($100) for each and every such violation, to be recovered with costs according to law, for the use of the county in which such violation takes place: *Provided, however*, That nothing in this act shall apply or relate to trains owned or operated by manufacturers, made up of hot metal ladles, ingots, slag, or table trucks.

Enforcement.

SEC. 9. It shall be the duty of the board of public utility commissioners of this State to enforce the provisions of this act.

CHAPTER 221.—*Employment of children—School attendance.*

Attendance required.

SECTION 1. Every parent, guardian or other person having charge and control of a child between the ages of seven and sixteen years shall cause such child regularly to attend a day school in which at least reading, writing, spelling, English grammer, arithmetic and geography are taught in the English language by a competent teacher, or to receive equivalent instruction elsewhere than at school, unless such child is above the age of fourteen years, has been granted an "age and schooling certificate"

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and is regularly and lawfully employed in some useful occupation or service. Such regular attendance shall be during all the days and hours that the public schools are in session in said school district, unless it shall be shown to the satisfaction of the board of education of said school district that the mental or bodily condition of the child is such as to prevent his or her attendance at school.

"Age and schooling certificates" shall be granted by the superintendent of schools or the supervising principal of the district on the application in person of the parent, guardian or custodian of the child for whom such certificate is desired. In a district in which there is no superintendent or supervising principal such certificates shall be issued by the principal teacher, or if there be no principal teacher, by the person designated for that purpose by the board of education.

Every child under the age of sixteen years who shall have completed the grammar school course prescribed for the district in which such child resides, who is not regularly and lawfully employed in any useful occupation or service, shall attend the high school designated by the board of education of said district.

Age and schooling certificate.

SEC. 2. Every "age and schooling certificate" shall state the color, name, sex, date and place of birth, residence, color of hair and eyes, height, weight, and any distinguishing facial marks of the child, and shall contain a statement that the proofs of age, education and physical condition required by this article have been filed with the officer issuing the certificate, and that the child named in the certificate has personally appeared before such officer and 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.

The officer authorized to issue "age and schooling certificates" shall keep a record of every such certificate issued by him giving all the facts contained in such certificate, and also a record of the name and address of every child to whom a certificate has been refused, together with the name or number of the school which such child should attend, and the reasons for refusal.

No "age and schooling certificate" shall be issued until there shall have been filed with the officer authorized to issue the same, satisfactory proof that the child for whom such certificate is requested has regularly attended a public school, or has received instruction equivalent to that provided in the public schools, for a period of not less than one hundred and thirty days during the twelve months next preceding the date of the application for such certificate, is able to read intelligently and write legibly simple sentences in the English language, has completed a course of study equivalent to five yearly grades in reading, writing, spelling, English language and geography, is familiar with the fundamental operations of arithmetic, up to and including simple fractions, and that such child is able to perform the work in which he or she expects to be employed.

Proof of age.

SEC. 3. For the purpose of this act evidence that the child is at least fourteen years of age 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 registrar of vital statistics or other officer charged with the duty of recording births, which certificates 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 the child.

(c) In case the proofs required by paragraphs (a) or (b) can not be produced, such other documentary evidence of age as shall be satisfactory to the officer issuing the certificate (except the school record of the child or the affidavit of the parent, guardian or other person having control of such child) may be

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accepted, duly attested, as proof of age, in the discretion of the officer issuing the certificate.

Physical examination.

(d) In case no documentary proof of age can be produced the officer authorized to issue the certificate may receive and file an application for a physician's certificate, signed by the parent, guardian or other person having control of the child for whom the application is made. 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 also contain a statement certifying that the person signing such application is unable to produce any of the documentary evidence specified in paragraphs (a), (b) or (c). If within sixty days after the date of the filing of such application, and after a careful examination during such period, no facts shall appear tending to discredit or contradict any material statement in the application, the officer authorized to issue the certificate may direct the child to appear, at a time and place to be designated by him, for physical examination, but without removal of clothing, by two physicians officially designated by the board of education of the school district in which said child resides. In case said physicians shall certify in writing that they have separately examined said child, and, that in their opinion, such child is at least fourteen years of age, such officer shall, for the purpose of this act, accept the certificates of such physicians as sufficient proof of the age of said child.

In case the certificates of said physicians do not agree, the child shall be examined by a third physician, designated as aforesaid, and the concurring opinions shall, for the purpose of this act, be sufficient evidence of the age of said child.

Affidavit.

The officer issuing the certificate shall require the evidence of age specified in paragraph (a) in preference to that specified in any subsequent paragraph, and shall not accept the evidence of age specified by any paragraph other than paragraph (a) unless there shall be filed in his office, in addition thereto, an affidavit of the parent, guardian, or other person having control of the child, showing that no evidence of age specified in any paragraph preceding that specified in the affidavit can be produced. Said affidavit shall contain the age, date and place of birth, and present residence of the child. Said affidavit must be taken before the officer issuing the "age and schooling certificate," who is hereby authorized and required to take the same, and who shall not demand nor receive any fee therefor.

For the purpose of ascertaining the physical condition of the child a certificate shall be filed by the medical inspector of the school district in which such child resides, stating that such child has been examined and, in the opinion of said medical inspector has the normal development of a child of its age; is in sufficiently sound health and physically able to be employed in any of the occupations in which a child between fourteen and sixteen years of age may be legally employed.

Violation by parents, etc.

SEC. 4. Any parent, guardian or other person having charge and control of any child between the ages of seven and sixteen years, who shall fail to comply with any of the provisions of this article relating to his or her duties, shall be deemed to be a disorderly person. * * *

CHAPTER 253.—*Hours of labor on public works.*

Eight hours a day's work.

SECTION 1. All contracts hereafter made by or on behalf of the State of New Jersey, or by or on behalf of any county, city, township or other municipality of said State, with any corporation, person or persons, for the performance of any work, or the furnishing of any material manufactured within the State of New Jersey, 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

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any laborer or workman and mechanic to work more than eight hours per calendar day in doing such work or furnishing or manufacturing such material: *Provided*, That in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life such laborer or workmen and mechanics may be employed for longer periods per calendar day if paid on the basis of eight hours constituting a day's work: *And provided, further*, That not less than the prevailing rate of per diem wages in the locality where the work is performed shall be paid to such laborers or workmen and mechanics so employed by such contractors or subcontractors by or on behalf of the State of New Jersey, or by or on behalf of any county, city, township or other municipality of said State.

Violation.

SEC. 2. Any officer of the State of New Jersey, or of any county, city, township or other municipality of said State, or any person acting under or for such officer, or any contractor with the State of New Jersey or any county, city, township or other municipality thereof, or any subcontractor under any such contractor, violating any of the provisions of this act, shall for each offense be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment not more than six months, or both fine and imprisonment in the discretion of the court.

CHAPTER 269.—*Accident prevention—Instruction of children.*

Instruction required.

SECTION 1. It shall be the duty of each teacher in public, private and parochial schools in the State of New Jersey to devote not less than thirty minutes in each two weeks during which such school is in session to instructing the pupils thereof as to the ways and means of preventing accidents.

Manual to be provided.

SEC. 2. The State commissioner of education, acting in conjunction with the members of the employers' liability commission and the director of the American Museum of Safety, shall cause to be prepared and published at the expense of the State, a handbook or manual on accident prevention, conveniently arranged in lessons or chapters adapted to the understanding of the various class grades, for the purpose of the instructions provided for in the preceding section, and shall furnish a copy thereof to each teacher required to give such instructions.

Lectures.

SEC. 3. At least once during each school term arrangements shall be made by the principals of all schools for the delivery by a duly authorized representative of the American Museum of Safety of a lecture on accident prevention and industrial, home and school hygiene, the cost of which to be paid by the State.

Law to be posted.

SEC. 4. The local boards of education, school directors, trustees or other persons having control of the schools of cities, villages, townships or other civic subdivisions of territory, whether the same be public, private or parochial, shall cause a copy of the next three preceding sections to be printed in the manual or handbook prepared for the guidance of teachers where such manual or handbook is in use.

CHAPTER 281.—*Mothers' pensions—Aid for dependent children.*

Petition by mother.

SECTION 1. Any widow who is the mother of a child or children under the age of sixteen, and who is unable to support them and to maintain her home, may present a petition for assistance to the court of common pleas of the county wherein she resides.

Contents.

SEC. 2. Such petition shall be verified and shall set forth the following:

(a) Her name, the date of the death of her husband, the names of her children, and the dates and places of their birth and the time and place of her marriage.

(b) Her residence and the length of time that she has been a resident of the State, the length of time she has lived at said residence and the address or addresses of her place or places of abode for the previous five years, and the date, as near as possible

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when she moved in and when she left said place or places of residence.

(c) A statement of all the property belonging to her and to each of her children, which statement shall include any future or contingent interests which she or any of them may have.

(d) A statement of the efforts made by her to support her children.

(e) The names, relationships and addresses of all her and her husband's relatives, that may be known.

Copy to be served on overseer of poor.

SEC. 3. A copy of the petition provided for in section two hereof and a notice of the time and place when it will be presented to the court must be served on or mailed to the overseer of the poor having jurisdiction over the district wherein the petitioner resides and the board of children's guardian's [sic] at least five days before such time.

Investigation and hearing.

SEC. 4. Upon the return of the petition and notice the court shall examine under oath all who desire to be heard: *Provided, however*, That the New Jersey State Board of Children's Guardians shall before said hearing examine into the truth of the facts set forth in the above-mentioned petition and shall file a report of its findings with the court, setting forth in full the results of its investigation. The court may, in its discretion, issue subpœnas for the attendance of witnesses and adjourn the hearing from day to day: *And provided, however*, The court may refer said matter to a commissioner to be appointed by the court to hear such witnesses as shall be produced by the petitioner, or the State board of children's guardians or others. Said commissioner shall make a report to the court setting forth the facts as proven before him.

Provision for support

SEC. 5. If, upon the completion of the examination provided for under section four hereof, the court concludes that, unless relief is granted, the mother will be unable to properly support and educate her children, and that they may become a public charge, it shall make an order committing said family to the care of the State board of children's guardians, and directing that there shall be paid to the mother, through the State board of children's guardians, monthly out of the county funds the following amounts for the maintenance and support of the children under sixteen; nine dollars for one such child, fourteen dollars for two and four dollars for each additional child.

Regulations.

SEC. 6. It shall be the duty of the State board of children's guardians to see that any widow committed to its care, pursuant to the provisions of this act is properly caring for her children, that they are sufficiently clothed and fed, that they attend school regularly and receive proper religious instruction; and that said family shall be visited at least six times a year. The State board of children's guardians shall report immediately to the court that had the original jurisdiction in the case of any widow who does not properly care for and educate her child or children, or when they find that she is an improper guardian for said child or children, or when they find that she no longer needs such support. The court shall thereupon revoke or cancel any order made pursuant to this act, at any time with or without notice, and in lieu thereof make any order that in the judgment of the court may protect the welfare of the child or children, or may make an order committing said child or children to the care, custody and control of the New Jersey State board of children's guardians, said child or children so committed to their care to be held by said New Jersey State board of children's guardians pursuant to a statute entitled "An act for the creation of a State board of children's guardians, * * * [Secs. 62–74, pp. 2819–2820 of Compiled Statutes].

Revocation of grant.

Fees.

SEC. 7. No fees or costs shall be paid or allowed by the court for any proceedings held pursuant to this act, nor shall any counsel fee be ordered or collected from any party applying to the court pursuant to the provisions of this act. All proceedings pursuant to this act shall be in forma pauperis.

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CHAPTER 294.—*Employment of children—Vocational schools.*

Definitions.

SECTION 1. The following words and phrases as used in this act shall, unless a different meaning is plainly required by the context, have the following meanings:

(a) "Vocational education" shall mean any education the controlling purpose of which is to fit for profitable employment.

(b) "Industrial education" shall mean that form of vocational education which fits for the trades, crafts and manufacturing pursuits, including the occupations for girls and women carried on in workshops.

(c) "Agricultural education" shall mean that form of vocational education which fits for the occupations connected with the tillage of the soil, the care of domestic animals, forestry and other wage-earning or productive work on the farm or in the garden or greenhouse.

(d) "Household arts education" shall mean that form of vocational education which fits for occupations connected with the household.

(e) "Industrial, agricultural or household arts school" shall mean an organization of courses, pupils and teachers designed to give industrial, agricultural or household arts education either as a separate school or as a department of a school maintained in the district.

(f) "Evening class" in an industrial or agricultural school shall mean a class giving such training as can be taken by persons above the age of sixteen employed during the working day, and which, in order to be called vocational, must, in its instruction, deal with the subject matter of the day employment, and so carried on as to relate to the day employment.

(g) "Evening class" in a household arts school shall mean a class giving training in home-making to girls and women over seventeen years of age however they may be employed during the day.

(h) "Part-time or continuation class" in an industrial, agricultural or household arts school, shall mean a vocational class for persons giving a part of their working time to profitable employment and receiving in the part-time school instruction complementary to the practical work carried on in such employment.

Establishment of industrial, etc., schools.

SEC. 2. The commissioner of education shall investigate the necessity for the introduction of industrial, agricultural and household arts education, and report monthly to the State board of education and, subject to the approval of said board and to such rules and regulations as it may make, superintend the establishment and maintenance of schools for the aforesaid forms of education and supervise and approve such schools as hereinafter provided.

Part-time and evening schools.

SEC. 3. In order that instruction in the principles and practice may go on together, industrial, agricultural and household arts schools may offer instruction in day, part-time and evening classes.

School districts.

SEC. 4. The board of education of any school district may establish and maintain industrial, agricultural and household arts schools, or two or more school districts may, as provided in article XI of the act to which this act is a supplement, [general school law], so far as the provisions of said article are not inconsistent with the provisions of this act, establish and maintain such schools. * * *

Counties.

SEC. 8. There may be established and maintained in any county in this State an industrial, agricultural or household arts school, to be known as the "Vocational school in the county of_____" (here insert the name of the county in which such school shall be located). The State board of education shall prescribe rules and regulations for the organization, management and control of such schools.

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NEW MEXICO.

CONSTITUTION.

ARTICLE XI.—*Railroads—Safety appliances—State corporation commission.*

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 escapement 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.

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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.

COMPILED LAWS—1897.

Sunday labor.

Sunday labor forbidden.

SECTION 1368. Any person or persons who shall be found on the first day of the week, called Sunday, engaged * * * in any labor, except works of necessity, charity or mercy, shall be punished by a fine not exceeding fifteen dollars, nor less than five dollars, or imprisonment in the county jail of not more than fifteen days, nor less than five days, in the discretion of the court, upon conviction before any district court.

Irrigation, hotel service, etc.

SEC. 1370. It shall be lawful in cases of necessity for farmers and gardeners to irrigate their lands, and when necessary to preserve the same, to remove grain and other products from the fields on said day; and nothing in this act shall be construed to prevent cooks, waiters and other employees of hotels and restaurants, and of butchers and bakers, from performing their duties on said day.

Definition.

SEC. 1372. Sunday, for the purpose of this act, shall be regarded as the time between sunrise and midnight of said day.

Protection of employees as voters.

Attempting to influence voters.

SECTION 1636. It shall be unlawful for any person * * * at or prior to any election authorized by the laws of this Territory, to influence or attempt to influence any voter to vote for or against any candidate for office, or any question or person, or to refrain from voting at any such election, * * * by the offer of employment, or by any menace or threat to discharge from employment, or by any threat of violence to any such voter, * * *. Any person violating any of the provisions of this section shall upon conviction thereof, before any court of competent jurisdiction, be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and by imprisonment in the county jail not less than three months, nor more than six months, at the discretion of the court trying the same.

Exemption of wages from execution, etc.

Sixty days' earnings exempt, when.

SECTION 1737. Every person who has a family and every widow, may hold the following property exempt from execution, attachment or sale, for any debt, damage, fine or amercement, to wit:

* * * * *

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Sixth. The personal earnings of the debtor for sixty days next preceding his application for such exemption, when it is made to appear by the affidavit of the debtor, or otherwise, that such earnings are necessary to the support of such debtor, or his wife or his family: *Provided*, That such exemption shall not apply to debts incurred for manual labor, or for the necessaries of life furnished the debtor or his family. Proviso.

Bonds of employees—Foreign guaranty companies.

SECTION 2141. * * * No corporation, company, firm or individual, shall demand as a condition precedent to giving employment to any person or retaining such person in employment, that such employee shall procure the bond or guarantee of any foreign guaranty company, as an indemnity to such employer against loss by the act of such employee, unless such guaranty company shall have a designated agent at the county seat of some county in this Territory, where they do business, upon whom process can be served in suits against it, and it shall have otherwise fully complied with the law to warrant it in so doing such insurance or guaranteeing business in this Territory. Company must have office in Territory.

SEC. 2142. Any corporation, company, firm or individual doing business in this Territory, or who may hereafter so do business, who shall enter into any contract as to guaranteeing such employer against loss from the acts of employees with any foreign guaranty company, firm or corporation, that is not entitled by a full compliance with the laws of this Territory to do such insurance or guaranteeing business in this Territory, or who shall charge a fee to its, their or his employees, or retain from the wages of any employee any fee or sum of money to pay for such guarantee so entered into with such guaranty association, corporation, company, firm or individual, who shall not have complied with the requirements of section two thousand one hundred and forty-one, to warrant it or him to do such business in this Territory, shall be deemed guilty of a misdemeanor, and shall be subject to a fine not less than one thousand dollars nor more than ten thousand dollars, in the discretion of the jury trying the case, and it is hereby made the duty of all prosecuting officers to take notice of violations of this act and prosecute the same. Penalty.

Occupational diseases—Medical attendance for employees in smelting works.

SECTION 2337. Whenever any employee of any corporation, person or persons engaged in the management and operation of any smelting works in the Territory of New Mexico, shall become disabled and rendered unfitted for labor by reason of lead poisoning, which said lead poisoning shall be the result and consequence of said employee's performance and proper discharge of said employee's duties in and about said smelting works, said employee shall be provided with and receive all proper medical attendance, medicines and sustenance during such disability, at the expense of said corporation, person or persons so employing him. Medical attendance to be provided, when.

SEC. 2338. If any such corporation, person or persons engaged in the management and operation of any smelting works in the Territory of New Mexico shall fail to provide such employee with all proper medical attendance, medicines and sustenance during such disability of said employee, then the reasonable expense of providing such employee with all proper medical attendance, medicines and sustenance during such disability of said employee may be recovered from such corporation, person or persons so engaged in the management and operation of smelting works as aforesaid, in an action at law by and in the name of any person or persons rendering or providing such employee with the said medical attendance, medicines and sustenance. Action for recovery.

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Map. SECTION 2339. The owner or agent of every coal mine shall make or cause to be made an accurate map or plan of the workings of such coal mine or mines, on a scale of one hundred feet to the inch.

Copies to be kept, where. SEC. 2340. A true copy of which map or plan shall be kept at the office of the owner or owners of the mine open to the inspection of all persons, and one copy of such map or plan shall be kept at the mines by the agent or other persons in charge of the mines, open to the inspection of the workmen.

Escape shafts. SEC. 2341. The owner or owners or agents of every coal mine shall provide at least two shafts, slopes or outlets, separated by natural strata of one hundred and fifty feet in breadth, by which shafts, slopes or outlets distinct means of ingress and egress are always available to the persons employed in the coal mine.

Ventilation. SEC. 2342. The owners or agents of every coal mine shall provide and establish for every such coal mine an adequate amount of ventilation of not less than fifty-five cubic feet per second, of pure air, or thirty-three hundred feet per minute for every fifty men working in such coal mine, and as much more as the circumstances require, which shall be circulated through the face of every working place throughout the entire mine, to dilute and render harmless, and expel therefrom, the noxious, poisonous gases, to such an extent that the entire mine shall be in a fit state for men to work therein and be free from danger to the health and lives of the men by reason of said noxious and poisonous gases, and all workings shall be kept clear of standing gas.

Overseer. SEC. 2343. To secure such ventilation in every such coal mine, the owner or agent in charge shall employ a competent and practical inside overseer, who shall keep a careful watch over the ventilating apparatus, over the airways, traveling ways, the pumps and tanks, the timbering, to see as the miners advance in their excavations that all loose coal, slate or rock overhead is carefully secured against falling, and to provide for the health and safety of the men employed therein; over the arrangements for signaling from top to bottom, and from bottom to top of the shaft or stope, and all things appertaining to the safety of the men employed in such mine. He or his assistants shall examine carefully the workings of all mines generating explosive gases, every morning, and at all times when necessary before the miners enter, and shall ascertain that the mine is free from danger, and the workmen shall not enter the mine until such examination has been made and reported, and the cause of danger, if any, be removed.

Duties.

Hoisting machinery. SEC. 2344. The overseer shall see that the hoisting machinery is kept constantly in repair, and ready for use to hoist the workmen out of the mine.

Definition. SEC. 2345. The word, owner, as used in this act shall apply to lessee as well.

Damages. SEC. 2346. For every injury to person or property occasioned by any violation of this act, or any willful failure to comply with its provisions, a right of action shall accrue to the party injured for any direct damages he or she may have sustained thereby, before any court of competent jurisdiction.

Negligence of overseer. SEC. 2347. For any willful failure or negligence on the part of the overseer of any coal mine, he shall be liable to conviction of a misdemeanor and punished according to law: *Provided*, That if such willful failure or negligence is the cause of the death of any person, the overseer, upon conviction, shall be deemed guilty of manslaughter.

Boilers to be inspected. SEC. 2348. All boilers used for generating steam in and about the mine shall be kept in good order, and the owner or agent in charge of such mine shall have them inspected by some competent boiler maker as often as once in every three months.

New mines. SEC. 2349. This act shall not apply to the opening of new coal mines.

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Scales to be provided.

SEC. 2350. The owner or agent of each coal mine within this Territory, at which the miners are paid by weight, shall provide at or near such mine suitable scales of standard make for the weighing of all coal mined.

Weighman.

SEC. 2351. The owner or agent of such mine shall require the person authorized to weigh the coal delivered from said mine to be sworn, before some person having authority to administer an oath, to keep the scales correctly balanced; to accurately weigh and to record a correct account of the amount weighed of each miner's car of coal delivered from such mine, and such oath shall be kept conspicuously posted at the place of weighing. The record of the coal mined by each miner shall be kept separate and shall be open to his inspection at all reasonable hours, and also for the inspection of all other persons pecuniarily interested in such mine.

Checkweighman.

SEC. 2352. In all coal mines in this Territory the miners employed and working therein may furnish a competent checkweighman, who shall at all proper times have full right of access and examination of such scales, machinery or apparatus, and seeing all measures and weights of coal mined and accounts kept of the same: *Provided*, That no more than one person on behalf of the miners collectively shall have such right of access, examination and inspection of scales, measures and accounts at the same time and that such person shall make no unnecessary interference with the use of such scales, machinery or apparatus. The agent of the miners as aforesaid shall, before entering upon his duties make and subscribe to an oath before some officer duly authorized to administer oaths, that he is duly qualified and will faithfully discharge the duties of checkweighman. Such oath shall be kept conspicuously posted at the place of weighing.

Proviso.

False scales, etc.

SEC. 2353. Any person, company or firm having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed or reported in accordance with the provisions of this act, or any weighman or checkweighman who shall fraudulently weigh or record the weights of such coal, or receive at [sic] or connive at, or consent to such fraudulent weighing, shall be deemed guilty of a misdemeanor, and shall upon conviction for each such offense be punished by a fine of not less than two hundred dollars ($200), nor more than five hundred dollars ($500), or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment, proceedings to be instituted in any court of competent jurisdiction.

Penalty.

SEC. 2354. Any person, owner or agent operating a coal mine in this Territory who shall fail to comply with the provisions of this act, or who shall obstruct or hinder the carrying out of its requirements shall be fined for the first offense not less than fifty dollars ($50), nor more than two hundred ($200) dollars; for the second offense not less than two hundred ($200), nor more than five hundred dollars ($500), and for a third offense not less than five hundred dollars ($500): *Provided*, That the provisions of this act [secs. 2350 to 2354] shall apply only to coal mines whose products are shipped by rail and shall not apply to mines where suitable scales of standard make furnished by any railroad or transportation company or through which the coal is shipped or [are] used for such weighing.

Proviso.

Payment of wages in scrip—Truck system.

Scrip, etc., to be redeemable in money.

SECTION 2355. It shall be unlawful for any person, firm, company or corporation owning or operating coal or other mines or transacting any kind of general mercantile business in the Territory of New Mexico, to sell, give, deliver, or in any manner issue directly or indirectly, to any person employed by him or it in payment for wages due for labor or as advances on wages of labor

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not due, any script [scrip], check, draft or order, or evidence of indebtedness payable or redeemable otherwise than in their face value in money; and such person, acting member or agent of any firm, acting agent or agents or officers of any company or corporation [or] firm who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, nor less than two hundred and fifty dollars, and the amount of any script [scrip], token, check, draft, order or other evidence of indebtedness sold, given, delivered or in any manner issued in violation of the provisions of this act shall recover in money at the suit of any holder thereof against the person, firm, company or corporation selling, giving, or delivering or in any manner issuing the same.

Restricting trade.

SEC. 2356. Whoever compels or in any manner seeks to compel or coerce an employee of any person, firm, company or corporation to purchase goods or supplies from any particular person, firm, company or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment in the county jail not exceeding sixty days, or both at the discretion of the court.

[See chapter 44, Acts of 1907.]

Liability of railroad companies for injuries to employees.

Lack of care in selecting employees.

SECTION 3216. Every corporation operating a railway in this Territory shall be liable in a sum sufficient to compensate such employee for all damages sustained by any employee of such corporation, the person injured or damaged being without fault on his or her part, occurring or sustained in consequence of any mismanagement, carelessness, neglect, default or wrongful act of any agent or employee of such corporation while in the exercise of their several duties, when such mismanagement, carelessness, neglect, default or wrongful act of such employee or agent could have been avoided by such corporation through the exercise of reasonable care or diligence in the selection of competent employees or agents, or by not overworking said employees, or requiring or allowing them to work an unusual or unreasonable number of hours; and any contract restricting such liability shall be deemed to be contrary to the public policy of this Territory and therefore void.

Overworking employees.

Use of defective cars, etc.

SEC. 3217. It shall be unlawful for any such corporation knowingly and willfully to use or operate any car or locomotive that is defective, or any car or locomotive upon which the machinery or attachments thereto belonging are in any manner defective, or shops or machinery and attachments thereof which are in any manner defective, which defects might have been previously ascertained by ordinary care and diligence by said corporation.

If the employee of any such corporation shall receive any injury by reason of such defect in any car or locomotive or machinery or attachments thereto belonging, or shops or machinery and attachments thereof, owned and operated, or being run and operated by such corporation, through no fault of his own, such corporation shall be liable for such injury, and upon proof of the same in an action brought by such employee or his legal representatives, in any court of proper jurisdiction, against such railroad corporation for damages on account of such injury so received, shall be entitled to recover against such corporation any sum commensurate with the injuries sustained: *Provided*, That it shall be the duty of all the employees of railroad corporations to promptly report all defects coming to their knowledge in any such car or locomotive or shops or machinery and attachments thereof to the proper officer or agent of such corporation and after such report the doctrine of contributory negligence shall not apply to such employee.

Damages.

Proviso.

Death.

SEC. 3218. Whenever the death of an employee shall be caused under circumstances from which a cause of action would have

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accrued under the provisions of the two preceding sections, if death had not ensued, an action therefor shall be brought in the manner provided by section three thousand two hundred and fifteen [by the personal representative], and any sum recovered therein shall be subject to all of the provisions of said section three thousand two hundred and fifteen [is not liable for debts, but goes according to the statute of distributions].

Intoxication of employees on railroads.

Intoxication of engineer, etc.

SECTION 3868. If any person shall, while in charge of a locomotive engine running upon any railroad of any corporation formed under this act, or while acting as conductor of a car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding six months.

ACTS OF 1899.

CHAPTER 64.—*Pesthouses to be maintained by certain corporations.*

Pesthouse to be erected, when.

SECTION 2. All mining companies, or other corporations doing business in this Territory who receive any money from their employees for the purpose of employing a physician to attend to and render medical aid to any of said employees during sickness, or to enforce sanitary regulations for the benefit of said employees, are hereby required to erect and maintain a proper and suitable pesthouse not less than one and one-half miles from any town, mining camp, settlement, or village where the headquarters of such company may be, or where the greater portion of said employees may labor, for the purpose of taking proper care of, and quarantining any and all of said employees who may be effected [affected] with any contagious, or infectious deseases [diseases] and any company or corporation violating any of the rrovisions [provisions] of this act [,] upon proper proceedings and conviction thereunder, shall be fined as set forth in section one [in any sum not less than three dollars nor more than eighty dollars], and in addition thereto shall be liable for all damages occasioned by their violation of the law as embodied in this act.

ACTS OF 1903.

CHAPTER 2.—*Miners' hospital.*

Hospital established.

SECTION 4. There is also hereby created and established an institution to be known and called the "Miners' Hospital of New Mexico," * * *

Objects.

SEC. 9. The miners' hospital hereby established and created is intended and meant to be for the free treatment and care of resident miners of the Territory of New Mexico, who may become sick or injured in the line of their occupation; and all lodging and medical care shall be free of charge, as shall all other expenses incurred by the patient, except in cases where such patient is possessed of property and means sufficient to enable him to pay the actual costs and charges incurred by his attendance at such hospital, in which case the board of trustees may make provision for his being charged and paying such expenses incurred.

ACTS OF 1905.

CHAPTER 37.—*Contracts of employment—Repayment, etc., of advances.*

Fraud in procuring advances.

SECTION 1. Any person or persons, who under the pretense of hiring to do work for any other person or persons who shall obtain in advance and on account of promise of work to be done

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by such person or persons, any goods or money, and afterwards being able so to do willfully, fails to perform the work agreed by such person or persons to be performed; be punished before any justice of the peace by a fine of not less than fifty dollars, and no more than one hundred dollars, or by imprisonment in the county jail for not less than three months nor more than six months or both: *Provided, however*, If before, or at the time said labor was to be done or performed said person or persons shall refund said money or pay for any goods so obtained and interest on the same, this law shall not apply.

Penalty.

CHAPTER 79.—*Wages as preferred claims—Insolvency of corporations.*

Wages a prior lien.

SECTION 89. In case of the insolvency of any corporation the laborers and workmen, and all persons doing labor or service of whatever character, in the regular employ of such corporation, or furnishing material or supplies necessary for the actual operation of the business of such corporation or the betterment of its property, shall have a first and prior lien upon the assets thereof for the amount of wages due to them respectively for all labor, work and services done, performed or rendered, or material or supplies furnished, within four months next preceding the date when proceedings in insolvency shall be actually instituted and begun against such insolvent corporation.

Exception.

SEC. 90. Such lien shall be prior to all other liens that can or may be acquired upon or against such assets, except the lien and incumbrance of a chattel mortgage, recorded more than two months next preceding the date when proceedings in insolvency shall have been actually instituted against such insolvent corporation, and except the lien and incumbrance of a chattel mortgage recorded within two months next preceding the date when proceedings in insolvency shall have been actually instituted against such insolvent corporation, for money loaned or for goods purchased within said period of two months.

CHAPTER 124.—*Preference of resident laborers and domestic materials on highways.*

Resident labor.

SECTION 39. In order to foster and encourage the use of local materials and labor, hereafter any bridge or culvert constructed upon the provisions of this act in this territory shall be constructed, whenever practicable and more economical, of material produced in this Territory, using local labor in its construction.

ACTS OF 1907.

CHAPTER 44.—*Payment of wages in scrip.*

Payment on request of workmen.

SECTION 1. The provisions of section 2355 of the Compiled Laws of 1897 shall not apply in any instance where the issuance of script [scrip], check, draft, or order, is upon the voluntary request or at the instance of the party to whom issued, but only in cases where the employer seeks to compel, coerce, or influence the employee against his will to accept the same.

CHAPTER 96.—*Employers to furnish names of employees to tax officials.*

Duty of employers.

SECTION 1. Any person, firm or corporation, having in his, theirs [their], or its, employ any male person or persons required by law, to pay a poll tax, or to do public road work, shall on demand of the clerk of the school board of any school district, wherein such employees may reside and are required by law to pay a poll tax, furnish to him a list of the names of all employees residing in such school district, liable by law to pay a poll tax; and on the demand of the road overseer of any precinct, shall likewise fur-

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nish to him a list of all employees residing in such precinct who are required by law to work on the public roads therein; and if the clerk of any school district or road overseer, shall find on such list so furnished to him as by this act provided, the name or names of any person or persons who have not paid his poll tax or work on the public roads or paid a road tax in lieu of such work as required by law, such clerk and road overseer respectively shall give to such employer the names of all employees found by him on the list furnished as herein provided, together with the statement of the amount of poll tax or road tax, as the case may be, each employee is due and owing and thereupon, every such employer shall pay to such clerk or road overseer as the case may be, the amount due and payable from each employee, taking from the officer collecting the said poll tax or road tax, a separate receipt for the tax of each employee so paid, which receipts shall be and become a complete and counterclaim and set off to the amount of their full face value in discharge of any obligation or any manner of indebtedness existing at the time, or which may at any time thereafter exist and be owing to any such employee by the employer paying the same.

Violation.

SEC. 2. Any employer who shall refuse to furnish the lists of employees or pay the poll or road tax as provided in the preceding section shall be guilty of a misdemeanor and on conviction thereof before any justice of the peace having jurisdiction shall be punished by fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), and the costs of the prosecution, which fines when collected shall be turned into the school fund of the school district the clerk of which made the demand for the lists and payment of poll tax in poll tax cases, and into the road fund of the proper precinct where the demand for the lists and payment on road tax is made by the road overseer and refused by the defendant being prosecuted under the provision of this act.

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 absenting himself be liable to any penalty: *Provided, however,* The employer may specify the hours during which the employee may absent himself, as aforesaid.

Violations.

Intimidation, etc.

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 ovvering [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.

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 men-

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tioned 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.

Damages. 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 case, which attorney fee shall be taxed as part of the cost in the case.

CHAPTER 62.—*Hours of labor of employees on railroads.*

Sixteen-hour day. 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:

Rest.

Provisos. *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.

Violations. SEC. 2. That such railway company or any superintendent, train master, train dispatcher, yardmaster, 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:

Enforcement. 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.

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

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shall be the duty of the attorney general upon being informed of such fact to cause such prosecution to be commenced.

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.

CHAPTER 73.—*Voting by employees absent from home—Railroad employees.*

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.

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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.

Ballot recorded.

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.

False swearing.

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.

Certificates to be furnished.

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.

Violations.

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.

CHAPTER 74.—*Garnishment of wages—Suing outside State.*

Suit 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:

Liability of creditor.

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

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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.

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 appointments to the office of State inspector of mines as to their qualifications to hold said office. 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.

Appointment.

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 caol [coal] mine or company operating any coal mine in the State.

Bond.

Salary.

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.

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.

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(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 or 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.

Inspector to be admitted.

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.

Escape shafts.

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 mine; and in no case shall a furnace shaft be deemed an escape shaft.

Stairways.

(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 at the clear, shall have a substantial handrail 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.

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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 appliances.

(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 inspections.

(5) Every shaft, slope or drift opening used for an escapeway 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 apparatus.

(7) At least four safety lamps, four electric hand lamps and 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 workings, etc.

(10) In like manner and within the same time before any working shift enters the mine, the fire boss shall examine all ac-

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Precautions as to fire. 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.

Timbers. (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.

Illuminating oil. (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.

Accidents to be reported. (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.

Competent men to be employed. (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.

Telephone system. (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.

Cars on inclines. (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.

Shot firers. (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.

Refuge holes. (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-

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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 fet [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 fire damp 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

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any place where he is handling loose powder, caps or detonators, or preparing explosive cartridges of any kind.

Firing shots. (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.

Violations. (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.

Who may fire shots. 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.

Interfering with shot firers. 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.

Injuring electric appliances. 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 punihsed [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.

Damaging apparatus. 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.

Setting fire to buildings, etc. 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 anything 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

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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.

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NEW YORK.

CONSTITUTION.

ARTICLE 1.—*Labor organizations—Provisions of constitution—Compensation for injuries.*

SECTION 19 (adopted 1913). 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.

Safety laws.

Compensation system.

Exclusive remedy.

ARTICLE 12.—*Employment of labor on public works.*

SECTION 1 (as amended, 1905). * * * the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the State or by any county, city, town, village or other civil division of the State, or by any contractor or subcontractor performing work, labor or services for the State, or for any county, city, town, village or other civil division thereof.

Power to fix wages, hours of labor, etc.

CONSOLIDATED LAWS—1909.

CHAPTER 3.—*Labor organizations—Joint corporations.*

SECTION 7. * * * any number of trades-unions, trades assemblies, trades associations or labor organizations, * * * may unite in forming a corporation for the purpose of acquiring, constructing, maintaining and managing a hall, temple or other building, or a home for the aged and indigent members of such order and their dependent widows and orphans, and of creating, collecting, and maintaining a library for the use of the bodies uniting to form such corporation. * * *

Unions may unite to form corporation.

Objects.

CHAPTER 7.—*Civil service—Labor service.*

SECTION 12. The offices and positions in the classified service of the State or of any civil division or city thereof for which civil service rules shall be established pursuant to this chapter, shall be arranged in four classes to be designated as the exempt class,

Classification.

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the competitive class, the noncompetitive class and, in cities, the labor class.

The exempt class.

SEC. 13. The following positions shall be included in the exempt class:

* * * * *

4. In the State service, all unskilled laborers and such skilled laborers as are not included in the competitive class or the noncompetitive class; * * * Appointments to positions in the exempt class may be made without examination.

Labor class.

SEC. 18. The labor class in cities shall include unskilled laborers and such skilled laborers as are not included in the competitive class or the noncompetitive class. Vacancies in the labor class in cities shall be filled by appointment from lists of applicants registered by the municipal commissions. Preference in employment from such lists shall be given according to date of application. There shall be separate lists of applicants for different kinds of labor or employment, and the commissions may establish separate labor lists for various institutions and departments. Where the labor service of any department or institution extends to separate localities, the commissions may provide separate registration lists for each district or locality. The commissions shall require an applicant for registration for the labor service to furnish such evidence or pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, skill, capacity and experience in the trade or employment for which he applies.

CHAPTER 12.—*Wages as preferred claims—In assignments.*

Wages to be paid first.

SECTION 27. In all distribution of assets under all assignments made in pursuance of this article, the wages or salaries actually owing to the employees of the assignor or assignors at the time of the execution of the assignment for services rendered within one year prior to the execution of the assignment, shall be preferred before any other debt; and should the assets of the assignor or assignors not be sufficient to pay in full all the claims preferred, pursuant to this section, they shall be applied to the payment of the same pro rata to the amount of each such claim.

This statute is constitutional. 104 N. Y. 606.

It creates a prior lien in favor of wage claimants coming within its provisions on any fund in the hands of the assignee produced from the assigned property. 117 Fed. 688.

It is not restricted to employees in service at time of assignment, but covers all wages due at that time. 42 N. E. 1079.

Assignments are controlled by this statute so that the preference of debts due employees need not be expressed therein. 39 Hun 537.

The claimant's right is not lost by accepting a note for the amount due. 46 Hun 114.

But if such note has been negotiated, the claim which it represents is no longer entitled to preference. 57 Hun 490.

CHAPTER 14.—*Earnings of minors.*

Payment to minors valid, when.

SECTION 72. Where a minor is in the employment of a person other than his parent or guardian, payment to such minor of his wages is valid, unless such parent or guardian notify the employer in writing, within thirty days after the commencement of such service, that such wages are claimed by such parent or guardian, but whenever such notice is given at any time payments to the minor shall not be valid for services rendered thereafter.

CHAPTER 16 (as amended by chapter 140, Acts of 1910).—*Employment of children—Vocational schools—School attendance.*

Cities may establish vocational schools.

SECTION 600 (as amended by chapter 747, Acts of 1913). The board of education of any city, and in a city not having a board of education the officer having the management and supervision of the public school system, may establish, acquire, conduct and maintain as a part of the public school system of such city the following:

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1. General industrial schools open to pupils who have completed the elementary school course or who have attained the age of fourteen years, and

2. Trade schools open to pupils who have attained the age of sixteen years and have completed either the elementary school course or a course in the above-mentioned general industrial school or who have met such other requirements as the local school authorities may have prescribed; and

3. Schools of agriculture, mechanic arts and home making, open to pupils who have completed the elementary school course or who have attained the age of fourteen, or who have met such other requirements as the local school authorities may have prescribed; and

4. Part time or continuation schools in which instruction shall be given in the trades and in industrial, agricultural and home making subjects, and which shall be open to pupils over fourteen years of age who are regularly and lawfully employed during a part of the day in any useful employment or service, which subjects shall be supplementary to the practical work carried on in such employment or service.

5. Evening vocational schools in which instruction shall be given in the trades and in industrial, agricultural and home-making subjects, and which shall be open to pupils over sixteen years of age, who are regularly and lawfully employed during the day and which provide instruction in subjects related to the practical work carried on in such employment; but such evening vocational schools providing instruction in home making shall be open to all women over sixteen years of age who are employed in any capacity during the day.

The word "school," as used in this article, shall include any department or course of instruction established and maintained in a public school for any of the purposes specified in this section.

Districts.

SEC. 601 (as amended by chapter 747, Acts of 1913). The board of education of any union free school district shall also establish, acquire and maintain such schools for like purposes whenever such schools shall be authorized by a district meeting. The trustee or board of trustees of a common school district may establish a school or a course in agriculture, mechanic arts and home making, when authorized by a district meeting.

School attendance required.

SEC. 621 (as amended by chapter 511, Acts of 1913). 1. Every child within the compulsory school ages, in proper physical and mental condition to attend school, residing in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall regularly attend upon instruction as follows:

(a) Each child between seven and fourteen years of age shall attend the entire time during which the school attended is in session, which period shall not be less than one hundred and sixty days of actual school.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and to whom an employment certificate has not been duly issued under the provisions of the labor law, shall so attend the entire time during which the school attended is in session.

2. Every such child, residing elsewhere than in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall attend upon instruction during the entire time that the school in the district shall be in session as follows:

(a) Each child between eight and fourteen years of age.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service.

Who to attend evening schools.

SEC. 622 (as amended by chapter 748, Acts of 1913). 1. Every boy between fourteen and sixteen years of age, in a city of the first class or a city of the second class in possession of an employment certificate duly issued under the provisions of the labor law,

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who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the regents or the certificate of the completion of an elementary course issued by the education department, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less than six hours each week, for a period of not less than sixteen weeks.

Continuation schools.

2. When the board of education in a city or district shall have established part-time and continuation schools or courses of instruction for the education of young persons between fourteen and sixteen years of age who are regularly employed in such city or district, said board of education may require the attendance in such schools or on such courses of instruction of any young person in such a city or district who is in possession of an employment certificate duly issued under the provisions of the labor law, who has not completed such courses of study as are required for graduation from the elementary public schools of such city or district, or equivalent courses of study in parochial or other elementary schools, who does not hold either a certificate of graduation from the public elementary school or a preacademic certificate of the completion of the elementary course issued by the education department, and who is not otherwise receiving instruction approved by the board of education as equivalent to that provided for in the schools and courses of instruction established under the provisions of this act. The required attendance provided for in this paragraph shall be for a total of not less than thirty-six weeks per year, at the rate of not less than four and not more than eight hours per week, and shall be between the hours of eight o'clock in the morning and five o'clock in the afternoon of any working day or days.

3. The children attending such part-time or continuation schools as required in paragraph two of this section shall be exempt from the attendance on evening schools required in paragraph one of this section.

Attendance of children under 16.

SEC. 624. Every person in parental relation to a child within the compulsory school ages and in proper physical and mental condition to attend school, shall cause such child to attend upon instruction, as follows:

1. In cities and school districts having a population of five thousand or above, every child between seven and sixteen years of age as required by section six hundred and twenty-one of this act unless an employment certificate shall have been duly issued to such child under the provisions of the labor law and he is regularly employed thereunder.

2. Elsewhere than in a city or school district having a population of five thousand or above, every child between eight and sixteen years of age, unless such child shall have received an employment certificate duly issued under the provisions of the labor law and is regularly employed thereunder in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, or unless such child shall have received the school record certificate issued under section six hundred and thirty of this act and is regularly employed elsewhere than in the factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages.

Violations.

SEC. 625. A violation of section six hundred and twenty-four shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, or five days' imprisonment, and for each subsequent offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special session[s] and police magistrates shall, subject to removal as provided in sections fifty-seven and fifty-eight of the Code of Criminal Procedure, have exclusive

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jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

Unlawful employments.

SEC. 626. It shall be unlawful for any person, firm or corporation:

1. To employe [employ] any child under fourteen years of age, in any business or service whatever, for any part of the term during which the public schools of the district or city in which the child resides are in session.

2. To employ, elsewhere than in a city of the first class or a city of the second class, in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, any child between fourteen and sixteen years of age who does not at the time of such employment present an employment certificate duly issued under the provisions of the labor law, or to employ any such child in any other capacity who does not at the time of such employment present a school-record certificate as provided in section six hundred and thirty of this chapter.

3. To employ any child between fourteen and sixteen years of age in a city of the first class or a city of the second class who does not, at the time of such employment, present an employment certificate, duly issued under the provisions of the labor law.

Certificates to be displayed.

SEC. 627 (as amended by chapter 748, Acts of 1913). The employer of any child between fourteen and sixteen years of age in a city or district shall keep and shall display in the place where such child is employed, the employment certificate and also his evening, part-time or continuation school certificate issued by the school authorities of said city or district or by an authorized representative of such school authorities, certifying that the said child is regularly in attendance at an evening, part-time or continuance [continuation] school of said city as provided in section six hundred and thirty-one of this chapter.

Violation.

SEC. 628 (as amended by chapter 748, Acts of 1913). Any person, firm, or corporation, or any officer, manager, superintendent or employee acting therefor, who shall employ any child contrary to the provisions of sections six hundred and twenty-six and six hundred and twenty-seven hereof shall be guilty of a misdemeanor, and the punishment therefor shall be for the first offense a fine of not less than twenty dollars nor more than fifty dollars; for a second and each subsequent offense, a fine of not less than fifty dollars nor more than two hundred dollars.

School-record certificates.

SEC. 630 (as amended by chapter 101, Acts of 1913). 1. A school-record certificate shall contain a statement certifying that a child has regularly attended the public schools, or schools equivalent thereto, or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such school record, and that he is able to read and write simple sentences in the English language and has received during such period instruction in reading, writing, spelling, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, and has completed the work prescribed for the first six years of the public elementary school, or school equivalent thereto, or parochial school, from which such school record is issued. Such record shall also give the date of birth and residence of the child, as shown on the school records, and the name of the child's parents, guardian or custodian.

Who may issue.

2. A teacher or superintendent to whom application shall be made for a school-record certificate required under the provisions of the labor law shall issue a school-record certificate to any child who, after due investigation and examination, may be found to be entitled to the same as follows:

a. In a city of the first class by the principal or chief executive of a school.

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b. In all other cities and in school districts having a population of five thousand or more and employing a superintendent of schools, by the superintendent of schools only.

c. In all other school districts by the principal teacher of the school.

d. In each city or school district such certificate shall be furnished on demand to a child entitled thereto or to the board or commissioner of health.

Evening and continuation school certificates.

SEC. 631 (as amended by chapter 748, Acts of 1913). The school authorities in a city or district, or officers designated by them, are hereby required to issue to each child lawfully in attendance at an evening, part-time or continuation school, an evening, part-time or continuation school certificate at least once in each month during the months said evening, part-time or continuation school is in session and at the close of the term of said evening, part-time or continuation school: *Provided*, That said child has been in attendance upon said evening school, for not less than six hours each week or upon said part-time or continuation school for not less than four hours each week, for such number of weeks as will, when taken in connection with the number of weeks such evening, part-time or continuation school respectively, shall be in session during the remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school, of not less than six hours per week for a period of not less than sixteen weeks or in said part-time or continuation school, of not less than four hours per week for a period of not less than thirty-six weeks. Such certificate shall state fully the period of time which the child to whom it is issued was in attendance upon such evening, part-time or continuation school.

SEC. 633. * * *

Powers of truant officers.

3. A truant officer in the performance of his duties may enter, during business hours, any factory, mercantile or other establishment within the city or school district in which he is appointed and shall be entitled to examine employment certificates or registry of children employed therein on demand.

Interference with truant officer.

SEC. 634. Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of the children employed or the employment certificate of such children shall be guilty of a misdemeanor.

CHAPTER 17.—*Protection of employees as voters—Time to vote.*

Two hours allowed.

SECTION 365. Any person entitled to vote at a general election held within this State, 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 a period of two hours, while the polls of such election are open. If such voter shall notify his employer before the day of such election of such intended absence, and if thereupon two successive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer upon the day of such notice makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such voter, and no other penalty shall be imposed upon him by his employer by reason of such absence. This section shall be deemed to include all employees of municipalities.

CHAPTER 20.—Article 5–A (added by chapter 579, Acts of 1913).—*Assignments of wages—Wage brokers.*

Appointment of supervisor of small loans.

SECTION 55. The office of supervisor of small loans is hereby established. The supervisor of small loans shall be appointed by the governor by and with the advice and consent of the senate. * * * His office shall be deemed a bureau in the office of the

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State comptroller, and the State comptroller shall assign to him office space in the State comptroller's offices at Albany and New York for the conduct of the business of his office.

License required.

SEC. 56. Every person, firm or corporation engaged in or seeking to engage in the business of loaning money in sums of two hundred dollars or less amounts on chattel mortgage, on assignment of salary or wages, either earned or to be earned, or promissory note or confession of judgment, shall procure a license to conduct such business from the supervisor of small loans. Such license shall be issued only upon written application therefor, stating

1. The name and residence of the individual, or in case of a firm, the name and residence of each of the partners, or in case of a corporation, the names and residences of each officer and director of such corporation.

2. If the applicant be a corporation, the date and place of its incorporation, and the office or offices in which its certificate of incorporation is filed.

3. The city, town or village in which it is proposed to transact the business and the location by street and number of the office or place of business in which the business is to be conducted.

Bonds.

SEC. 57. A license shall not be issued under this article, unless the applicant shall file with the State comptroller a bond in the sum of three thousand dollars, if the applicant desires to engage in business in a city of the first or second class, and if elsewhere, in the sum of one thousand dollars, executed by the applicant and by a surety company approved by the supervisor of small loans, conditioned for the faithful and honest conduct of such business by the applicant, compliance with all the provisions of law relating thereto, and the prompt payment of any judgment recovered against him for which he may be liable under the provisions of this article.

Issue of license.

SEC. 58. Upon the receipt of such application and the filing of such bond and the payment of the license fee as hereinafter provided, the supervisor of small loans shall issue a license for the transaction of such business by the applicant. If the applicant be a nonresident, or a partnership, at least one of the members of which does not reside within the State, or a foreign corporation, such license shall only be issued upon the filing by the applicant with the supervisor of small loans of the designation of a resident agent for the transaction of business within the State. The action of the supervisor of small loans in refusing to grant or renew such a license shall be reviewable by certiorari. After sixty days from the date this article takes effect, no person, firm or corporation shall conduct in this State the business of loaning money in sums of two hundred dollars or less on chattel mortgage, or assignment of salary or wages, either earned or to be earned, on promissory notes, or on confessions of judgment, unless such license shall have been procured and be displayed conspicuously in the place of business of such individual firm or corporation.

Fee.

SEC. 5 [59]. Upon making application for such license, the applicant shall pay to the State comptroller a license fee of one hundred dollars, which shall be paid into the State treasury. Upon the filing of such application and the payment of such fee, the supervisor of small loans shall issue to the applicant a license stating fully the name or names of the persons or corporation, and of every member of the firm or association authorized to do business thereunder, the location of the office of the corporation or place of business in which the business is to be conducted, and if the licensee be a corporation, the date and place of incorporation, the name of the president or other managing officer, and the name of its directors. Every license shall expire on the first day of May succeeding the date of issue thereof, and no reduction of fee shall be made for a license issued for less than a year.

Place of business.

SEC. 59-a. No person, firm, corporation or association so licensed shall transact or solicit business under any other name or at any other office or place of business than that named in the license. Not more than one office or place of business shall be maintained

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under the same license, and no loan or advance shall be made at any other place than that designated in the license. * * *

Loans. SEC. 59-c. A person, firm or corporation, licensed under this article, shall not make a single loan in excess of the amount of two hundred dollars, or more than one loan to any individual, firm or corporation, unless all prior loans made to such individual, firm or corporation shall have been paid in full. At the time a loan is actually made, the person, firm or corporation making the same shall deliver to the borrower a duplicate copy of every assignment, promissory note, chattel mortgage, confession of judgment, power of attorney or other paper or document signed by the borrower, relating to such loan. If this be done an assignment of salary or wages need not be filed with the employer or employers by whom such salary or wages is to be paid. Upon the repayment of a loan in full, every paper signed by the borrower shall be returned to the borrower, destroyed in his presence, or his signature torn from each of such papers and returned to him. No assignment of salary or wages or order for the payment thereof shall be valid for a period exceeding one year from the making of such assignment, and not exceeding ten per centum of a borrower's monthly salary or wages shall be collectible under such an assignment or order, if the amount of the loan be not paid in accordance with the terms thereof.

Interest. SEC. 59-d. No person, firm or corporation licensed under this article shall, directly or indirectly, charge or receive for the use and sale of his personal credit or for making any advance or loan of money either wholly or partly in anticipation of salary or wages due or to be earned whether secured by a bill of sale or assignment of salary or wages, power of attorney, promissory note, confession of judgment or bona fide chattel mortgage, a greater sum than at the rate of three per centum per month if the amount of the loan be fifty dollars or less; two and one-half per centum per month if the amount of the loan be over fifty dollars and not more than one hundred dollars; two per centum per month if the amount of the loan be over one hundred and not more than two hundred dollars; but such firm, person or corporation may charge a fee for investigating the status of an applicant for such loan or advance to establish his credit or for the examination of valuation of property, the examination of title, drawing, registration and recording papers, acknowledgments, affidavits, insurance or any other expense of any kind connected with such loan, not exceeding one dollar if the loan or advance be twenty-five dollars or less, not exceeding one dollar and fifty cents if the loan or advance be over twenty-five dollars and not to exceed one hundred dollars, not to exceed two dollars and fifty cents if the loan or advance be over one hundred dollars and not to exceed two hundred dollars. If after investigation an application for loan be rejected, one-half of the investigation fee shall be returned to the applicant, upon demand.

Investigation fee.

Regulations. SEC. 59-e. Interest or charges must not be deducted when a loan is made. It shall not be lawful in any manner or under any pretense whatever to divide or split up a loan, either directly or indirectly, for the purpose of exacting or receiving any charge, cost or expense of any kind in addition to or in excess of that authorized by this article.

Actions. SEC. 59-f. An action brought to enforce a contract, assignment or a note, given by a borrower for money loaned by licensee under this article shall be brought within the county wherein the loan was made and the money was actually received by the borrower, and any confession of judgment taken as security may be filed only in the county wherein it is certified.

Collection. SEC. 59-g. Any person or persons, firm, corporation or association, who shall, after this article takes effect, make to any employee an advance of money, or loan, on account of salary or wages due or to be earned in the future by such individual upon an assignment or sale of salary, promissory note or other written instrument covering such loan or advance, shall not acquire

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any right to collect or attach the same while in the possession or control of the employer unless such assignment or sale of salary, promissory note or other written instrument be dated on the same day on which such loan is actually made and such person or persons, firm, corporation or association is licensed under this article.

Violations.

SEC. 59-h. Any violation of this article shall be a misdemeanor punishable by a fine not to exceed one hundred dollars and any loan or loans made in connection with such violation shall be void and unenforceable. If a licensee be convicted of a second offense his license shall be deemed revoked from the date of such conviction, and any loan or loans made in connection with such second violation shall be void and unenforceable and another license shall not be issued to the same person, firm or corporation within one year. The discounting or indorsing of notes by a person, firm or corporation, not exempt from the provisions of this article, engaged in such business without a license, or receiving or exacting a greater interest, charge, fee or remuneration than six per centum on loans of less than two hundred dollars shall be deemed an evasion of the provisions of this article and constitute a misdemeanor, punishable by a fine of not more than one hundred dollars, and any such loan or loans made in connection therewith shall be void and unenforceable. A loan or advance upon security of an assignment of salary or wages either earned or to be earned, or made on chattels, promissory note, bill of sale or confession of judgment after the sixtieth day from the date when this article takes effect by any person, firm or corporation, engaged in the business of loaning money in sums less than two hundred dollars, at a rate exceeding the legal rate of six per centum per annum shall be null and void, unless such person, firm or corporation shall have procured a license as required by this article; and such unlicensed money lender shall forfeit both the principal and the interest on such loan or advance.

False statements.

SEC. 59-i. If an applicant for a loan or advance from a licensee under this article makes a false statement in writing to the licensee in reference to the amount of salary or wages received by him or in reference to his title to personal property mortgaged to secure such loan or advance, he shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars, or six months' imprisonment or both.

CHAPTER 20.—Article 11 (as amended by chapter 700, Acts of 1910).—*Private employment offices.*

Scope of law.

SECTION 170. 1. This article shall apply to all cities of the State, except that the provisions hereof relating to domestic and commercial employment agencies shall not apply to cities of the third class. This article does not apply to employment agencies which procure employment for persons as teachers exclusively, or employment for persons in technical or executive positions in recognized educational institutions; to registries conducted by duly incorporated associations of registered nurses; and employment bureaus conducted by registered medical institutions or duly incorporated hospitals. Nor does such article apply to departments or bureaus maintained by persons for the purpose of securing help or employees, where no fee is charged.

Definitions.

SEC. 171. 1. When used in this article the following terms are defined as herein specified. The term "person" means and includes any individual, company, society, association, corporation, manager, contractor, subcontractor or their agents or employees.

2. The term "employment agency" means and includes the business of conducting, as owner, agent, manager, contractor, subcontractor or in any other capacity an intelligence office, domestic and commercial employment agency, theatrical employment agency, general employment bureau, shipping agency, nurses' registry, or any other agency or office for the purpose of procuring or attempting to procure help or employment or engagements for persons seeking employment or engagements, or for the

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registration of persons seeking such help, employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, where a fee or other valuable consideration is exacted, or attempted to be collected for such services, whether such business is conducted in a building or on the street or elsewhere.

3. The term "theatrical employment agency" means and includes the business of conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for circus, vaudeville, theatrical and other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided, whether such business is conducted in a building, on the street or elsewhere.

4. The term "theatrical engagement" means and includes any engagement or employment of a person as an actor, performer or entertainer in a circus, vaudeville, theatrical and other entertainment, exhibition or performance.

5. The term "emergency engagement" means and includes an engagement which has to be performed within twenty-four hours from the time when the contract for such engagement is made.

6. The term "fee" means and includes any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency of any kind under the provisions of this article. Such term includes any excess of money received by any such person over what has been paid out by him for the transportation, transfer of baggage, or board and lodging for any applicant for employment; such term also includes the difference between the amount of money received by any such person who furnishes employees, performers or entertainers for circus, vaudeville, theatrical and other entertainments, exhibitions or performances, and the amount paid by him to the said employees, performers or entertainers whom he hires or provides for such entertainments, exhibitions or performances.

7. The term "privilege" means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

License required.

SEC. 172. A person shall not open, keep, maintain or carry on any employment agency, as defined in the preceding section, unless he shall have first procured a license therefor as provided in this article from the mayor or the commissioner of licenses of the city in which such person intends to conduct such agency. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license shall be guilty of a misdemeanor and shall be punishable by a fine of not less than twenty-five dollars and not more than two hundred and fifty dollars, or by imprisonment for a period of not more than one year, or both, at the discretion of the court.

Application.

SEC. 173. An application for such license shall be made to the mayor or commissioner of licenses, in case such office shall have been established as herein provided. Such application shall be written and in the form prescribed by the mayor or commissioner of licenses, and shall state the name and address of the applicant; the street and number of the building or place where the business is to be conducted; whether the applicant proposes to conduct a lodging house for the unemployed separate from the agency which he proposes to conduct; the business or occupation engaged in by the applicant for at least two years immediately preceding the date of the application. Such application shall be accompanied by the affidavits of at least two reputable residents of the city to the effect that the applicant is a person of good moral character.

Investigation.

SEC. 174. Upon the receipt of an application for a license the mayor or commissioner of licenses shall cause the name and address of the applicant, and the street and number of the place where

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the agency is to be conducted, to be posted in a conspicuous place in his public office. The said mayor or commissioner of licenses shall investigate or cause to be investigated the character and responsibility of the applicant and shall examine or cause to be examined the premises designated in such application as the place in which it is proposed to conduct such agency. Any person may file, within one week after such application is so posted in the said office, a written protest against the issuance of such license. Such protest shall be in writing and signed by the person filing the same or his authorized agent or attorney, and shall state reasons why the said license should not be granted. Upon the filing of such protest the mayor or commissioner of licenses shall appoint a time and place for the hearing of such application, and shall give at least five days' notice of such time and place to the applicant and person filing such protest. The said mayor or commissioner of licenses may administer oaths, subpœna witnesses and take testimony in respect to the matters contained in such application and protest or complaints of any character for violations of this article, and may receive evidence in the form of affidavits pertaining to such matters. If it shall appear upon such hearing or from the inspection or examination made by the said mayor or commissioner of licenses that the said protest is sustained or that the applicant is not a person of good character, or that the place where such agency is to be conducted is not a suitable place therefor, or that the applicant has not complied with the provisions of this article, the said application shall be denied and a license shall not be granted. Each application should be granted or refused within thirty days from the date of its filing. The license shall run to the first Tuesday of May next following the date thereof and no later, unless sooner revoked by the mayor or the commissioner of licenses. No license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes or where boarders or lodgers are kept or where meals are served or where persons sleep or in connection with a building or premises where intoxicating liquors are sold to be consumed on the premises, excepting cafés and restaurants in office buildings.

Hearings.

Places prohibited.

SEC. 175. Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued or any place other than that designated in the license and shall not be transferred or assigned to any other person unless consent is obtained from the mayor or commissioner of licenses, as hereinafter provided. If such licensed person shall conduct a lodging house for the unemployed separate and apart from such agency, it shall be so designated in the license.

Contents of license.

SEC. 176. A license granted as provided in this article shall not be assigned or transferred without the consent of the mayor or commissioner of licenses. Applications for such consent shall be made in the same manner as an application for a license, and all the provisions of sections one hundred and seventy-three and one hundred and seventy-four relating to the granting of applications for licenses, including the procedure upon such application and the posting of the names and addresses of applicants shall apply to applications for such consent. No license fee shall be required upon such assignment or transfer. The location of an employment agency shall not be changed without the consent of the mayor or commissioner of licenses, and such change of location shall be indorsed upon the license.

Transfers.

SEC. 177. 1. Every person licensed under the provisions of this act to carry on the business of an employment agency shall pay to the mayor or the commissioner of licenses a license fee of twenty-five dollars before such license is issued. He shall also deposit before such license is issued, with the commissioner of licenses,

Fee.

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in every city where there is a commissioner of licenses, or clerk of the city, a bond in the penal sum of one thousand dollars with two or more sureties or a duly authorized surety company, to be approved by the mayor or the commissioner of licenses.

Bond.

2. The bond executed as provided in the preceding subdivision of this section shall be payable to the people of the city in which any such license is issued and shall be conditioned that the person applying for the license will comply with this article, and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit, or any unlawful act or omission of any licensed person, his agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under such license, or caused by any other violation of this article in carrying on the business for which such license is granted.

3. If at any time, in the opinion of the mayor, or the commissioner of licenses, the sureties or any of them shall become irresponsible the person holding such license shall, upon notice from the mayor or the commissioner of licenses, give a new bond, subject to the provisions of this section. The failure to give a new bond within ten days after such notice, in the discretion of the mayor or commissioner of licenses, shall operate as a revocation of such license and the license shall be thereupon returned to the mayor or the commissioner of licenses who shall destroy the same.

Suits.

SEC. 178. All claims or suits brought in any court against any licensed person may be brought in the name of the person damaged upon the bond deposited with city by such licensed person as provided in section one hundred and seventy-seven and may be transferred and assigned as other claims for damages in civil suits. The amount of damages claimed by plaintiff, and not the penalty named in the bond, shall determine the jurisdiction of the court in which the action is brought. Where such licensed person has departed from the State with intent to defraud his creditors or to avoid the service of a summons in an action brought under this section, service shall be made upon the surety as prescribed in the Code of Civil Procedure. A copy of such summons shall be mailed to the last known post-office address of the residence of the licensed person and the place where he conducted such employment agency, as shown by the records of the mayor or commissioner of licenses. Such service thereof shall be deemed to be made when not less than the number of days shall have intervened between the dates of service and the return of the same as provided by the civil procedure for the particular court in which suit has been brought.

Register.

Sec. 179. It shall be the duty of every licensed person to keep a register, approved by the mayor or the commissioner of licenses, in which shall be entered, in the English language, the date of the application for employment; the name and address of the applicant to whom employment is promised or offered, or to whom information or assistance is given in respect to such employment; the amount of the fee received, and whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person shall also enter in the same or in a separate register, approved by the mayor or commissioner of licenses, in the English langnage, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon. No such licensed person, his agent or employees, shall make any false entry in such registers. It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families, or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: *Provided*, That if the applicant for help voluntarily waives in writing such investigation of references by the

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licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this section.

Theatrical employment agencies.

Sec. 180. Every licensed person conducting a theatrical employment agency, before making a theatrical engagement, except an emergency engagement, for any person with any applicant for services in any such engagement shall prepare and file in such agency a written statement signed and verified by such licensed person setting forth how long the applicant has been engaged in the theatrical business. Such statement shall set forth whether or not such applicant has failed to pay salaries or left stranded any companies, in which such applicant and, if a corporation any of its officers or directors, have been financially interested during the five years preceding the date of application and, further, shall set forth the names of at least two persons as references. If such applicant is a corporation, such statement shall set forth the names of the officers and directors thereof and the length of time such corporation or any of its officers have been engaged in the theatrical business and the amount of its paid-up capital stock. If any allegation in such written, verified statement is made upon information and belief, the person verifying the statement shall set forth the sources of his information and the grounds of his belief. Such statement so on file shall be kept for the benefit of any person whose services are sought by any such applicant as employer.

Statements to be furnished applicants.

Sec. 181. Every such licensed person shall give to each applicant for domestic or commercial employment a card or printed paper containing the name of the applicant, the name and address of such employment agency and the written name and address of the person to whom the applicant is sent for employment; kind of services to be performed; rate of wages or compensation; the time of such services, if definite, and if indefinite, to be so stated; and the name and address of person authorizing the hiring of such applicant, and the cost of transportation if the services are required outside of the city where such agency is located.

Interfering with contracts.

Sec. 182. A licensed person shall not induce or attempt to induce any employee to leave his employment with a view to obtaining other employment through such agency. Whenever such licensed person or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall file with the mayor or commissioner of licenses, within five days after the contract is made, a statement containing the following items: Name and address of the employer; name and address of the employee; nature of the work to be performed, hours of labor; wages offered, destination of the persons employed, and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment, in a language which he is able to understand, before he leaves the city.

Sending applicants out of city.

Theatrical engagements.

Sec. 183. Every licensed person who shall procure for or offer to an applicant a theatrical engagement shall have executed in duplicate a contract containing the name and address of the applicant; the name and address of the employer of the applicant and of the person acting for such employer in employing such applicant; the time and duration of such engagement; the amount to be paid to such applicant; the character of entertainment to be given or services to be rendered; the number of performances per day or per week that are to be given by said applicant; if a vaudeville engagement, the name of the person by whom the transportation is to be paid, and if by the applicant, either the cost of the transportation between the places where said entertainment or services are to be given or rendered, or the average cost of transportation between the places where such services are to be given or rendered; and if a dramatic engagement the cost of transportation to the place where the services begin if paid by the applicant; and the gross commission or fees to be paid by said applicant and to whom. Such contracts shall contain no other conditions and provisions except such as are equitable between the parties thereto

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and do not constitute an unreasonable restriction of business. The form of such contract shall be first approved by the mayor or commissioner of licenses and his determination shall be reviewable by certiorari. One of such duplicate contracts shall be delivered to the person engaging the applicant and the other shall be retained by the applicant. The licensed person procuring such engagement for such applicant shall keep on file or enter in a book provided for that purpose a copy of such contract.

Registers, etc., to be open.

SEC. 184. All registers, books, records and other papers required to be kept pursuant to this article in any employment agency shall be open at all reasonable hours to the inspection of the mayor or commissioner of licenses, and to any duly authorized agent or inspector of such mayor or commissioner.

Fees to be charged.

SEC. 185. 1. The gross fees of licensed persons charged to applicants for employment as lumbermen, agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrubwomen, laundresses, maids, nurses (except professionals) and all domestics and servants, unskilled workers and general laborers, shall not in any case exceed ten per centum of the first month's wages, and for all other applicants for employment, shall not exceed the amount of the first week's wages or salary unless the period of employment is for at least one year, and at a yearly salary, and in that event the gross fee charged shall not exceed five per centum of the first year's salary, except when the employment or engagement is of a temporary nature, not to exceed in any single contract one month, then the fee shall not exceed ten per centum of the salary paid.

2. The gross fees of licensed persons charged to applicants for theatrical engagements by one or more such licensed persons, individually or collectively procuring such engagements, except vaudeville or circus engagements, shall not in any case exceed the gross amount of five per centum of the wages or salary of the engagement when the engagement is less than ten weeks; and an amount of five per centum of the salary or wages per week for ten weeks of a season's engagement constituting ten weeks or more. The gross fees charged by such licensed persons to applicants for vaudeville or circus engagements by one or more such licensed persons, individually or collectively, procuring such engagement, shall not in any case exceed five per centum of the salary or wages paid. The gross fees for a theatrical engagement, except an emergency engagement, shall be due and payable at the end of each week of the engagement, and shall be based on the amount of compensation actually received for such engagement, except when such engagement is unfulfilled through any act within the control of the applicant for such engagement.

Dividing fees.

3. A licensed person conducting any employment agency under this article shall not receive or accept any valuable thing or gift as a fee or in lieu thereof. No such licensed person shall divide or share, either directly or indirectly, the fees herein allowed, with contractors, subcontractors, employers or their agents, foremen or any one in their employ, or if the contractors, subcontractors or employers be a corporation, any of the officers, directors or employees of the same to whom applicants for employment or theatrical engagements are sent.

Violations.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction of any licensed person for any violation thereof shall be subject to a fine of not less than twenty-five dollars and not more than two hundred and fifty dollars, or imprisonment for not more than one year, or both, at the discretion of the court, and the mayor or commissioner of licenses shall forthwith cancel and revoke the license of such person.

Return of fee.

SEC. 186. 1. In case a person applying for help or employment of a domestic or commercial employment agency shall not accept help or obtain employment through such agency, then the licensed person conducting such agency shall on demand repay the full amount of the said fee, allowing three days' time to determine

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the fact of the applicant's failure to obtain help or employment. If an employee furnished fails to remain one week in the situation, a new employee shall be furnished to the applicant for help if he so elects, or three-fifths of the fee returned, within four days of demand: *Provided*, Said applicant for help notifies said licensed person within thirty days of the failure of the applicant to accept the position or of the applicant's discharge for cause. If the employee is discharged within one week without said employee's fault another position shall be furnished, or three-fifths of the fee returned to the applicant for employment if he so elects. Failure of said applicant for help to notify said licensed person that such has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee.

Orders to be bona fide.

2. No such licensed person shall send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed, the said licensed person shall refund to such applicant within three days of demand any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant.

Receipts.

SEC. 187. It shall be the duty of every such licensed person conducting an employment agency to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated, the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt, excepting those given by theatrical employment agencies shall have printed on the back thereof a copy of sections one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, in the English language and in any language which the person to whom the receipt is issued can understand.

Law to be posted.

SEC. 188. Every licensed person shall post in a conspicuous place in each room of such agency sections one hundred and seventy-eight, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven and one hundred and eighty-nine, of this article, which shall be printed in large type in languages in which persons commonly doing business with such office can understand. Such printed law shall also contain the name and address of the officer charged with the enforcement of this article in such city.

False statements.

SEC. 189. No licensed person conducting any employment agency shall publish or cause to be published any false or fraudulent or misleading information, representation, notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letterheads, receipts and blanks shall be printed and contain the licensed name and address of such employment agent and the word agency, and no licensed person shall give any false information, or make any false promise or false representation concerning an engagement or employment to any applicant who shall register or apply for an engagement or employment or help.

Acts prohibited.

SEC. 190. No licensed person conducting an employment agency shall send or cause to be sent any female as a servant, employee, inmate, entertainer or performer, or any male as an employee or entertainer to any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purposes of prostitution, or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry. No licensed person shall send out any female applicant for employment, without making a reasonable effort to investigate the character of the employer. Nor shall any such licensed person

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send any female as an entertainer or performer to any place where such female will be required or permitted to sell, offer for sale or solicit the sale of intoxicating liquors to those present or assembled as an audience or otherwise in such place or in any rooms or buildings adjacent thereto. No licensed person shall knowingly permit any persons of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agency. No licensed person shall accept any application for employment made by or on behalf of any child or shall place or assist in placing any such child in any employment whatever in violation of article twenty of the education law, relating to compulsory education, and in violation of the labor law. No licensed person, his agents, servants or employees shall induce or compel any person to enter such agency for any purpose, by the use of force or by taking forcible possession of said person's property. No person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises whether or not dues or a fee or privilege are exacted, charged or received directly or indirectly, except in office buildings in which are located cafés and restaurants. For the violation of any of the foregoing provisions of this section the penalties shall be a fine of not less than twenty-five dollars, and not more than two hundred and fifty dollars, or imprisonment for a period of not more than one year, or both, at the discretion of the court.

Penalty.

Enforcement. SEC. 191 (as amended by chapter 261, Acts of 1912). 1. In cities of the second and third class and in cities of the first class having a population of less than three hundred thousand, this article, so far as it relates to such cities, shall be enforced by the mayor or an officer appointed by him.

2. In cities of the first class having a population of three hundred thousand or more the enforcement of this article so far as it relates to such cities shall be intrusted to a commissioner to be known as a commissioner of licenses, who shall be appointed by the mayor, and whose salary, together with those of a deputy commissioner, and inspectors to be appointed by him, shall be fixed by the board of estimate and apportionment. Said commissioner of licenses and deputy commissioner shall have no other occupation or business. The commissioner of licenses shall appoint inspectors, who shall make at least bimonthly visits to every such agency. Said inspectors shall have suitable badges which they shall exhibit on demand of any person with whom they may have official business. Such inspectors shall see that all the provisions of this article, so far as it relates to such cities, are complied with, and shall have no other occupation or business.

3. Complaints against any such licensed person shall be made orally or in writing to the mayor or commissioner of licenses, or be sent in in affidavit form without appearing in person, and reasonable notice thereof, not less than one day, shall be given in writing to said licensed person by serving upon the licensed person either personally or by leaving the same with the person in charge of his office, a concise statement of the facts constituting the complaint, and a hearing pursuant to the powers granted to the mayor or commissioner of licenses as provided in section one hundred and seventy-four shall be had before the mayor or commissioner of licenses within one week from the date of the filing of the complaint and no adjournment shall be taken for a period longer than one week. A daily calendar of all hearings shall be kept by the mayor or commissioner of licenses and shall be posted in a conspicuous place in his public office for at least one day before the date of such hearings. The mayor or commissioner of licenses shall render his decision within eight days from the time the matter is finally submitted to him. Said mayor or commissioner of licenses shall keep a record of all such complaints and hearings. The said mayor or commissioner of licenses may refuse to issue and shall revoke any license for any good cause shown, within the

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meaning and purpose of this article and when it is shown to the satisfaction of the mayor or commissioner of licenses that any licensed person is guilty of any immoral, fraudulent or illegal conduct in connection with the conduct of said business, it shall be the duty of the mayor or the commissionor of licenses to revoke the license of such person; but notice of the charges shall be presented and reasonable opportunity shall be given said licensed person to defend himself. Whenever said mayor or commissioner of licenses shall refuse to issue or shall revoke the license of an employment agency, said determination may be reviewed by certiorari. Whenever for any cause such license is revoked, said mayor or commissioner of licenses shall not within three years from the date of such revocation issue another license to said licensed person or his representative or to any person with whom he is to be associated in the business of furnishing employment, help or engagements. In the absence of the commissioner of licenses, the deputy commissioner of licenses may conduct hearings and act upon applications for licenses, and revoke such licenses.

Violations.

SEC. 192. The violation of any provision of this article except as otherwise provided in this article shall be punishable by a fine not to exceed twenty-five dollars, and any city magistrate, police justice, justice of the peace, or any inferior magistrate having original jurisdiction in criminal cases, shall have power to impose said fine, and in default of payment thereof to commit the person so offending for a period not exceeding thirty days. The said mayor or commissioner of licenses or any person, his agent or attorney, aggrieved because of the violations of this article shall institute criminal proceedings for its enforcement before any court of competent jurisdiction.

CHAPTER 25.—*Employment of intemperate drivers on public conveyances.*

Intemperate drivers not to be employed.

SECTION 322. No person owning any carriage for the conveyance of passengers, running or traveling upon any highway or road, shall employ, or continue in employment, any person to drive such carriage who is addicted to drunkenness, or to the excessive use of spirituous liquors; and if any such owner shall violate the provisions of this section, he shall forfeit at the rate of five dollars per day, for all the time during which he shall have kept any such driver in his employment.

Intoxication of driver.

SEC. 323. If any driver, while actually employed in driving any such carriage, shall be guilty of intoxication, to such a degree as to endanger the safety of the passengers in the carriage, the owner of such carriage shall, on receiving written notice of the fact, signed by any one of said passengers, and certified by him on oath, forthwith discharge such driver from his employment; and every such owner, who shall retain, or have in his service within six months after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day, for all the time during which he shall keep any such driver in his employment after receiving such notice.

CHAPTER 28, ARTICLE 5-A (added by chepter 832, Acts of extra session, 1913).—*Employers' insurance—Mutual companies.*

Who may incorporate.

SECTION 185. Thirteen or more persons may become a corporation for the purpose of insuring on the mutual plan against loss or damage resulting from accident to or injury suffered by an employee or other person and for which the person insured is liable, or the liability of the employer to pay compensation to his employees, or the compensation of employees under any workmen's compensation law, or against loss or damage caused by a truck, wagon or other vehicle propelled by steam, gas, gasoline, electric, mechanical or other power or drawn by horses or mules, used in trade or manufacture and owned by any such

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person to the property of another for which loss or damage the person insured is liable, by making and filing in the office of the superintendent of insurance a certificate to be signed by each of them, stating their intention to form a corporation for the purpose named, and setting forth a copy of the charter which they propose to adopt, which shall state the name of the proposed corporation, the place where it is to be located, the mode and manner in which its corporate powers are to be exercised, the number of directors, the manner of electing its directors and officers, the time of such elections, the manner of filling vacancies, the names and post-office addresses of the directors who will serve until the first annual meeting of such corporation, and such further particulars as may be necessary to explain and make manifest the objects and purposes of the corporation. Such certificate shall be approved or acknowledged and recorded in a book kept for that purpose by the superintendent of insurance and a certified copy thereof shall be delivered to the persons executing the same.

Completion of organization.

SEC. 186. Upon receipt of a certified copy of the certificate of incorporation from the superintendent of insurance, the persons signing such certificate may open books to receive applications for membership therein. No such corporation shall transact any business of insurance unless and until at least forty employers employing not less than twenty-five hundred employees have become members of such corporation and applied for and agreed to take insurance therein, covering the liability of such employers to their employees for accidents to or injuries suffered by such employee nor until the facts specified in this section have been certified under oath by at least three of the persons signing the original certificate, to the superintendent of insurance, and the superintendent of insurance has issued a license to such corporation authorizing such corporation to begin writing the insurance specified in this article. The superintendent of insurance must be satisfied that the membership list of the corporation is genuine, and that every member thereof will take the policies as agreed by him within thirty days of the granting of the license to the corporation by the superintendent of insurance to issue policies. If at any time the number of members falls below forty or the number of employees who are employed by the members of the corporation falls below twenty-five hundred, no further policies shall be issued by the corporation until other employers have made bona fide applications for insurance therein, who, together with the existing members, amount to not less than forty employers who employ not less than twenty-five hundred employees, and in the event that such applications for insurance shall not be obtained within a reasonable time, to be fixed by the superintendent of insurance, such superintendent may take the proceedings against such corporation under section sixty-three of this chapter to the same effect as if clause h of subdivision one of such section was specifically applicable to corporations organized under this article.

Members to be policyholders.

The members of the corporation shall be policyholders therein, and when any member ceases to be a policyholder he shall cease, at the same time, to be a member of the corporation. A corporation, partnership, association or joint stock company may become a member of such insurance corporation and may authorize another person to represent it in such insurance corporation, and such representative shall have all the rights of any individual member. Any person acting as employer in the capacity of a trustee may insure in such corporation and as such trustee may assume the liabilities and be entitled to the rights of a member, but shall not be personally liable upon such contract of insurance.

Such corporation may borrow money or assume liability in a sum sufficient to defray the reasonable expenses of its organization.

Directors and officers.

SEC. 187. Any such corporation shall have not less than thirteen directors, and such officers as shall be provided in the certificate of incorporation or by the by-laws made by the members. The

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directors shall be elected annually by the votes of the members. All except two of the directors of the corporation elected after the organization of the corporation is completed and it is authorized to begin to issue insurance policies shall be members of the corporation. All the officers except the secretary, assistant secretary and the actuary must be members of the board of directors.

Voting power.

SEC. 188. At all meetings of the members of the corporation each member shall have one vote and one additional vote for every five hundred employees or major fraction thereof, covered by the policy held by such member in the corporation: *Provided*, That no member shall have more than twenty votes. The number of votes of a member shall be determined by the average number of employees at work and covered by said member's policy in the corporation during the last six months from a date not less than ten days immediately prior to the date of any such meeting. Before any member shall be permitted to cast more than one vote at any meeting of members he shall file with the secretary an affidavit showing the average number of employees at work during the preceding six months covered by the employer's policy of insurance.

Assessments.

SEC. 189. The corporation may in its by-laws and policies fix the contingent mutual liability of the members for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a member shall not be less than an amount equal to and in addition to the cash premium written in the policy. If the corporation is not possessed of cash funds above its unearned premium 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 be liable to pay and shall pay his proportionate part of any assessment which may be laid by the corporation in accordance with law and his contract, on account of losses and expenses incurred while he was a member, if he is notified of such assessment within one year after the expiration of his policy. All assessments shall be based upon present values of all future payments, and all proposed premium assessments shall be filed in the insurance department and shall not take effect until approved by the superintendent of insurance, after such investigation as he may deem necessary. All funds of the corporation and the contingent liability of the members thereof shall be available for the payment of any claim against the corporation.

Dividends.

SEC. 190. The board of directors may, from time to time, 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 and other policy obligations which may be payable on account of the injuries sustained and expenses incurred. Any such corporation may hold cash assets in excess of its liabilities, but such excess shall be limited to one hundred per centum of its reserves for losses and expenses incurred, and may be used from time to time in payment of losses, dividends and expenses.

Reserves.

SEC. 191. Such corporation shall be required to maintain the same reserves for the protection of policyholders and employees who may have a right of action directly against such corporation as are required to be maintained by stock insurance corporations in relation to the same class of insurance, except that reserves for liability for insurance of compensation under the workmen's compensation law shall be the same reserves as provided by the workmen's compensation commission for the State insurance fund pursuant to such chapter, and the superintendent of insurance may suspend or cancel the certificate issued by him authorizing said corporation to transact such insurance business at any time when in the judgment of the superintendent of insurance the reserves of said corporation are insufficient to insure and secure the payment of its policy obligations, and the superintendent of insurance may reinstate or renew said certificate whenever by assessment

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or otherwise said reserves have been increased to a sum sufficient in the judgment of the superintendent of insurance to insure and secure the payment of the policy obligations of such corporation.

Reports and examinations.

SEC. 192. Every such corporation shall make reports to the superintendent of insurance at the same times and in the same manner as are required from stock insurance companies transacting the same kind of business, and the superintendent of insurance may examine into the affairs of such corporation at any time, either personally or by any duly authorized examiner appointed by him, and the superintendent of insurance must make such an examination into the affairs of said corporation at least once in every two years.

Prevention of accidents.

SEC. 193. The board of directors shall make and enforce reasonable rules and regulations not in conflict with the laws of the State for the prevention of accidents to the employees on the premises of members, and for this purpose the inspectors of the corporation shall have free access to all such premises during regular working hours. The policy of any member neglecting to provide suitable safety appliances as provided by law or as required by the board of directors may be canceled and terminated by the board of directors after giving to such member notice of cancellation ten days prior to its becoming effective.

Foreign companies.

SEC. 194. After January first, nineteen hundred and seventeen, the superintendent of insurance may, in his discretion, issue a certificate of authority to a mutual corporation organized under the laws of another State to do such insurance in this State: *Provided*, That, in no event, shall authority be given to any such mutual corporation to do other kinds of business than those specified in this article. Such corporation shall be required to maintain the same reserves for the protection of members and employees as are required for domestic corporations authorized to transact the same kind of insurance.

CHAPTER 28, ARTICLE 10-A (added by chapter 451, Acts of 1911).—*Fire escapes, etc.—State fire marshal.*

Appointment, salary, etc., of State fire marshal.

SECTION 350 (as amended by chapter 453, Acts of 1912). The office of State fire marshal is hereby established. The governor is hereby authorized and empowered to appoint, within thirty days after this act shall take effect, by and with the advice and consent of the senate, a suitable person who shall be a citizen of this State, as State fire marshal, who shall hold the office for a period of five years or until his successor is appointed and qualified. The office of the State fire marshal shall be located in the capitol in the city of Albany. He shall receive an annual salary of seven thousand dollars and shall be paid in addition, his actual and necessary expenses incurred in the performance of the duties of his office. He shall devote his whole time to the duties of his office. Whenever there shall be a vacancy in the office of State fire marshal, the governor shall fill the vacancy for the unexpired term in the manner provided in this section. The State fire marshal and his deputies shall take and subscribe and file in the office of the secretary of state the constitutional oath within fifteen days from time of notice of their appointment respectively.

Duties.

SEC. 351 (as amended by chapter 204, Acts of 1913). It shall be the duty of the State fire marshal to enforce all laws and ordinances of the State, and the regulations made hereunder, except in cities having over one million inhabitants, as follows:

1. The prevention of fires;
2. The storage, sale or use of combustibles and explosives;
3. The installation and maintenance of automatic or other fire-alarm systems and fire-extinguishing equipment;
4. The inspection of steam boilers;
5. The construction, maintenance and regulation of fire escapes;

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6. The means and adequacy of exit, in case of fire, from factories, asylums, hospitals, churches, schools, halls, theatres, amphitheatres and all other places in which numbers of persons work, live, or congregate from time to time for any purpose and the institution and supervision of fire drills in such premises;

7. The suppression of arson and investigations of the cause, origin and circumstances of fires and explosions;

8. The adequacy and sufficiency of water supply and fire apparatus and their inspection for fire fighting purposes.

Deputies.

SEC. 352 (as amended by chapter 453, Acts of 1913). The State fire marshal shall appoint a first deputy fire marshal, who shall receive an annual salary of five thousand dollars, and a second deputy fire marshal who shall receive an annual salary of five thousand dollars. Each such deputy shall also be paid his actual and necessary expenses incurred in the performance of the duties of his office. The State fire marshal shall also appoint a secretary and such other clerks and assistants as shall be needed in the performance of the duties of his office. In case of the absence of the State fire marshal, or his inability from any cause to discharge the duties of his office, such duties shall devolve upon the first deputy State fire marshal; and in case of the absence of the State fire marshal and the first deputy State fire marshal, or their inability from any cause to discharge the duties and powers of their office, such duties and powers shall devolve upon the second deputy State fire marshal.

Buildings may be inspected and dangerous ones ordered removed.

SEC. 356 (as amended by chapter 434, Acts of 1913). The State fire marshal, his deputies or assistants, upon the complaint of any person or whenever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure, which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire-alarm apparatus or fire-extinguishing equipment, or by reason of age or dilapidated condition or for any other cause is especially liable to fire or to cause loss of life or damage to property, and whenever such officer shall find in any building or other premises any explosive materials or inflammable conditions dangerous to life or property, he or they shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner, lessee or occupant of such premises or buildings. If such order is made by any deputy or assistant to the State fire marshal such owner, lessee or occupant may, within five days, appeal to the State fire marshal, who shall, within ten days, review such order and file his decisions thereon, and unless by his authority the order is revoked or modified it shall remain in full force and be obeyed by such owner, lessee or occupant. Such owner, lessee or occupant may have the order or the final determination on appeal of an order issued by the State fire marshal reviewed by a writ of certiorari in a court of competent jurisdiction: *Provided*, Proceedings for such review are begun within ten days after such order has been served or appeal finally determined.

Appeal to court.

Service of order.

The service of any such order shall be made upon the owner, lessee or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises; whenever it may be necessary to serve such an order upon the owner, lessee or occupant of premises such order may be served either by delivering to and leaving with the said person a true copy of the said order, or, if such owner, lessee or occupant is absent from the jurisdiction of the officer making the order, by mailing such copy to the last known post-office address of said owner, lessee or occupant.

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Penalty for noncompliance. Any owner, lessee or occupant failing to comply with such order within ten days after said appeal shall have been determined, or, if no appeal is taken, then within ten days after the service of the said order, shall be liable to a penalty of fifty dollars for each day's neglect thereafter.

The penalty herein provided may be recovered in an action brought in any court of the county where such property is located, in the name of the people of the State under the direction of the State fire marshal or any of his assistants herein designated, by an attorney specially designated therefor by the attorney general or by an attorney designated by the State fire marshal.

Demolition and removal of explosives. Whenever an order has been served requiring the demolition of a building or other structure, or the removal of explosive materials therefrom as hereinbefore provided, and the owner, lessee or occupant thereof has failed to comply with such order or failed to apply to a court to review the order within the time herein specified, the State fire marshal may cause such building or other structure to be demolished or such explosive material to be removed and stored elsewhere or destroyed at the discretion of the State fire marshal and the expense incurred by the State fire marshal in such demolition or in the removal of explosive materials and also any penalty recovered, as provided for in this section, shall constitute a first lien upon the premises occupied by such building or structure or where such explosive material was stored.

Noninstallation of fire escapes. 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.

Inspection of boilers. SEC. 357 (as amended by chapter 523, Acts of 1913). 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. Every such insurance company shall report all boilers insured by them, coming within the provisions of this section, including those rejected, together with the reason therefor. 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. Such fee shall be payable within thirty days from the date of such inspection.

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

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fire department, nor shall this section have any application to cities in which boilers are regularly inspected by competent inspectors, acting under the authority of local laws or ordinances.

Every owner or lessee of a boiler who shall use or allow a boiler to be used by any one in his employ after notice that such boiler is in an unsafe or dangerous condition shall be subject to a fine not to exceed five dollars for each day on which such boiler is used after such notice as aforesaid.

Owners and lessees of boilers shall attach to such boilers the numbers assigned by the State fire marshal under the like penalty for failure to do so.

Owners and lessees of boilers within cities and incorporated villages shall notify the chiefs of fire departments, or other assistants to the State fire marshal therein, of the location of each boiler. Such chiefs and assistants shall keep a record thereof in their respective offices and forward a copy thereof in January and July of each year to the State fire marshal.

In outlying districts such report shall be made to town clerks, who shall in like manner keep records thereof and forward the same. These provisions shall, however, only apply to boilers used for generation of steam pressure of ten pounds or more to the square inch.

CHAPTER 31.—*Labor law.*

Definitions.

SECTION 1. This chapter shall be known as the "Labor Law."

SEC. 2 (as amended by chapter 529, Acts of 1913). Employee.—The term "employee," when used in this chapter, means a mechanic, workingman or laborer who works for another for hire.

Employer.—The term "employer," when used in this chapter, means the person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate.

Factory; work for a factory.—The term "factory," when used in this chapter, shall be construed to include any mill, workshop, or other manufacturing or business establishment and all buildings, sheds, structures or other places used for or in connection therewith, where one or more persons are employed at labor, except power houses, barns, storage houses, sheds and other structures used in connection with railroad purposes, other than construction or repair shops, subject to the jurisdiction of the public service commission under article three of the public service commissions law. Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more contractors or other third persons.

Factory building.—The term "factory building," when used in this chapter, means any building, shed or structure which, or any part of which, is occupied by or used for a factory.

Mercantile establishment.—The term "mercantile establishment," when used in this chapter, means any place where goods, wares or merchandise are offered for sale.

Tenement house.—The term "tenement house," when used in this chapter, means any house or building, or portion thereof, which is either rented, leased, let or hired out, to be occupied, or is occupied in whole or in part as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises, and includes apartment houses, flat houses and all other houses so occupied, and for the purposes of this chapter shall be construed to include any building on the same lot with any such tenement house and which is used for any of the purposes specified in section one hundred of this chapter.

Whenever, in this chapter, authority is conferred upon the commissioner of labor, it shall also be deemed to include his deputies or a deputy acting under his direction.

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Eight hours a day's work.

SEC. 3 (as amended by chapter 494, Acts of 1913). Eight hours shall constitute a legal day's work for all classes of employees in this State except those engaged in farm and domestic service unless otherwise provided by law. This section does not prevent an agreement for overwork at an increased compensation except upon work by or for the State or a municipal corporation, or by contractors or subcontractors therewith. Each contract to which the State or a municipal corporation or a commission appointed pursuant to law is a party which may involve the employment of laborers, workmen, or mechanics shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property. The wages to be paid for a legal day's work as hereinbefore defined to all classes of such laborers, workmen, or mechanics upon all such public works, or upon any material to be used upon or in connection therewith, shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used. Each such contract hereafter made shall contain a stipulation that each such laborer, workman or mechanic, employed by such contractor, subcontractor or other person on, about or upon such public work, shall receive such wages herein provided for. Each contract for such public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent or employee of the State or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract, which in its form or manner of performance violates the provisions of this section, but nothing in this section shall be construed to apply to stationary firemen in State hospitals nor to other persons regularly employed in State institutions, except mechanics, nor shall it apply to engineers, electricians and elevator men in the department of public buildings during the annual session of the legislature, nor to the construction, maintenance and repair of highways outside the limits of cities and villages.

Public work.

Wages.

The provisions of this section as to current rates of wages are without extraterritorial effect; nor can they be construed as attempting to compel the payment elsewhere in the State of the rates prevailing in the locality where the completed work is situated. Getting out and shaping stone at a quarry is not work "on, about, or upon" a building in another locality. 101 N. E. 894.

Violations by officers.

SEC. 4. Any officer, agent or employee of this State or of a municipal corporation therein having a duty to act in the premises who violates, evades or knowingly permits the violation or evasion of any of the provisions of this chapter shall be guilty of malfeasance in office and shall be suspended or removed by the authority having power to appoint or remove such officer, agent or employee; otherwise by the governor. Any citizen of this State may maintain proceedings for the suspension or removal of such officer, agent or employee or may maintain an action for the purpose of securing the cancellation or avoidance of any contract which by its terms or manner of performance violates this chapter or for the purpose of preventing any officer, agent or employee of such municipal corporation from paying or authorizing the payment of any public money for work done thereupon.

Hours of labor in brickyards;

SEC. 5. Ten hours, exclusive of the necessary time for meals, shall constitute a legal day's work in the making of brick in brickyards owned or operated by corporations. No corporation own-

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ing or operating such brickyard shall require employees to work more than ten hours in any one day, or to commence work before seven o'clock in the morning. But overwork and work prior to seven o'clock in the morning for extra compensation may be performed by agreement between employer and employee.

On street railways;

SEC. 6. Ten consecutive hours' labor, including one-half hour for dinner, shall constitute a day's labor in the operation of all street, surface and elevated railroads, of whatever motive power, owned or operated by corporations in this State, whose main line of travel or whose routes lie principally within the corporate limits of cities of the first and second class. No employee of any such corporation shall be permitted or allowed to work more than ten consecutive hours, including one-half hour for dinner, in any one day of twenty-four hours. In cases of accident or unavoidable delay, extra labor may be performed for extra compensation.

On railroads.

SEC. 7 (as amended by chapter 462, Acts of 1913). Ten hours' labor, performed within twelve consecutive hours, shall constitute a legal day's labor in the operation of steam surface, electric, subway and elevated railroads operated within this State, except where the mileage system of running trains is in operation. No person or corporation operating any such railroad of thirty miles in length, or over, in whole or in part within this State, shall permit or require any conductor, engineer, fireman, trainman, motorman or assistant motorman, engaged in or connected with the movement of any train on any such railroad, to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such conductor, engineer, fireman, trainman, motorman or assistant motorman 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 conductor, engineer, fireman, trainman, motorman or assistant motorman 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, except when by casualty occurring after he has started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which he is serving, he is prevented from reaching his terminal. The commissioner of labor shall appoint a sufficient number of inspectors to enforce the provisions of this section.

Time for rest.

Signal operators.

SEC. 8 (as amended by chapter 466, Acts of 1913). The provisions of section seven of this chapter shall not be applicable to employees mentioned herein. It shall be unlawful for any corporation or receiver, operating a line of railroad, either surface, subway or elevated, in whole or in part in the State of New York, or any officer, agent or representative of such corporation or receiver to require or permit any telegraph or telephone operator who spaces trains by the use of the telegraph or telephone under what is known and termed the "block system" (defined as follows): Reporting trains to another office or offices or to a train dispatcher operating one or more trains under signals, and telegraph or telephone levermen who manipulate interlocking machines in railroad yards or on main tracks out on the lines or train dispatchers in its service whose duties substantially, as hereinbefore set forth, pertain to the movement of cars, engines or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders as interpreted in this section, to be on duty for more than eight hours in a day of twenty-four hours, and it is hereby declared that eight hours shall constitute a day of employment for all laborers or employees engaged in the kind of labor aforesaid; except in cases of extraordinary emergency caused by accident, fire, flood or danger to life or property, and for each hour of labor so performed in any one day in excess of such eight hours, by any such employee, he shall be paid in addition at least one-eighth of his daily compeasation. Any person who is employed as signalman, towerman, gateman,

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telegraph or telephone operator in a railroad signal tower or public railroad station to receive or transmit a telegraphic or telephonic message or train order for the movement of trains and who works eight hours or more in any twenty-four each and every day continuously, and all gatemen so employed must have at least two days of twenty-four hours each in every calendar month for rest with the regular compensation; subject to the foregoing provisions relating to extra service in cases of emergency. Any person or persons, company or corporation, who shall violate any of the provisions of this section, shall, on conviction, be fined in the sum of not less than one hundred dollars, and such fine shall be recovered by an action in the name of the State of New York, for the use of the State, which shall sue for it against such person, corporation or association violating this section, said suit to be instituted in any court in this State having appropriate jurisdiction. Such fine, when recovered as aforesaid, shall be paid without any deduction whatever, one-half thereof to the informer, and the balance thereof to be paid into the free-school fund of the State of New York. The provisions of this section shall not apply to any part of a railroad where not more than eight regular passenger trains in twenty-four hours pass each way: *Provided, moreover,* That where twenty freight trains pass each way generally in each twenty-four hours then the provisions of this section shall apply, notwithstanding that there may pass a less number of passenger trains than hereinbefore set forth, namely eight.

One rest day in seven.

SEC. 8a (added by chapter 740, Acts of 1913). [1.] Every employer of labor engaged in carrying on any factory or mercantile establishment in this State shall allow every person, except those specified in subdivision two, employed in such factory or mercantile establishment at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such factory or mercantile establishment on Sunday unless he shall have complied with subdivision three: *Provided, however,* That this section shall not authorize any work on Sunday not now or hereafter authorized by law.

2. This section shall not apply to

(a) Janitors;

(b) Watchmen;

(c) Employees whose duties include not more than three hours' work on Sunday in (1) Setting sponges in bakeries; (2) Caring for live animals; (3) Maintaining fires; (4) Necessary repairs to boilers or machinery.

(d) Superintendents or foremen in charge.

3. Before operating on Sunday, every employer shall post in a conspicuous place on the premises a schedule containing a list of his employees who are required or allowed to work on Sunday and designating the day of rest for each, and shall file a copy of such schedule with the commissioner of labor. The employer shall promptly file with the said commissioner a copy of every change in such schedule. No employee shall be required or allowed to work on the day of rest so designated for him.

4. Every employer shall keep a time book showing the names and addresses of all employees and the hours worked by each of them in each day, and such time book shall be open to inspection by the commissioner of labor.

5. The industrial board at any time when the preservation of property, life or health requires, may except specific cases for specified periods from the provisions of this act by written orders which shall be recorded as public records.

Wages preferred in receiverships.

SEC. 9. Upon the appointment of a receiver of a partnership or of a corporation organized under the laws of this State and doing business therein, other than a moneyed corporation, the wages of the employees of such partnership or corporation shall be preferred to every other debt or claim.

Wages to be paid in cash.

SEC. 10. Every manufacturing, mining, quarrying, mercantile, railroad, street railway, canal, steamboat, telegraph and tele-

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phone company, every express company, every corporation engaged in harvesting and storing ice, and every water company, not municipal, and every person, firm or corporation, engaged in or upon any public work for the State or municipal corporation thereof, either as a contractor or a subcontractor therewith, shall pay to each employee engaged in his, their or its business the wages earned by such employee in cash. No such company, person, firm or corporation shall hereafter pay such employees in scrip, commonly known as store money-orders. No person, firm or corporation engaged in carrying on public work under contract with the State or with any municipal corporation of the State, either as a contractor or subcontractor therewith, shall, directly or indirectly, conduct or carry on what is commonly known as a company store, if there shall, at the time, be any store selling supplies within two miles of the place where such contract is being executed. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

Company stores.

SEC. 11. Every corporation or joint stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employee the wages earned by him to a day not more than six days prior to the date of such payment.

Weekly pay day.

But every person or corporation operating a steam surface railroad shall, on or before the first day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay the employees thereof the wages earned by them during the last half of the preceding calendar month.

Semimonthly pay day.

This section is limited to laborers and workmen engaged in manual labor. 57 Hun 577.

It does not apply to public officers or clerks who receive annual salaries. 25 Abb. New Cases 368.

SEC. 12 (as amended by chapter 206, Acts of 1909). If a corporation or a joint stock association, its lessee or other person carrying on the business thereof, shall fail to pay the wages of all its employees, as provided in this article, it shall forfeit to the people of the State the sum of fifty dollars for each such failure, to be recovered by the commissioner of labor in his name of office in a civil action.

Failure to conform to law.

SEC. 13. No assignment of future wages, payable weekly, or monthly in case of a steam surface railroad corporation, shall be valid if made to the corporation or association from which such wages are to become due, or to any person on its behalf, or if made or procured to be made to any person for the purpose of relieving such corporation or association from the obligation to pay weekly, or monthly in case of a steam surface railroad corporation. Charges for groceries, provisions or clothing shall not be a valid offset for wages in behalf of any such corporation or association.

Assignments of future wages.

No such corporation or association shall require any agreement from any employee to accept wages at other periods than as provided in this article as a condition of employment.

SEC. 14. In the construction of public works by the State or a municipality, or by persons contracting with the State or such municipality, only citizens of the United States shall be employed; and in all cases where laborers are employed on any such public works, preference shall be given citizens of the State of New York. In each contract for the construction of public works a provision shall be inserted, to the effect that, if the provisions of this section are not complied with, the contract shall be void. All boards, officers, agents or employees of cities of the first class of the State, having the power to enter into contracts which provide for the expenditure of public money on public works shall file in the office of the commissioner of labor the names and addresses of all contractors holding contracts with said cities of the State. Upon the letting of new contracts the names and addresses of such new contractors shall likewise be filed. Upon the demand

Citizens to be employed on public works.

Residents preferred.

Names of contractors to be filed.

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of the commissioner of labor a contractor shall furnish a list of the names and addresses of all subcontractors in his employ.

Lists of employees.

Each contractor performing work for any city of the first class, shall keep a list of his employees, in which it shall be set forth whether they are naturalized or native-born citizens of the United States, together with, in case of naturalization, the date of naturalization and the name of the court where such naturalization was granted. Such lists and records shall be open to the inspection of the commissioner of labor. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than ninety days, or by both such fine and imprisonment.

The preference clause of this section, so far as it concerns persons employed by municipal contractors, is unconstitutional. 13 Misc. 618.

Seats for female employees.

SEC. 17 (as amended by chapter 197, Acts of 1913). Every person employing females in a factory or as waitresses in a hotel or restaurant shall provide and maintain suitable seats, with proper backs where practicable, for the use of such female employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health. Where females are engaged in work which can be properly performed in a sitting posture, suitable seats, with backs where practicable, shall be supplied in every factory for the use of all such female employees and permitted to be used at such work. The industrial board may determine when seats, with or without backs, are necessary and the number thereof.

Scaffolding required for employees on buildings.

SEC. 18 (as amended by chapter 693, Acts of 1911). A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged.

Scaffolding or staging swung or suspended from an overhead support, or erected with stationary supports, more than twenty feet from the ground or floor, except scaffolding wholly within the interior of a building and which covers the entire floor space of any room therein, shall have a safety rail of suitable material, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with such openings as may be necessary for the delivery of materials, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

Slings, hangers, etc.

SEC. 19. Whenever complaint is made to the commissioner of labor that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or ropes of any swinging or stationary scaffolding used in the construction, alteration, repairing, painting, cleaning or pointing of buildings within the limits of a city are unsafe or liable to prove dangerous to the life or limb of

Inspection.

any person, such commissioner of labor shall immediately cause an inspection to be made of such scaffolding, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or other parts connected therewith. If, after examination, such scaffolding or any of such parts is found to be dangerous to life or limb, the commissioner of labor shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. The commissioner of labor or deputy factory inspector making the examination shall attach a certificate to the scaffolding, or the slings, hangers, irons, ropes or other parts thereof, examined by him, stating that he has made such examination, and that he has found it safe or unsafe, as the case may be. If he declares it un-

Notice.

safe, he shall at once, in writing, notify the person responsible for

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its erection of the fact, and warn him against the use thereof. Such notice may be served personally upon the person responsible for its erection, or by conspicuously affixing it to the scaffolding, or the part thereof declared to be unsafe. After such notice has been so served or affixed, the person responsible therefor shall immediately remove such scaffolding or part thereof and alter or strengthen it in such manner as to render it safe, in the discretion of the officer who has examined it, or of his superiors. The commissioner of labor and any of his deputies whose duty it is to examine or test any scaffolding or part thereof, as required by this section, shall have free access, at all reasonable hours, to any building or premises containing them or where they may be in use. All swinging and stationary scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom or placed thereon, when in use, and not more than four men shall be allowed on any swinging scaffolding at one time.

Access to premises.

The unexplained falling of a scaffold would seem to create a presumption of negligence on the part of the employer. That it should fall having on it only the weight required for the purpose for which it was constructed is prima facie evidence of such negligence. 58 N. E. 662.

SEC. 20 (as amended by chapter 492, Acts of 1913). All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fireproof material or brickwork, shall complete the flooring or filling in as the building progresses. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fireproof material all contractors for work, in the course of construction, shall lay the underflooring thereof on each story as the building progresses. Where double floors are not to be used, such contractor shall keep planked over the floors two stories below the story where the work is being performed. If the floor beams are of iron or steel, the contractors for the iron or steel work of buildings in course of construction or the owners of such buildings shall thoroughly plank over the entire tier of iron or steel beams and extending not less than six feet beyond such beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. If elevators, elevating machines or hod-hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by a barrier at least eight feet in height, except on two sides which may be used for taking off and putting on materials, and those sides shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edge of such shaft or opening. If a building in course of construction is five stories or more in height, no lumber or timber needed for such construction shall be hoisted or lifted on the outside of such building. The chief officer, in any city, charged with the enforcement of the building laws of such city and the commissioner of labor are hereby charged with enforcing the provisions of this section and sections eighteen and nineteen, and said chief officer in any city charged with the enforcement of the building laws of such city shall have the same powers for the enforcement of these sections as are vested in the commissioner of labor.

Protection of employees on buildings in cities.

SEC. 20a (added by chapter 155, Acts of 1910). The person in charge of any building, construction, excavating or engineering work of any description, including the work of repair, alteration, painting or renovating, shall keep a correct record of all deaths, accidents or injuries sustained by any person working thereon, in

Accidents on buildings, etc., to be reported.

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such form as may be required by the commissioner of labor. Such record shall be open to the inspection of the commissioner of labor and a copy thereof shall be furnished to the said commissioner on demand. Within forty-eight hours after the time of the accident, death or injury, a report thereof shall be made in writing to the commissioner of labor, stating as fully as possible the cause of the death or injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by the said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.

Safeguards against accident.

SEC. 20b (added by chapter 145, Acts of 1913). All factories, factory buildings, mercantile establishments and other places to which this chapter is applicable, shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein. The industrial board shall, from time to time, make such rules and regulations as will carry into effect the provisions of this section.

Switchboards to be protected.

SEC. 20b (added by chapter 543, Acts of 1913). All buildings having installed therein a switchboard of two hundred and twenty volts or over shall have, on the floor or upon such platform or other standing place as the switchboard may be located or attached, a rubber mat the length of the switchboard and of sufficient width to allow a person to walk or stand thereon while working at the switchboard or making tests.

[This is a duplication of this section number, but is as provided by the acts named.]

Enforcement.

SEC. 21. The commissioner of labor shall enforce all the provisions of this article. He shall investigate complaints made to him of violations of such provisions and if he finds that such complaints are well founded he shall issue an order directed to the person or corporation complained of, requiring such person or corporation to comply with such provisions. If such order is disregarded the commissioner of labor shall present to the district attorney of the proper county all the facts ascertained by him in regard to the alleged violation, and all other papers, documents or evidence pertaining thereto, which he may have in his possession. The district attorney to whom such presentation is made shall proceed at once to prosecute the person or corporation for the violations complained of, pursuant to this chapter and the provisions of the penal law. If complaint is made to the commissioner of labor that any person contracting with the State or a municipal corporation for the performance of any public work fails to comply with or evades the provisions of this article respecting the payment of the prevailing rate of wages, the requirements of hours of labor or the employment of citizens of the United States or of the State of New York, the commissioner of labor shall if he finds such complaints to be well founded, present evidence of such noncompliance to the officer, department or board having charge of such work. Such officer, department or board shall thereupon take the proper proceedings to revoke the contract of the person failing to comply with or evading such provisions.

Physical examination of employees.

SEC. 22 (added by chapter 320, Acts of 1913). Whenever an employer shall require a physical examination by a physician or surgeon as a condition of employment, the party to be examined, if a female, shall be entitled to have such examination before a physician or surgeon of her own sex. If an employer shall require or attempt to require a female applicant for employment to submit to an examination in violation of the provisions of this section, he shall be guilty of a misdemeanor.

Department of labor.

SEC. 40 (as amended by chapter 145, Acts of 1913). There shall continue to be a department of labor, the head of which shall be

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the commissioner of labor, who shall be appointed by the governor by and with the consent of the senate, and who shall hold office for a term of four years beginning on the first day of January of the year in which he is appointed. He shall receive an annual salary of eight thousand dollars. He shall appoint and may remove all officers, clerks and other employees in the department of labor except as in this chapter otherwise provided.

Deputies.

SEC. 41 (as amended by chapter 145, Acts of 1913). The commissioner of labor shall forthwith upon entering upon the duties of his office, appoint and may at pleasure remove two deputy commissioners of labor. The first deputy commissioner shall receive a salary of five thousand dollars a year; the second deputy commissioner shall receive a salary of four thousand five hundred dollars a year.

The first deputy commissioner shall, during the absence or disability of the commissioner of labor, possess all the powers and perform all the duties of the commissioner except the power of appointment and removal. During the absence or disability of both the commissioner of labor and the first deputy commissioner of labor, the second deputy commissioner shall possess all the powers and perform all the duties of the commissioner except the power of appointment and removal. In addition to their duties and powers as prescribed by the provisions of this chapter, the deputy commissioners of labor shall perform such other duties and possess such other powers as the commissioner of labor may prescribe.

Bureaus.

SEC. 42 (as amended by chapter 145, Acts of 1913). The department of labor shall have four bureaus as follows: inspection; statistics and information; mediation and arbitration and industries and immigration. There shall be such other bureaus in the department of labor as the commissioner of labor may deem necessary.

Powers.

SEC. 43 (as amended by chapter 145, Acts of 1913). 1. The commissioner of labor, his deputies and their assistants and each agent, chief factory inspector, factory inspector, mine inspector, tunnel inspector, chief investigator, special investigator, chief mercantile inspector, and mercantile inspector may administer oaths and take affidavits in matters relating to the provisions of this chapter.

2. No person shall interfere with, obstruct or hinder by force or otherwise the commissioner of labor, any member of the industrial board, or any officer, agent or employee of the department of labor while in the performance of their duties, or refuse to properly answer questions asked by such officers or employees pertaining to the provisions of this chapter, or refuse them admittance to any place which is affected by the provisions of this chapter.

3. All notices, orders and directions of any officer, agent or employee of the department of labor other than the commissioner of labor or the industrial board given in accordance with this chapter are subject to the approval of the commissioner of labor, and may be performed or given by and in the name of the commissioner of labor and by any officer or employee of the department thereunto duly authorized by such commissioner in the name of such commissioner.

4. The commissioner of labor may procure and cause to be used badges for himself and his subordinates in the department of labor while in the performance of their duties.

Salaries and expenses.

SEC. 44 (as amended by chapter 145, Acts of 1913). All necessary expenses incurred by the commissioner of labor in the discharge of his duties shall be paid by the State treasurer upon the warrant of the comptroller issued upon proper vouchers therefor. The reasonable and necessary traveling and other expenses of the deputy commissioners, their assistants, the agents and statisticians, the chief factory inspectors, the factory inspectors, chief investigator, the special investigators, the chief mercantile inspector, mercantile inspectors, and other field officers of the department while engaged in the performance of their duties shall be

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paid in like manner upon vouchers approved by the commissioner of labor and audited by the comptroller.

Branch offices. SEC. 45 (as amended by chapter 145, Acts of 1913). The commissioner of labor shall establish and maintain branch offices of the department in the city of New York and in such other cities of the State as he may deem advisable. Such branch offices shall, subject to the supervision and direction of the commissioner of labor, be in immediate charge of such officials or employees as the commissioner of labor may designate. The reasonable and necessary expenses of such offices shall be paid as are other expenses of the commissioner of labor.

Reports. SEC. 46 (as amended by chapter 145, Acts of 1913). The commissioner of labor shall report annually to the legislature and shall include in his annual report or make separately in each year a report of the operation of each bureau in the department.

Records. SEC. 47 (as amended by chapter 145, Acts of 1913). All statistics furnished to and all complaints, reports and other documentary matter received by the commissioner of labor pursuant to this chapter or any act repealed or superseded thereby may be destroyed by such commissioner after the expiration of six years from the time of the receipt thereof.

Counsel. SEC. 48 (as amended by chapter 145, Acts of 1913). The commissioner of labor shall appoint and may at pleasure remove counsel who shall be an attorney and counsellor at law of the State of New York to represent the department of labor and to take charge of and assist in the prosecution of actions and proceedings brought by or on behalf of the commissioner of labor or the department of labor, and generally to act as legal adviser to the commissioner. Such counsel shall receive a salary of four thousand dollars a year. The commissioner of labor shall have power to appoint and at pleasure remove attorneys and counsellors at law to assist the counsel in the performance of his duties who shall receive such compensation as may be provided by law.

Appointment of industrial board. SEC. 50 (added by chapter 145, Acts of 1913). 1. There shall be an industrial board, to consist of the commissioner of labor, who shall be chairman of the board, and four associate members. The associate members shall be appointed by the governor by and with the consent and advice of the senate. Of the associate members first appointed, one shall hold office until December first, nineteen hundred and fourteen, one until December first, nineteen hundred and fifteen, one until December first, nineteen hundred and sixteen, and one until December first, nineteen hundred and seventeen. Upon the expiration of each of said terms, the term of office of each associate member thereafter appointed shall be four years from the first day of December. Vacancies shall be filled by appointment for the unexpired term. The associate members shall each receive a salary of three thousand dollars a year and each of said associate members shall be paid his reasonable and necessary traveling and other expenses while engaged in the performance of his duties in the manner provided in section forty-four of this chapter.

2. The board shall appoint and may remove a secretary who shall receive a salary to be fixed by the board. The commissioner of labor shall detail, from time to time, to the assistance of the board, such employees of the department of labor as the board may require. In aid of its work, the board is empowered to employ experts for special and occasional services, and to employ necessary clerical assistants. The counsel to the department of labor shall be counsel to the board without additional compensation.

3. The board shall hold stated meetings, at least once a month during the year at the office of the department of labor in the city of Albany or in the city of New York and shall hold other meetings at such times and places as the needs of the public service may require, which meetings shall be called by the chairman or by any two associate members of the board. All meetings of

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the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon every question and records of its examinations and other official action.

Powers.

SEC. 51 (added by chapter 145, Acts of 1913). The board shall have power: (1) To make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter and the rules and regulations made by the board thereunder, and in the course of such investigations, each member of the board and the secretary shall have power to administer oaths and take affidavits. Each member of the board and the secretary shall have power to make personal inspections of all factories, factory buildings, mercantile establishments and other places to which this chapter is applicable.

(2) To subpœna and require the attendance in this State of witnesses and the production of books and papers pertinent to the investigations and inquiries hereby authorized and to examine them in relation to any matter which it has power to investigate, and to issue commissions for the examination of witnesses who are out of the State or unable to attend before the board or excused from attendance.

(3) To make, alter, amend and repeal rules and regulations for carrying into effect the provisions of this chapter, applying such provisions to specific conditions and prescribing specific means, methods or practices to effectuate such provisions.

(4) To make, alter, amend or repeal rules and regulations for guarding against and minimizing fire hazards, personal injuries and disease, with respect to (a) the construction, alteration, equipment and maintenance of factories, factory buildings, mercantile establishments and other places to which this chapter is applicable, including the conversion of structures into factories and factory buildings; (b) the arrangement and guarding of machinery and the storing and keeping of property and articles in factories, factory buildings and mercantile establishments; (c) the places where and the methods and operations by which trades and occupations may be conducted and the conduct of employers, employees and other persons in and about factories, factory buildings and mercantile establishments; it being the policy and intent of this chapter that all factories, factory buildings, mercantile establishments and other places to which this chapter is applicable, shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein and that the said board shall from time to time make such rules and regulations as will effectuate the said policy and intent.

Rules and regulations for industries.

SEC. 52 (added by chapter 145, Acts of 1913). 1. The rules and regulations adopted by the board pursuant to the provisions of this chapter shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter. Such rules and regulations may apply in whole or in part to particular kinds of factories or workshops, or to particular machines, apparatus or articles; or to particular processes, industries, trades or occupations; and they may be limited in their application to factories or workshops to be established, or to machines, apparatus or other articles to be installed or provided in the future.

2. At least three affirmative votes shall be necessary to the adoption of any rule or regulation by the board. Before any rule or regulation is adopted, altered, amended or repealed by the board there shall be a public hearing thereon, notice of which shall be published not less than ten days, in such newspapers as the board may prescribe. Every rule or regulation and every act of the board shall be promptly published in bulletins of the department of labor or in such newspapers as the board may prescribe. The rules and regulations, and alterations, amendments and changes thereof shall, unless otherwise prescribed by

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the board, take effect twenty days after the first publication thereof.

3. The rules and regulations which shall be in force on the first day of January, nineteen hundred and fourteen, and the amendments and alterations thereof, and the additions thereto, shall constitute the industrial code. The industrial code may embrace all matters and subjects to which and so far as the power and authority of the department of labor extends and its application need not be limited to subjects enumerated in this article. The industrial code and all amendments and alterations thereof and additions thereto shall be certified by the secretary of the board and filed with the secretary of state.

Bureau of inspection.

SEC. 53 (as amended by chapter 145, Acts of 1913). The bureau of inspection, subject to the supervision and direction of the commissioner of labor, shall have charge of all inspections made pursuant to the provisions of this chapter, and shall perform such other duties as may be assigned to it by the commissioner of labor. The first deputy commissioner of labor shall be the inspector general of the State, and in charge of this bureau subject to the direction and supervision of the commissioner of labor, except that the division of industrial hygiene shall be under the immediate direction and supervision of the commissioner of labor.

Inspector general.

Divisions.

Such bureau shall have four divisions as follows: factory inspection, home-work inspection, mercantile inspection and industrial hygiene. There shall be such other divisions in such bureau as the commissioner of labor may deem necessary. In addition to their respective duties as prescribed by the provisions of this chapter, such divisions shall perform such other duties as may be assigned to them by the commissioner of labor.

Inspectors.

SEC. 54 (as amended by chapter 145, Acts of 1913). 1. Factory inspectors. There shall be not less than one hundred and twenty-five factory inspectors, not more than thirty of whom shall be women. Such inspectors shall be appointed by the commissioner of labor and may be removed by him at any time. The inspectors shall be divided into seven grades. Inspectors of the first grade, of whom there shall be not more than ninety-five, shall each receive an annual salary of one thousand two hundred dollars; inspectors of the second grade, of whom there shall be not more than fifty, shall each receive an annual salary of one thousand five hundred dollars; inspectors of the third grade, of whom there shall be not more than twenty-five shall each receive an annual salary of one thousand eight hundred dollars; inspectors of the fourth grade, of whom there shall be not more than ten, shall each receive an annual salary of two thousand dollars and shall be attached to the division of industrial hygiene and act as investigators in such division; inspectors of the fifth grade, of whom there shall be not more than nine, one of whom shall be able to speak and write at least five European languages in addition to English, shall each receive an annual salary of two thousand five hundred dollars and shall act as supervising inspectors; inspectors of the sixth grade, of whom there shall be not less than three and one of whom shall be a woman, shall act as medical inspectors and shall each receive an annual salary of two thousand five hundred dollars; inspectors of the seventh grade, of whom there shall be not less than four, shall each receive an annual salary of three thousand five hundred dollars; all of the inspectors of the sixth grade shall be physicians duly licensed to practice medicine in the State of New York. Of the inspectors of the seventh grade one shall be a physician duly licensed to practice medicine in the State of New York, and he shall be the chief medical inspector; one shall be a chemical engineer; one shall be a mechanical engineer, and an expert in ventilation and accident prevention; and one shall be a civil engineer, and an expert in fire prevention and building construction.

2. Mercantile inspectors. The commissioner of labor may appoint from time to time not more than twenty mercantile inspectors not less than four of whom shall be women and who may

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be removed by him at any time. The mercantile inspectors may be divided into three grades but not more than five shall be of the third grade. Each mercantile inspector of the first grade shall receive an annual salary of one thousand dollars; of the second grade an annual salary of one thousand two hundred dollars; and of the third grade an annual salary of one thousand five hundred dollars.

Factory inspection.

SEC. 55 (as amended by chapter 145, Acts of 1913). For the inspection of factories, there shall be two inspection districts to be known as the first factory inspection district and the second factory inspection district. The first factory inspection district shall include the counties of New York, Bronx, Kings, Queens, Richmond, Nassau and Suffolk. The second factory inspection district shall include all the other counties of the State. There shall be two chief factory inspectors who shall be appointed by the commissioner of labor and who may be removed by him at any time and each of whom shall receive a salary of four thousand dollars a year. The inspection of factories in each factory inspection district shall, subject to the supervision and direction of the commissioner of labor, be in charge of a chief factory inspector assigned to such district by the commissioner of labor. The commissioner of labor may designate one of the supervising inspectors as assistant chief factory inspector for the first district, and while acting as such assistant chief factory inspector he shall receive an additional salary of five hundred dollars per annum.

Powers and duties of officials.

SEC. 56 (as amended by chapter 145, Acts of 1913). 1. The commissioner of labor shall, from time to time, divide the State into subdistricts, assign one factory inspector of the fifth grade to each subdistrict as supervising inspector, and may in his discretion transfer such supervising inspector from one subdistrict to another; he shall from time to time, assign and transfer factory inspectors to each factory inspection district and to any of the divisions of the bureau of inspection; he may assign any factory inspector to inspect any special class or classes of factories or to enforce any special provisions of this chapter; and he may assign any one or more of them to act as clerks in any office of the department.

2. The commissioner of labor may authorize any deputy commissioner or assistant and any agent or inspector in the department of labor to act as a factory inspector with the full power and authority thereof.

3. The commissioner of labor, the first deputy commissioner of labor and his assistant or assistants, and every factory inspector and every person duly authorized pursuant to subdivision two of this section may, in the discharge of his duties enter any place, building or room which is affected by the provisions of this chapter and may enter any factory whenever he may have reasonable cause to believe that any labor is being performed therein.

4. The commissioner of labor shall visit and inspect or cause to be visited and inspected the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter and the rules and regulations of the industrial board to be enforced therein.

5. Any lawful municipal ordinance, by-law or regulation relating to factories, in addition to the provisions of this chapter and not in conflict therewith, may be observed and enforced by the commissioner of labor.

Home-work inspection.

SEC. 57 (as amended by chapter 145, Acts of 1913). The division of home-work inspection shall be in charge of an officer or employee of the department of labor designated by the commissioner of labor and shall, subject to the supervision and direction of the commissioner of labor, have charge of all inspections of tenement houses and of labor therein and of all work done for factories at places other than such factories.

Mercantile inspection.

SEC. 58 (as amended by chapter 145, Acts of 1913). The division of mercantile inspection shall be under the immediate charge of the chief mercantile inspector, but subject to the direction and super-

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vision of the commissioner of labor. The chief mercantile inspector shall be appointed and be at pleasure removed by the commissioner of labor, and shall receive such annual salary not to exceed three thousand dollars as may be appropriated therefor.

Powers and duties.

SEC. 59 (as amended by chapter 145, Acts of 1913). 1. The commissioner of labor may divide the cities of the first and second class of the State into mercantile inspection districts, assign one or more mercantile inspectors to each such district, and may in his discretion transfer them from one such district to another; he may assign any of them to inspect any special class or classes of mercantile or other establishments specified in article twelve of this chapter, situated in cities of the first and second class, or to enforce in cities of the first or second class any special provision of such article.

2. The commissioner of labor may authorize any deputy commissioner or assistant and any agent or inspector in the department of labor to act as a mercantile inspector with the full power and authority thereof.

3. The commissioner of labor, the chief mercantile inspector and his assistant or assistants and every mercantile inspector or acting mercantile inspector may in the discharge of his duties enter any place, building or room in cities of the first or second class which is affected by the provisions of article twelve of this chapter, and may enter any mercantile or other establishment specified in said article, situated in the cities of the first or second class, whenever he may have reasonable cause to believe that it is affected by the provisions of article twelve of this chapter.

4. The commissioner of labor shall visit and inspect or cause to be visited and inspected the mercantile and other establishments specified in article twelve of this chapter situated in cities of the first and second class, as often as practicable, and shall cause the provisions of said article and the rules and regulations of the industrial board to be enforced therein.

5. Any lawful municipal ordinance, by-law or regulation relating to mercantile or other establishments specified in article twelve of this chapter, in addition to the provisions of this chapter and not in conflict therewith, may be enforced by the commissioner of labor in cities of the first and second class.

Industrial hygiene.

SEC. 60 (as amended by chapter 145, Acts of 1913). The inspectors of the seventh grade shall constitute the division of industrial hygiene, which shall be under the immediate charge of the commissioner of labor. The commissioner of labor may select one of the inspectors of the seventh grade to act as the director of such division, and such director while acting in that capacity shall receive an additional compensation of five hundred dollars a year. The members of the division of industrial hygiene shall make special inspections of factories, mercantile establishments and other places subject to the provisions of this chapter, throughout the State, and shall conduct special investigations of industrial processes and conditions. The commissioner of labor shall submit to the industrial board the recommendations of the division regarding proposed rules and regulations and standards to be adopted to carry into effect the provisions of this chapter and shall advise said board concerning the operation of such rules and standards and as to any changes or modifications to be made therein. The members of such division shall prepare material for leaflets and bulletins calling attention to dangers in particular industries and the precautions to be taken to avoid them; and shall perform such other duties and render such other services as may be required by the commissioner of labor. The director of such division shall make an annual report to the commissioner of labor of the operation of the division, to which may be attached the individual reports of each member of the division as above specified, and same shall be transmitted to the legislature as part of the annual report of the commissioner of labor.

Medical inspection.

SEC. 61 (as amended by chapter 145, Acts of 1913). The inspectors of the sixth grade shall constitute the section of medical in-

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spection which shall, subject to the supervision and direction of the director of the division of industrial hygiene, be under the immediate charge of the chief medical inspector. The section of medical inspection shall inspect factories, mercantile establishments and other places subject to the provisions of this chapter throughout the State with respect to conditions of work affecting the health of persons employed therein and shall have charge of the physical examination and medical supervision of all children employed therein and shall perform such other duties and render such other services as the commissioner of labor may direct.

Bureau of statistics and information.

SEC. 62 (as amended by chapter 145, Acts of 1913). The bureau of statistics and information, shall be under the immediate charge of a chief statistician, but subject to the direction and supervision of the commissioner of labor.

Divisions.

SEC. 63 (as amended by chapter 145, Acts of 1913). 1. The bureau of statistics and information shall have five divisions as follows: General labor statistics; industrial directory; industrial accidents and diseases; special investigations; and printing and publication. There shall be such other divisions in such bureau as the commissioner of labor may deem advisable. Each of the said divisions shall, subject to the supervision and direction of the commissioner of labor and of the chief statistician, be in charge of an officer or employee of the department of labor designated by the commissioner of labor; and each of the said divisions, in addition to the duties prescribed in this chapter, shall perform such other duties as may be assigned to it by the commissioner of labor.

Labor statistics.

2. The division of general labor statistics shall collect, and prepare statistics and general information in relation to conditions of labor and the industries of the State.

Industrial directory.

3. The division of industrial directory shall prepare annually an industrial directory for all cities and villages having a population of one thousand or more according to the last preceding Federal census or State enumeration. Such directory shall contain information regarding opportunities and advantages for manufacturing in every such city or village, the factories established therein, hours of labor, housing conditions, railroad and water connections, water power, natural resources, wages and such other data regarding social, economic and industrial conditions as in the judgment of the commissioner would be of value to prospective manufacturers, and their employees. If a city is divided into boroughs the directory shall contain such information as to each borough.

Industrial accidents, etc.

4. The division of industrial accidents and diseases shall collect and prepare statistical details and general information regarding industrial accidents and occupational diseases, their causes and effects, and methods of preventing, curing and remedying them, and of providing compensation therefor.

Special investigations.

5. The division of special investigations shall have charge of all investigations and research work relating to economic and social conditions of labor conducted by such bureau.

Printing and publication.

6. The division of printing and publication shall print, publish and disseminate in such manner and to such extent as the commissioner of labor shall direct, such information and statistics as the commissioner of labor may direct for the purpose of promoting the health, safety and well-being of persons employed at labor.

Witnesses.

7. The commissioner of labor may subpœna witnesses, take and hear testimony, take or cause to be taken depositions and administer oaths.

Information to be furnished by employers.

SEC. 64 (as amended by chapter 145, Acts of 1913). The owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing establishment, or any agent, superintendent, subordinate, or employee thereof, and any person employing or directing any labor affected by the provisions of this chapter, shall, when requested by the commissioner of labor, furnish any information in his

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possession or under his control which the commissioner is authorized to require, and shall admit him or his duly authorized representative to any place which is affected by the provisions of this chapter for the purpose of inspection. A person refusing to admit such commissioner, or person authorized by him, to any such establishment, or to furnish him any information requested, or who refuses to answer or untruthfully answers questions put to him by such commissioner, in a circular or otherwise, shall forfeit to the people of the State the sum of one hundred dollars for each refusal or untruthful answer given, to be sued for and recovered by the commissioner in his name of office. The amount so recovered shall be paid into the State treasury.

Physicians to report occupational diseases.

SEC. 65 (as amended by chapter 145, Acts of 1913). 1. Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorous [phosphorus] arsenic, brass, wood alcohol, mercury or their compounds, or from anthrax, or from compressed air illness, contracted as the result of the nature of the patient's employment, shall send to the commissioner of labor a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, with such other and further information as may be required by the said commissioner.

Violation.

2. If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding ten dollars.

Enforcement.

3. It shall be the duty of the commissioner of labor to enforce the provisions of this section, and he may call upon the State and local boards of health for assistance.

Owners of factories to register.

SEC. 69 (added by chapter 335, Acts of 1912). 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.

Age limits of children in factories.

SEC. 70 (as amended by chapter 529, Acts of 1913). No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this State, or for any factory at any place in this State. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child. Nothing herein contained shall prevent a person engaged in farming from permitting his children to do farm work for him upon his farm. Boys over the age of twelve years may be employed in gathering produce, for not more than six hours in any one day, subject to the requirements of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," and all acts amendatory thereof.

The employment of a child under lawful age is of itself evidence of negligence, where the child is injured on account of such employment. Such a child is not, as a matter of law, chargeable with contributory negligence, nor with the assumption of the risks of his employment. The employer is liable for injuries, though the State makes such employment a misdemeanor. 66 N. E. Rep. 572.

Issue of certificates.

SEC. 71 (as amended by chapter 333, Acts of 1912). Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by

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such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed, viz.: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows: Proofs.

(a) Birth certificate: 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, which certificate shall be conclusive evidence of the age of such child.

(b) Certificate of graduation: A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the State of New York or elsewhere, having a course of not less than eight years, or of a school in the State of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by article twenty of the education law: *Provided*, That the record of such school shows such child to be at least fourteen years of age.

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

(d) Other documentary evidence: In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested, and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section.

(e) Physicians' certificates: In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than ninety days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such

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child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer 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 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, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child further has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement

Illiterates. that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and 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.

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.

Contents of certificates. SEC. 72. Such certificate shall state 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 been examined.

Record. SEC. 73 (as amended by chapter 144, Acts of 1913). The school record required by this article 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 or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto, or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions and has completed the work prescribed for the first six years of the public elementary school or school equivalent thereto or parochial school from which such school record is issued. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parents or guardian or custodian.

Report by board of health. SEC. 75 (as amended by chapter 144, Acts of 1913). The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each

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month, to the commissioner of labor, a list of the names of all children to whom certificates have been issued during the preceding month together with a duplicate of the record of every examination as to the physical fitness, including examinations resulting in rejection.

Certificates and school records.

In cities of the first and second class all employment certificates and school records required under the provisions of this chapter shall be in such form as shall be approved by the commissioner of labor. In towns, villages or cities other than cities of the first or second class, the commissioner of labor shall prepare and furnish blank forms for such employment certificates and school records. No school record or employment certificate required by this article, other than those approved or furnished by the commissioner of labor as above provided, shall be used. The commissioner of labor shall inquire into the administration and enforcement of the provisions of this article by all public officers charged with the duty of issuing employment certificates, and for that purpose the commissioner of labor shall have access to all papers and records required to be kept by all such officers.

Register.

SEC. 76. Each person owning or operating a factory and employing children therein shall keep or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The commissioner of labor may make demand on an employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this article, that such employer shall either furnish him, within ten days, evidence satisfactory to him 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 factory. The commissioner of labor may 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. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said factory, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall be filed with the commissioner of labor and a material false statement made in any such paper or affidavit by any person shall be a misdemeanor. In case such employer shall fail to produce and deliver to the commissioner of labor within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.

Physical examinations.

SEC. 76-a (added by chapter 200, Acts of 1913). 1. All children between fourteen and sixteen years of age employed in factories shall submit to a physical examination whenever required by a medical inspector of the State department of labor. The result of all such physical examinations shall be recorded on blanks furnished for that purpose by the commissioner of labor, and shall

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be kept on file in such office or offices of the department as the commissioner of labor may designate.

Cancellation of employment certificates.

2. If any such child shall fail to submit to such physical examination, the commissioner of labor may issue an order cancelling such child's employment certificate. Such order shall be served upon the employer of such child who shall forthwith deliver to an authorized representative of the department of labor the child's employment certificate. A certified copy of the order of cancellation shall be served on the board of health or other local authority that issued the said certificate. No such child whose employment certificate has been cancelled, as aforesaid, shall, while said cancellation remains unrevoked, be permitted or suffered to work in any factory of the State before it attains the age of sixteen years. If thereafter such child shall submit to the physical examination required, the commissioner of labor may issue an order revoking the cancellation of the employment certificate and may return the employment certificate to such child. Copies of the order of revocation shall be served upon the former employer of the child and the local board of health as aforesaid.

3. If as a result of the physical examination made by a medical inspector it appears that the child is physically unfit to be employed in a factory, such medical inspector shall forthwith submit a report to that effect to the commissioner of labor which shall be kept on file in the office of the commissioner of labor, setting forth in detail his reasons therefor, and the commissioner of labor may issue an order cancelling the employment certificate of such child. Such order of cancellation shall be served, and the child's employment certificate delivered up, as provided in subdivision two hereof, and no such child while the said order of cancellation remains unrevoked shall be permitted or suffered to work in any factory of the State before it attains the age of sixteen years. If upon a subsequent physical examination of the child by a medical inspector of the department of labor it appears that the physical infirmities have been removed, such medical inspector shall certify to that effect to the commissioner of labor, and the commissioner of labor may thereupon make an order revoking the cancellation of the employment certificate and may return the certificate to such child. The order of revocation shall be served in the manner provided in subdivision two hereof.

Nightwork of children.

SEC. 77 (as amended by chapters 539, Acts of 1912, and 465, Acts of 1913). 1. No child under the age of sixteen years shall be employed or permitted to work in or in connection with any factory in this State before eight o'clock in the morning, or after five o'clock in the evening of any day, or for more than eight hours in any one day, or more than six days in any one week.

Hours of labor.

2. No male minor under the age of eighteen years shall be employed or permitted to work in any factory in this State more than six days or fifty-four hours in any one week, or for more than nine hours in any one day, except as hereinafter provided; nor between the hours of twelve midnight and four o'clock in the morning.

Female minors.

3. No female minor under the age of twenty-one years and no woman shall be employed or permitted to work in any factory in this State more than six days or fifty-four hours in any one week; nor for more than nine hours in any one day except as hereinafter provided. No female minor under the age of twenty-one years shall be employed or permitted to work in any factory in this State before six o'clock in the morning or after nine o'clock in the evening of any day.

Notice.

4. A printed notice, in a form which shall be furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered

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to work in such factory except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons in the factory at any other hours than those stated in the printed notice, or if no such notice be posted, before seven o'clock in the morning or after six o'clock in the evening, shall constitute prima facie evidence of a violation of this section.

Time books.

5. In a factory wherein, owing to the nature of the work, it is practically impossible to fix the hours of labor weekly in advance the commissioner of labor, upon a proper application stating facts showing the necessity therefor, shall grant a permit dispensing with the notice hereinbefore required, upon condition that the daily hours of labor be posted for the information of employees and that a time book in a form to be approved by him, giving the names and addresses of all female employees and the hours worked by each of them in each day, shall be properly and correctly kept, and shall be exhibited to him or any of his subordinates promptly upon demand. Such permit shall be kept posted in such place in such factory as such commissioner may prescribe, and may be revoked by such commissioner at any time for failure to post it or the daily hours of labor or to keep or exhibit such time book as herein provided.

Employment in two or more factories.

6. Where a female or male minor is employed in two or more factories or mercantile establishments in the same day or week the total time of employment must not exceed that allowed per day or week in a single factory or mercantile establishment; and any person who shall require or permit a female to work in a factory between the hours of six o'clock in the evening and seven o'clock in the morning in violation of the provisions of this subdivision of this section, with or without knowledge of the previous or other employment, shall be liable for a violation thereof.

Violations.

Work in excess of nine hours.

SEC. 78 (as amended by chapters 539, Acts of 1912, and 465, Acts of 1913). 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 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 subdivision two of section seventy-seven relating to maximum hours shall not apply to the employment of male 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.

3. A female eighteen years of age or upwards may, notwithstanding the provisions of subdivision three of section seventy-seven of this chapter, be employed in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October in each year not more than six days or sixty hours in any one week nor more than ten hours in any one day; and the industrial board shall have power to adopt rules and regulations permitting the employment of women eighteen years of age and upwards on such work in such establishments between the twenty-fifth day of June and the fifth day of August in each year not more than six days nor more than sixty-six hours in any one week nor more than twelve hours in any one day, if said board shall find that such employment is required by the needs of such industry and can be permitted without serious injury to the health of women so employed. The provisions of this subdivision shall have no application unless the daily hours of labor shall be posted for the information of employees and a time book in a form approved by

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the commissioner of labor, giving the names and addresses of all female employees and the hours of work by each of them in each day shall be properly and correctly kept and shall be exhibited to him or any of his subordinates promptly upon demand. No person shall knowingly make or permit or suffer to be made a false entry in any such time book.

Construction and operation of elevators.

SEC. 79 (as amended by chapter 202, Acts of 1913). 1. Every hoistway, hatchway or wellhole used for carrying passengers or employees, or for freight elevators, hoisting or other purpose, shall be protected on all sides at each floor including the basement, by substantial vertical inclosures. All openings in such inclosures shall be provided with self-closing gates not less than six feet high or with properly constructed sliding doors. In the case of elevators used for carrying passengers or employees, such inclosures shall be flush with the hatchway and shall extend from floor to ceiling on every open side of the car, and on every other side shall be at least six feet high, and such enclosures shall be free from fixed obstructions on every open side of the car. In

Shafts.

the case of freight elevators the enclosures shall be flush with the hoistway on every open side of the car. In place of the inclosures herein required for freight elevators, every hatchway used for freight elevator purposes may be provided with trap doors so constructed as to form a substantial floor surface when closed and so arranged as to open and close by the action of the car in its passage both ascending and descending: *Provided*, That in addition to such trapdoors, the hatchway shall be adequately protected on all sides at all floors, including the basement, by a substantial railing or other vertical inclosure at least three feet in height.

Guards.

2. All counterweights of every elevator shall be adequately protected by proper inclosures at the top and bottom of the run. The car of all elevators used for carrying passengers or employees shall be substantially enclosed on all sides, including the top, and such car shall at all times be properly lighted, artificial illuminants to be provided and used when necessary. The top of every freight elevator car or platform shall be provided with a substantial grating or covering for the protection of the operator thereof, in accordance with such rules and regulations as may be adopted with reference thereto by the industrial board.

New buildings.

3. The provisions of subdivisions one and two of this section shall apply only to factory buildings heretofore erected. In all factory buildings hereafter erected, every elevator and every part thereof and all machinery connected therewith and every hoistway, hatchway and wellhole shall be so constructed, guarded, equipped, maintained and operated as to be safe for all persons using the same.

General provisions.

4. In every factory building heretofore erected or hereafter erected, all inclosures, doors and gates of hoistways, hatchways or wellholes, and all elevators therein used for the carrying of passengers or employees or freight, and the gates and doors thereof shall at all times be kept in good repair and in a safe condition. All openings leading to elevators shall be kept well lighted at all times during working hours, with artificial illumination when necessary. The cable, gearing and other apparatus of elevators used for carrying passengers or employees or freight shall be kept in a safe condition.

Industrial board.

5. The industrial board shall have power to make rules and regulations not inconsistent with the provisions of this chapter regulating the construction, guarding, equipment, maintenance and operation of elevators and all parts thereof, and all machinery connected therewith and hoistways, hatchways and wellholes, in order to carry out the purpose and intention of this section.

Construction of new factory buildings.

SEC. 79-a (added by chapter 461, Acts of 1913). No factory shall be conducted in any building hereafter erected more than one story in height unless such building shall conform to the following requirements:

Fireproofing.

1. All buildings more than four stories in height shall be of fireproof construction. The roofs of all buildings shall be covered

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with incombustible material or shall be of tar and slag or plastic cement supported by or applied to arches of fireproof material, and the cornices shall be constructed of incombustible material. All exterior walls within twenty-five feet of any nonfireproof building shall be not less than eight inches thick and shall extend three feet above the roof.

Exits.

2. The term floor area as used in this section signifies the entire space between fire walls, or between a fire wall and an exterior wall of a building, or between the exterior walls of the building where there is no intervening fire wall. From every floor area there shall be not less than two means of exit remote from each other, one of which on every floor above the ground floor shall be an interior enclosed fireproof stairway or an exterior enclosed fireproof stairway, and the other shall be such a stairway or a horizontal exit. No point in any floor area shall be more than one hundred feet distant from the entrance to one such means of exit. Whenever any floor area exceeds five thousand square feet there shall be provided at least one additional means of exit as hereinbefore described for each five thousand square feet or part thereof in excess of five thousand square feet. In every building over one hundred feet in height there shall be at least one exterior enclosed fireproof stairway which shall be accessible from any point in the building.

Stairways.

3. All stairways shall be constructed of incombustible material and shall have an unobstructed width of at least forty-four inches throughout their length, except that handrails may project not more than three and one-half inches into such width. There shall be not more than twelve feet six inches in height between successive landings. The treads shall be not less than ten inches wide exclusive of nosing, and the rise shall be not more than seven and three-fourths inches. No stairway with "winders" shall be allowed except as a connection from one floor to another. The treads shall be constructed and maintained in such manner as to prevent persons from slipping thereon. Every stairway shall be enclosed on all sides by fireproof partitions extending continuously from the lowest story to which such stairway extends to three feet above the roof and the roof of the enclosure shall be constructed of fireproof material at least four inches thick with a skylight at least three-fourths the area of the shaft. All stairways serving as required means of exit shall extend to the roof and shall lead continuously to the street or to a fireproof passageway independent of other means of exit from the building, opening on a road or street, or to an open area affording unobstructed passage to a road or street. All stairways that extend to the top story shall be continued to the roof. Provision shall be made for the adequate lighting of all stairways by artificial light.

Doors.

4. All doors shall open outwardly. The width of the hallways and exit doors leading to the street, at the street-level, shall be not less than the aggregate width of all stairways leading to them. Every door leading to or opening on a stairway shall have an unobstructed width of at least forty-four inches.

Partitions.

5. All partitions in the interior of buildings of fireproof construction shall be of incombustible material.

Enclosure of openings.

6. All elevator and dumb-waiter shafts, vent and light shafts, pipe and duct shafts, hoistways and all other vertical openings leading from one floor to another shall be enclosed throughout their height on all sides by enclosures of fireproof material. Every such enclosure shall have a roof of fireproof material and if the enclosure extends to the top story it shall be continued to three feet above the roof of the building and shall have at the top a skylight in a metal frame at least three-fourths of the area of the shaft or exterior window with metal frame and sash. The bottom of the enclosure shall be of fireproof material unless the opening extends to the cellar bottom. All openings in such enclosures shall be provided with fireproof doors, except that openings in the enclosures of vent and light shafts shall be provided either with fireproof doors or with windows having metal frames and sash and wired glass where glass is used.

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Requirements for existing buildings.

SEC. 79–b (added by chapter 461, Acts of 1913). No factory shall be conducted in any building heretofore erected unless such building shall conform to the following requirements:

Exits.

1. Every building over two stories in height shall be provided on each floor with at least two means of exit or escape from fire, remote from each other, one of which on every floor above the ground floor shall lead to or open on an interior stairway which in buildings over four stories in height shall be enclosed as hereinafter provided, or to an exterior enclosed fireproof stairway. The other shall lead to such a stairway; or to a horizontal exit; or to an exterior screened stairway; or when, in the opinion of the industrial board the safety of the occupants of the building would not be endangered thereby, to fire escapes on the outside of the building. No point on any floor of such factory shall be more than one hundred feet distant from the entrance to one such means of exit. Whenever egress may be had from the roof to an adjoining or near-by structure, every stairway serving as a required means of exit shall be extended to the roof. All such stairways shall extend to the first story and lead to the street, or to an unobstructed passageway leading to a street or road or to an open area affording safe passage to a street or road.

Stairways.

2. All interior stairways serving as required means of exit in buildings more than four stories in height and the landings, platforms and passageways connected therewith shall be enclosed on all sides by partitions of fire-resisting material extending continuously from the basement. Where the stairway extends to the top floor of the building such partitions shall extend to three feet above the roof. All openings in such partitions shall be provided with self-closing doors constructed of fire-resisting material except where such openings are in the exterior wall of the building. All such partitions and the doors provided for the openings therein shall be constructed in such manner as the industrial board may prescribe by its rules and regulations. Whenever, in the case of any existing buildings not over six stories in height, the industrial board shall find that the requirements of this and the last preceding subdivision relating to stairway enclosures can be dispensed with or modified without endangering the safety of persons employed in such buildings, the industrial board shall have power to adopt such rules and regulations as may, in its opinion, meet the conditions existing in such buildings, which rules and regulations may make said requirements inapplicable or modify the same in such manner as it may find to be adapted to securing the safety of persons employed therein. The industrial board shall have power to adopt rules and regulations permitting, under conditions therein prescribed, as a substitute for the stairway enclosures herein required the use of partitions heretofore constructed in such manner and of such fire-resisting material as have heretofore been approved by the local authorities exercising supervision over the construction and alteration of buildings. In such cases, however, every opening in the enclosing partitions shall be provided with fire doors.

Doors.

3. Where five or more persons are employed on any floor of a factory building every door on such floor leading to or opening on any means of exit shall open outwardly or be double swinging doors. All exit doors in the first story, including the doors of the vestibule, shall open outwardly.

Fire escapes.

4. All outside fire escapes shall be constructed of wrought iron or steel and shall be so designed, constructed and erected as to safely sustain on all platforms, balconies and stairways a live load of not less than ninety pounds per square foot with a factor of safety of four. Wherever practicable, a continuous run or straight run stairway shall be used. On every floor above the first there shall be balconies or landings embracing one or more easily accessible and unobstructed openings at each floor level, connected with each other and with the ground by means of a stairway constructed as hereinafter provided and well fastened

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and secured. All openings leading to outside fire escapes shall have an unobstructed width of at least two feet and an unobstructed height of at least six feet and shall extend to the floor level or within six inches thereof, and shall be not more than seven inches above the floor of the fire escape balcony. Such openings shall have metal frames and be provided with doors constructed of fireproof material with wired glass where glass is used. All windows opening upon the course of the fire escape shall be fireproof windows. The balconies shall have an unobstructed width of at least four feet throughout their length and shall have a landing not less than twenty-four inches square at the head of every stairway. There shall be a passageway between the stairway opening and the side of the building at least eighteen inches wide throughout except where the stairways reach and leave the balconies at the ends or where double run stairways are used. The stairway opening of the balconies shall be of a size sufficient to provide clear headway and shall be guarded on the long side by an iron railing not less than three feet in height. Each balcony shall be surrounded by an iron railing not less than three feet in height thoroughly and properly braced. The balconies shall be connected by stairways not less than twenty-two inches wide placed at an incline of not more than forty-five degrees, with steps of not less than eight-inch tread and not over eight-inch rise and provided with a handrail not less than three feet in height. The treads of such stairways shall be so constructed as to sustain a live load of four hundred pounds per step with a factor of safety of four. There shall be a similar stairway from the top floor balcony to the roof, except where the fire escape is erected on the front of the building. A similar stairway shall also be provided from the lowest balcony to a safe landing place beneath, which stairway shall remain down permanently or be arranged to swing up and down automatically by counterbalancing weights. When not erected on the front of the building, safe and unobstructed egress shall be provided from the foot of the fire escape by means of an open court or courts or a fireproof passageway having an unobstructed width of at least three feet throughout leading to the street, or by means of an open area having communication with the street; such fireproof passageway shall be adequately lighted at all times and the lights shall be so arranged as to ensure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

Exceptions.

5. The provisions of subdivision four shall not apply where at the time this act takes effect there are outside fire escapes with balconies on each floor of the building connected with stairways placed at an angle of not more than sixty degrees: *Provided*, That such existing outside fire escapes have or shall be provided with the following:

A stairway leading from the top floor balcony to the roof, except where the fire escapes are erected on the front of the building; a stairway not less than twenty-two inches wide from the lowest balcony to a safe landing place beneath, which stairway remains down permanently or is arranged to swing up and down by counterbalancing weights; a safe and unobstructed exit to the street from the foot of such fire escapes as provided in subdivision four hereof; steps connecting the sill of every opening leading to the fire escapes with the floor wherever such sill is more than three feet above the floor level; and all openings leading to the fire escapes provided with windows having metal frames and sash and with wired glass where glass is used, or with doors constructed in accordance with the requirements of subdivision four; and all windows opening upon the course of the fire escape provided with fireproof windows.

Additional requirements.

SEC. 79-c (added by chapter 461, Acts of 1913). No factory shall be conducted in any building unless such building shall be so constructed, equipped and maintained in all respects as to afford adequate protection against fire to all persons employed therein, nor

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unless, in addition to the requirements of section seventy-nine-a in the case of a building hereafter erected or of section seventy-nine-b in the case of a building heretofore erected, such building shall conform to the following requirements:

Stairways. 1. Stairways shall be provided with proper and substantial handrails. Where the stairway is enclosed by fireproof partitions the bottom of the enclosure shall be of fireproof material at least four inches thick unless the fireproof partitions extend to the cellar bottom. All stairways that extend to the top story shall be continued to the roof.

Doors and windows. 2. No door, window or other opening on any floor of a factory building shall be obstructed by stationary metal bars, grating or wire mesh. Metal bars, grating or wire mesh provided for any such door, window or other opening shall be so constructed as to be readily movable or removable from both sides in such manner as to afford the free and unobstructed use of such door, window or other opening as a means of egress in case of need and they shall be left unlocked during working hours. Every door opening on a stairway or other means of exit shall so open as not to obstruct the passageway. A clearly painted sign marked "exit" in letters not less than eight inches in height shall be placed over all exits leading to stairways and other means of egress, and in addition a red light shall be placed over all such exits for use in time of darkness.

Access to exits. 3. There shall at all times be maintained continuous, safe, unobstructed passageways on each floor of the building, with an unobstructed width of at least three feet throughout their length leading directly to every means of egress, including outside fire-escapes and passenger elevators. All means of egress shall be maintained in an unobstructed condition. No door leading into or out of any factory or any floor thereof shall be locked, bolted or fastened during working hours.

Industrial board. 4. The industrial board shall have power to adopt rules and regulations and establish requirements and standards for construction, equipment and maintenance of factory buildings or of particular classes of factory buildings and the means and adequacy of exit therefrom in order to carry out the purposes of this chapter in addition to the requirements of this section and of sections seventy-nine-a and seventy-nine-b, and not inconsistent therewith.

Effect of law. SEC. 79–d (added by chapter 461, Acts of 1913. 1. The requirements of sections seventy-nine-a, seventy-nine-b and seventy-nine-c are not in substitution for the requirements of any general or special law or local ordinance relating to the construction, equipment or maintenance of buildings. but the provisions of such general and special laws and local ordinances shall be observed as well as the provisions of said sections. The provisions of sections seventy-nine-a, seventy-nine-b and seventy-nine-c shall supersede all provisions inconsistent therewith in any special law or local ordinance, and any provision of law or ordinance which gives power to any officer to establish requirements inconsistent with the provisions of such sections or the rules and regulations adopted by the industrial board under the provisions of this article.

Inspection. 2. The officer of any city, village or town having power to inspect buildings therein for the purpose of determining their conformity to the requirements of law or ordinance governing the construction thereof, shall, whenever requested by the commissioner of labor, inspect any factory building therein and certify to the commissioner of labor in detail whether or not such building conforms to the requirements of this chapter and the rules and regulations of the industrial board, and such certificate shall be filed in the office of the commissioner of labor and shall be presumptive evidence of the truth of the matters therein stated.

Approval of plans. 3. Before construction or alteration of a building in which it is intended to conduct one or more factories, the plans and specifications for such construction or alteration may be submitted to the commissioner of labor and filed in his office in such form

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and with such information as may be required by him or by the rules and regulations of the industrial board, and if such plans and specifications comply with the requirements of this chapter and the rules and regulations of the industrial board, he shall issue his certificate approving the same, which certificate shall bear the date when issued. Whenever any certificate shall be issued by the commissioner of labor under this section the particulars of such certificate shall be recorded and indexed in the records of his office. Before issuing any such certificate the commissioner of labor may request the officer of the city, village or town in which such building is located having power to examine and pass upon plans for construction of buildings with reference to their conformity to the requirements of law or ordinance governing the construction thereof, to examine such plans and specifications and to certify to the commissioner of labor whether or not such plans and specifications conform to the requirements of this chapter and the rules and regulations of the industrial board, and such officer shall thereupon make such examination and so certify in detail to the commissioner of labor and such certificate shall be filed in the office of the commissioner of labor and shall be presumptive evidence of the truth of the matters therein stated.

Certificates.

4. After such construction or alteration shall be completed, the commissioner of labor shall, when requested by the owner or person filing such plans, ascertain by inspection or in the manner provided in subdivision two of this section, whether such building conforms to the requirements of this chapter and the rules and regulations of the industrial board; and if he finds that it does conform thereto, shall issue his certificate to that effect, which shall bear the date when issued.

Number of occupants permitted.

SEC. 79-e (added by chapter 461, Acts of 1913). The number of persons who may occupy any factory building or portion thereof above the ground floor shall be limited to such a number as can safely escape from such building by the means of exit provided in the building.

1. In buildings hereafter erected no more than fourteen persons shall be employed or permitted or suffered to work on any one floor for every full twenty-two inches in width of stairway conforming to the requirements for a required means of exit except as to extension to the roof, provided for such floor. No allowance shall be made for any excess in width of less than twenty-two inches.

2. In buildings heretofore erected no more than fourteen persons shall be employed or permitted or suffered to work on any one floor for every eighteen inches in width of stairway provided for such floor and conforming to the requirements for a required means of exit except as to extension to the roof, and for any excess in width of less than eighteen inches, a proportionate increase in the number of occupants shall be allowed. Where the industrial board shall find that the safety of the occupants of any such building will not be endangered thereby, it may allow an increase in the number of occupants of any floor in such building to a number not greater than at the rate of twenty persons for every eighteen inches in width of such stairway provided for such floor, with a proportionate increase in the number of occupants for any excess in width of less than eighteen inches.

3. In any building for every additional sixteen inches over ten feet in height between two floors, one additional person may be employed on the upper of such floors for every eighteen inches in width of stairway leading therefrom to the lower of such floors in buildings heretofore erected, and one for every twenty-two inches in width of such stairway in buildings hereafter erected: *Provided*, That such stairways conform to the requirements for required means of exit except as to extension to the roof.

4. In any building, if any stairway has steps of the type known as "winders," a deduction of ten per centum shall be made in counting the capacity of such stairway.

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5. In any building where the stairways and stair halls are enclosed in fireproof partitions or where, at the time this act takes effect, the stairways and stair halls are enclosed in partitions of brick, concrete, terra cotta blocks or reinforced concrete constructed in a manner heretofore approved by the superintendent of buildings of the city of New York having jurisdiction if in such city, or elsewhere in the State, in a manner conforming to the rules and regulations to be adopted by the industrial board under the provisions of subdivision two of section seventy-nine-b, all openings in which enclosing partitions are or shall hereafter be provided with fireproof doors, in either of such cases so many additional persons may be employed on any floor as can occupy the enclosed stair hall or halls on that floor, allowing five square feet of unobstructed floor space per person.

6. In any building where a horizontal exit is provided on any floor such number of persons may be employed on such floor as can occupy the smaller of the two spaces on such floor on either side of the fireproof partitions or fire walls, or as can occupy the floor of an adjoining or near-by building which is connected with such floor by openings in the wall or walls between the buildings or by exterior balconies or bridges, in addition to the occupants of such connected floor in such adjoining or near-by building, allowing five square feet of unobstructed floor space per person: *Provided*, That the partitions or walls or balconies through which the horizontal exit is provided to such other portion of the same building or to such adjoining or near-by building shall have doorways of sufficient width to allow eighteen inches in width of opening for each fifty persons or fraction thereof so permitted to be employed on such floor in the case of horizontal exits heretofore constructed and twenty-two inches in the case of horizontal exits hereafter constructed.

7. In any building heretofore erected of fireproof construction, where any floor is subdivided by partitions of brick, terra cotta or concrete not less than four inches thick extending continuously from the fireproofing of the floor to the underside of the fireproofing of the floor above, with all openings protected by fireproof doors not less than forty-four inches nor more than sixty-six inches in width, and in which all the windows on such floor and on the two floors directly underneath are fireproof windows, such number of persons may be employed on such floor as can occupy the smaller of the two spaces on either side of such partitions, allowing five square feet of unobstructed floor space per person: *Provided*, There shall be on each side of said partitions at least one stairway conforming to the requirements for a required means of exit: *And provided further*, That such partitions have doorways of sufficient width to allow eighteen inches in width of openings for each fifty persons or fraction thereof so permitted to occupy such floor, and that such doorways shall be kept unlocked and unobstructed during working hours. The provisions of this subdivision shall apply to any fireproof building heretofore erected which may hereafter be made to conform to the requirements of this section.

8. In any building the number of persons permitted to be employed on any one floor under the provisions of subdivisions one, two and three of this section may be increased fifty per centum where there is constructed, installed and maintained throughout the building an automatic sprinkler system conforming to the requirements of section eighty-three-b of this chapter and to the rules and regulations of the industrial board.

9. In any building, the number of persons who may be employed on any one floor shall in no event exceed such number as can occupy such floor, allowing thirty-six square feet of floor space per person if the building is not of fireproof construction, and thirty-two square feet of floor space per person if the building is of fireproof construction.

10. Where one floor is occupied by more than one tenant, the industrial board shall have power to make rules and regulations

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prescribing how many of the persons allowed to occupy such floor under the provisions of this section, may occupy the space of each tenant.

11. In every factory, two stories or over in height, the commissioner of labor shall cause to be posted notices specifying the number of persons that may occupy each floor thereof in accordance with the provisions of this section. Every such notice shall be posted in a conspicuous place in every stair hall and workroom. If any one floor is occupied by more than one tenant, such notices shall be posted in the space occupied by each tenant, and shall state the number of persons that may occupy such space. Every such notice shall bear the date when posted.

Definitions and regulations.

SEC. 79-f (added by chapter 461, Acts of 1913). The following terms when used in this article shall have the following meaning:

Fireproof construction.

1. Fireproof construction. A building shall be deemed to be of fireproof construction if it conforms to the following requirements: All walls constructed of brick, stone, concrete or terra cotta; all floors and roofs of brick, terra cotta or reinforced concrete placed between steel or reinforced concrete beams and girders; all the steel entering into the structural parts encased in at least two inches of fireproof material, excepting the wall columns, which must be encased in at least eight inches of masonry on the outside and four inches on the inside; all stairwells, elevator wells, public hallways and corridors enclosed by fireproof partitions; all doors, fireproof; all stairways, landings, hallways and other floor surfaces of incombustible material; no woodwork or other combustible material used in any partition, furring, ceiling or floor; and all window frames, doors and sash, trim and other interior finish of incombustible material; all windows shall be fireproof windows except that in buildings under seventy feet in height fireproof windows are required only when within thirty feet of another building or opening on a court or space less than thirty feet wide; except that in buildings under one hundred feet in height there may be wooden sleepers and floor finish and wooden trim, and except that in buildings under one hundred and fifty feet in height heretofore constructed there may be wooden sleepers, floor finish and trim and the windows need not be fireproof windows, excepting when such windows are within thirty feet of another building.

2. Fireproof material is material which is incombustible and is capable of resisting the effect of fire in such manner and to such extent as to insure the safety of the occupants of the building. The industrial board shall determine and in its rules and regulations shall specify what materials are fireproof materials within the meaning hereof. The industrial board shall also determine and in its rules and regulations shall specify what materials, not being fireproof materials within the meaning hereof, are fire-resisting materials. Fire-resisting material, when required by any of the provisions of this chapter, shall conform to requirements of such rules and regulations.

3. Incombustible material is material which will not burn or support combustion.

4. A fire wall is a wall constructed of brick, concrete, terra cotta blocks or reinforced stone concrete, and having at each floor level one or more openings each protected by fire doors so constructed as to prevent the spread of fire or smoke through the openings. In buildings of nonfireproof construction fire walls shall be at least twelve inches in thickness and shall extend continuously from the cellar floor through the entire building and at least three feet over the roof and be coped; except that walls heretofore erected not less than eight inches in thickness, but otherwise conforming to the requirements of this subdivision shall be considered fire walls within the meaning of this subdivision. No opening in such wall shall exceed sixty-six inches in width or sixty square feet in area, except that where openings not exceeding eight feet in width exist in fire walls heretofore erected, such walls may be considered fire walls within the meaning of this subdi-

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vision, and in the case of fire walls hereafter constructed no two openings in the same wall and at the same floor level shall be nearer than forty feet from the center of one opening to the center of another. Every opening in a fire wall shall be protected by a fire door closing automatically on each side of the wall. At every opening in the fire wall there shall be an incombustible floor finish extending over the floor for the full thickness of the wall so as to completely separate the woodwork of the floors on each side of the fire wall. In fireproof buildings the fire walls shall comply with the foregoing requirements in all respects excepting that they may be of the thickness required by the provisions of this section with respect to fireproof partitions; such fire walls and fireproof partitions shall be continuous, from the cellar floor to the under side of the fireproof roof.

Partitions, etc.

5. Fireproof partitions shall be built of brick, concrete, reinforced concrete or terra cotta blocks. When built of brick or concrete they shall be not less than eight inches in thickness for the uppermost forty feet, and shall increase four inches in thickness for each additional lower forty feet or part thereof; or, when wholly supported by suitable steel framing at vertical intervals of not over forty feet, they may be eight inches in thickness throughout their entire height. When wholly supported at vertical intervals of not over twenty-five feet, and built of terra cotta blocks, they shall be not less than six inches in thickness and when so supported and built of reinforced stone concrete, they shall be not less than four inches in thickness. The supporting steel framework shall be properly encased on all sides by not less than two inches of fireproof material, securely fastened to the steel work. All openings in such partitions shall be provided with fire doors.

6. Fire doors. Fire doors shall be metal-covered doors, or doors of such other material as shall be specified in the rules and regulations of the industrial board. They shall be provided with self-closing devices and have incombustible sills. The industrial board shall determine, and in its rules and regulations shall specify, the material and mode and manner of construction and erection of such doors.

7. Fireproof windows shall be windows constructed of metal frames and sash and provided with wired glass and of the automatic, self-closing type.

8. Exterior enclosed fireproof stairways shall be stairways completely enclosed from top to bottom by walls of fireproof material not less than eight inches thick extending from the sidewalk, court or yard level to the roof, and with walls extending above the roof so as to form a bulkhead. The stairway shall in all other respects conform to the requirements of this article in regard to enclosed stairways. There shall be no opening in any wall separating the exterior enclosed fireproof stairway from the building. Access shall be provided to the stairway from every floor of the building by means of an outside balcony or vestibule of steel, iron or masonry. Every such balcony or vestibule shall have an unobstructed width of at least forty-four inches and shall be provided with a fireproof floor and a railing of incombustible material not less than three feet high. Access to such balconies from the building and to the stairway from the balconies, shall be by means of fire doors. The level of the balcony floor shall be not more than seven inches below the level of the doorsill of the building. The doors shall be not less than forty-four inches wide and shall swing outward onto the balcony and inward from the balcony to the stairway, and shall be provided with locks or latches with visible fastenings requiring no key to open them in leaving the building. The landings in such stairways shall be of such width that the doors in opening into the stairway shall not reduce the free passageway of the landings to a width less than the width of the stairs. Every such stairway shall be provided with a proper lighting system which shall furnish adequate light and shall be so arranged as to ensure its reliable operation when,

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through accident or other cause, the regular factory lighting is extinguished. The balconies giving access to such stairways shall be open on at least one side upon an open space not less than one hundred square feet in area.

Exits.

9. Horizontal exit. A horizontal exit shall be the connection by means of one or more openings not less than forty-four inches wide, protected by fire doors, through a fire wall in any building, or through a wall or walls between two buildings, which doors shall continuously be unlocked and the opening unobstructed whenever any person is employed on either side of the opening. Exterior balconies and bridges not less than forty-four inches in width connecting two buildings and not having a gradient of more than one foot fall in six, may also be counted as horizontal exits when the doors opening out upon said balconies or bridges are fireproof doors and are level with the floors of the building, and when all doors of both buildings opening on such balconies or bridges are continuously kept unlocked and unobstructed whenever any person is employed on either side of the exit, and when such balconies or bridges are built of incombustible material and are capable of sustaining a live load of not less than ninety pounds per square foot with a factor of safety of four; and when such balconies or bridges are enclosed on all sides to a height of not less than six feet and on top and bottom by fireproof material, unless all windows or openings within thirty feet of such balconies in the connected buildings shall be encased in metal frames and sash and shall have wired glass where glass is used. In any case there shall be on each side of the wall or partition containing the horizontal exit and independent of said horizontal exit, at least one stairway conforming to the requirements for a required means of exit.

10. Exterior screened stairways used as one of the required means of exit in buildings heretofore erected shall be built of incombustible material. The risers of the stairs shall be not more than seven and three-quarters inches in height and the treads not less than ten inches wide. On each floor there shall be a balcony connecting with the stairs. Access to the balconies shall be by means of fire doors that shall open outwardly, so as not to obstruct the passageway, or slide freely, and shall extend to the floor level. All windows or other openings opening upon the course of such stairs shall be fireproof. The level of the balcony floor shall not be more than seven inches below the level of the doorsill. The stairs shall continue from the roof to the ground level, and there shall be independent means of exit from the bottom of such stairs to the street or to an open court or to a fireproof enclosed passageway leading to the street or to an open area having communication with the street or road. The balconies and stairs shall be enclosed in a screen of incombustible material.

11. The provisions of subdivisions four to nine inclusive of this section shall apply to all buildings hereafter erected and to all construction hereafter made in buildings heretofore erected. The industrial board shall adopt rules and regulations regulating construction heretofore made in buildings heretofore erected requiring compliance with such of the requirements of the said subdivisions or with such other or different requirements as said board may find to be reasonable and adequate to protect persons employed in such buildings against fire.

Guards for machinery, etc.

SEC. 81 (as amended by chapter 286, Acts of 1913). 1. The owner or person in charge of a factory where machinery is used, shall provide, as may be required by the rules and regulations of the industrial board, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. Every vat and pan wherever set so that the opening or top thereof is at a lower level than the elbow of the operator or operators at work about the same shall be protected by a cover which shall be maintained over the same while in use in such manner as effectu-

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ally to prevent such operators or other persons falling therein or coming in contact with the contents thereof, except that where it is necessary to remove such cover while any such vat or pan is in use, such vat or pan shall be protected by an adequate railing around the same. Every hydro-extractor shall be covered or otherwise properly guarded while in motion. Every saw shall be provided with a proper and effective guard. Every planer shall be protected by a substantial hood or covering. Every hand-planer or jointer shall be provided with a proper and effective guard. All cogs and gearing shall be boxed or cased either with metal or wood. All belting within seven feet of the floors shall be properly guarded. All revolving shafting within seven feet of the floors shall be protected on its exposed surface by being encased in such a manner as to effectively prevent any part of the body, hair or clothing of the operators or other persons from coming in contact with such shafting. All set-screws, keys, bolts and all parts projecting beyond the surface of revolving shafting shall be countersunk or provided with suitable covering, and machinery of every description shall be properly guarded and provided with proper safety appliances or devices. All machines, machinery, apparatus, furniture and fixtures shall be so placed and guarded in relation to one another as to be safe for all persons. Whenever any danger exists which requires any special care as to the character and condition of the clothing of the persons employed thereabouts, or which requires the use of special clothing or guards, the industrial board may make rules and regulations prescribing what shall be used or worn for the purpose of guarding against such danger and regulating the provision, maintenance and use thereof. No person shall remove or make ineffective any safeguard or safety appliance or device around or attached to machinery, vats or pans, unless for the purpose of immediately making repairs thereto or adjustment thereof, and any person who removes or makes ineffective any such safeguard, safety appliance or device for a permitted purpose shall immediately replace the same when such purpose is accomplished. It shall be the duty of the employer and of every person exercising direction or control over the person who removes such safeguard, safety appliance or device, or over any person for whose protection it is designed to see that a safeguard or safety appliance or device that has been removed is promptly and properly replaced. All fencing, safeguards, safety appliances and devices must be constantly maintained in proper condition. When in the opinion of the commissioner of labor a machine or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, the use thereof shall be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed except by an authorized representative of the department of labor, nor until the machinery is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such unsafe or dangerous machinery shall not be used. The industrial board may make rules and regulations regulating the installation, position, operation, guarding and use of machines and machinery in operation in factories, the furnishing and use of safety devices and safety appliances for machines and machinery and of guards to be worn upon the person, and other cognate matters, whenever it finds such regulations necessary in order to provide for the prevention of accidents in factories.

Power of industrial board.

Dust-creating machinery.

2. All grinding, polishing or buffing wheels used in the course of the manufacture of articles of the baser metals shall be equipped with proper hoods and pipes and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove all matter thrown off such wheels in the course of their use. Such fan shall be kept running constantly while such grinding, polishing or buffing wheels are in operation; except that in case of wet-grinding it is unnecessary to comply with this provision unless required by the rules and regulations of the industrial board. All

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machinery creating dust or impurities shall be equipped with proper hoods and pipes and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove such dust or impurities; such fan shall be kept running constantly while such machinery is in use; except where, in case of wood-working machinery, the industrial board shall decide that it is unnecessary for the health and welfare of the operatives.

Lighting.

3. All passageways and other portions of a factory, and all moving parts of machinery which are not so guarded as to prevent accidents, where, on or about which persons work or pass or may have to work or pass in emergencies, shall be kept properly and and [sic] sufficiently lighted during working hours. The halls and stairs leading to the workrooms shall be properly and adequately lighted, and a proper and adequate light shall be kept burning by the owner or lessee in the public hallways near the stairs, upon the entrance floor and upon the other floors on every workday in the year, from the time when the building is open for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights shall be so arranged as to insure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

4. All workrooms shall be properly and adequately lighted during working hours. Artificial illuminants in every workroom shall be installed, arranged and used so that the light furnished will at all times be sufficient and adequate for the work carried on therein, and so as to prevent unnecessary strain on the vision or glare in the eyes of the workers. The industrial board may make rules and regulations to provide for adequate and sufficient natural and artificial lighting facilities in all factories.

Failure to provide the guard for a saw directed by subsection 1, above, makes the machinery defective within the meaning of the provisions of section 200 fixing the employer's liability for defects in the condition of machinery. 99 N. E. 81.

The employee does not assume the risk created by the employer's failure to guard as prescribed by the statute. 99 N. E. 1042.

Fire alarm signals.

SEC. 83-a (added by chapter 330, Acts of 1912; as amended by chapter 203, Acts of 1913). 1. Every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor shall be equipped with a fire alarm signal system with a sufficient number of signals clearly audible to all occupants thereof. The industrial board may make rules and regulations prescribing the number and location of such signals. Such system shall be installed by the owner or lessee of the building and shall permit the sounding of all the alarms within the building whenever the alarm is sounded in any portion thereof. Such system shall be maintained in good working order. No person shall tamper with, or render ineffective any portion of said system except to repair the same. It shall be the duty of whoever discovers a fire to cause an alarm to be sounded immediately.

Fire drills.

2. In every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor, a fire drill which will conduct all the occupants of such building to a place of safety and in which all the occupants of such building shall participate simultaneously shall be conducted at least once a month.

In the city of New York the fire commissioner of such city, and in all other parts of the State, the State fire marshal shall cause to be organized and shall supervise and regulate such fire drills, and shall make rules, regulations and special orders necessary or suitable to each situation and in the case of buildings containing more than one tenant, necessary or suitable to the adequate cooperation of all the tenants of such building in a fire drill of all the occupants thereof. Such rules, regulations and orders may prescribe upon whom shall rest the duty of carrying out the same. Such special orders may require posting of the same or an abstract thereof. A demonstration of such fire drill

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shall be given upon the request of an authorized representative of the fire department of the city, village or town in which the factory is located, and, except in the city of New York, upon the request of the State fire marshal or any of his deputies or assistants.

Enforcement. 3. 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.

What factories to have sprinklers. SEC. 83-b (added by chapter 332, Acts of 1912). 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.

Disposal of waste materials. SEC. 83-c (added by chapter 329, Acts of 1912; as amended by chapter 194, Acts of 1913). 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 or 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, except that baled waste material may be stored in fireproof enclosures: *Provided*, That all such baled waste material shall be removed from such building at least once in each month.

Gas jets. 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.

Smoking. 3. No person shall smoke in any factory. A notice of such prohibition stating the penalty for violation thereof shall be posted in every entrance hall and every elevator car, and in every stair hall and room 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.

Cleanliness of rooms. SEC. 84 (as amended by chapter 82, Acts of 1913). Every room in a factory and the floors, walls, ceilings, windows and every other part thereof and all fixtures therein shall at all times be kept in a clean and sanitary condition. The walls and ceilings of each room in a factory shall be limewashed or painted, except when properly tiled or covered with slate or marble with a finished surface. Such limewash or paint shall be renewed whenever necessary as may be required by the commissioner of labor. Floors shall, at all times, be maintained in a safe condition. No person shall spit or expectorate upon the walls, floors or stairs of any building used in whole or in part for factory purposes. Sanitary cuspidors shall be provided, in every workroom in a factory in sufficient numbers. Such cuspidors shall be thoroughly

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cleaned daily. Suitable receptacles shall be provided and used for the storage of waste and refuse; such receptacles shall be maintained in a sanitary condition.

Cleanliness of factory buildings.

SEC. 84-a (added by chapter 198, Acts of 1913). Every part of a factory building and of the premises thereof and the yards, courts, passages, areas or alleys connected with or belonging to the same, shall be kept clean, and shall be kept free from any accumulation of dirt, filth, rubbish or garbage in or on the same. The roof, passages, stairs, halls, basements, cellars, privies, water-closets, cesspools, drains and all other part of such building and the premises thereof shall at all times be kept in a clean, sanitary and safe condition. The entire building and premises shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition.

Air space.

SEC. 85. No more employees shall be required or permitted to work in a room in a factory between the hours of six o'clock in the morning and six o'clock in the evening than will allow to each of such employees, not less than two hundred and fifty cubic feet of air space; and, unless by a written permit of the commissioner of labor, not less than four hundred cubic feet for each employee, so employed between the hours of six o'clock in the evening and six o'clock in the morning: *Provided*, Such room is lighted by electricity at all times during such hours, while persons are employed therein.

Ventilation.

SEC. 86 (as amended by chapter 196, Acts of 1913). 1. The owner, agent or lessee of every factory shall provide, in each workroom thereof, proper and sufficient means of ventilation by natural or mechanical means or both, as may be necessary, and shall maintain proper and sufficient ventilation and proper degrees of temperature and humidity in every workroom thereof at all times during working hours.

2. If dust, gases, fumes, vapors, fibers or other impurities are generated or released in the course of the business carried on in any workroom of a factory, in quantities tending to injure the health of the operatives, the person operating the factory, whether as owner or lessee of the whole or of a part of the building in which the same is situated, or otherwise, shall provide suction devices that shall remove said impurities from the workroom, at their point of origin where practicable, by means of proper hoods connected to conduits and exhaust fans of sufficient capacity to remove such impurities, and such fans shall be kept running constantly while such impurities are being generated or released. If, owing to the nature of the manufacturing process carried on in a factory workroom, excessive heat be created therein the person or persons operating the factory as aforesaid shall provide, maintain, use and operate such special means or appliances as may be required to reduce such excessive heat.

3. The industrial board shall have power to make rules and regulations for and fix standards of ventilation, temperature and humidity in factories and may prescribe the special means, if any, required for removing impurities or for reducing excessive heat, and the machinery, apparatus or appliances to be used for any of said purposes, and the construction, equipment, maintenance and operation thereof, in order to effectuate the purposes of this section.

4. If any requirement of this section or any rule or regulation of the industrial board made under the provisions thereof shall not be complied with, the commissioner of labor shall issue or cause to be issued an order directing compliance therewith by the person whose duty it is to comply therewith within thirty days after the service of such order. Such person shall, in case of failure to comply with the requirements of such order, forfeit to the people of the State fifteen dollars for each day during which such failure shall continue after the expiration of such thirty days, to be recovered by the commissioner of labor. The liability to such penalty shall be in addition to the liability of such person to prosecution

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for a misdemeanor as provided by section twelve hundred and seventy-five of the penal law.

5. When the commissioner of labor shall issue, or cause to be issued, an order specified in subdivision four hereof, he may in such order require plans and specifications to be filed for any machinery or apparatus to be provided or altered, pursuant to the requirements of such order. In such case, before providing, or making any change or alteration in any machinery or apparatus for any of the purposes specified in this section, the person upon whom such order is served shall file with the commissioner of labor plans and specifications therefor, and shall obtain the approval of such plans and specifications by the commissioner of labor before providing or making any change or alteration in any such machinery or apparatus.

Record of accidents.

SEC. 87 (as amended by chapter 155, Acts of 1910). The person in charge of any factory shall keep a correct record of all deaths, accidents or injuries sustained by any person therein or on the premises, in such form as may be required by the commissioner of labor. Such record shall be open to the inspection of the commissioner of labor and a copy thereof shall be furnished to the said commissioner on demand. Within forty-eight hours after the time of the accident, death or injury, a report thereof shall be made in writing to the commissioner of labor, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by the said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.

Drinking water.

SEC. 88 (as amended by chapter 340, Acts of 1913). 1. 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.

Wash rooms.

2. In every factory there shall be provided and maintained for the use of employees suitable and convenient wash rooms, separate for each sex, adequately equipped with washing facilities consisting of sinks or stationary basins provided with running water or with tanks holding an adequate supply of clean water. Every wash room shall be provided with means for artificial illumination and with adequate means of ventilation. All wash rooms and washing facilities shall be constructed, lighted, heated, ventilated, arranged and maintained according to rules and regulations adopted with reference thereto by the industrial board. 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 soap and individual towels.

Dressing rooms.

3. 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 every factory in which more than ten women are employed, there shall be provided one or more separate dressing rooms in such numbers as required by the rules and regulations of the industrial board and located in such place or places as required by such rules and regulations, having an adequate floor space in proportion to the number of employees, to be fixed by the rules and regulations of the industrial board, but the floor space of every such dressing room shall in no event be less than 60 square feet; each dressing room

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shall be separated from any water closet compartment by adequate partitions and shall be provided with adequate means for artificial illumination; each dressing room shall be provided with suitable means for hanging clothes and with a suitable number of seats. All dressing rooms shall be enclosed by means of solid partitions or walls, and shall be constructed, heated, ventilated, lighted and maintained in accordance with such rules and regulations as may be adopted by the industrial board with reference thereto.

Water-closets.

SEC. 88-a (added by chapter 340, Acts of 1913). 1. In every factory there shall be provided suitable and convenient water closets separate for each sex, in such number and located in such place or places as required by the rules and regulations of the industrial board. All water closets shall be maintained inside the factory except where, in the opinion of the commissioner of labor, it is impracticable to do so.

2. There shall be separate water closet compartments for females, to be used by them exclusively, and notice to that effect shall be painted on the outside of such compartments. The entrance to every water closet used by females shall be effectively screened by a partition or vestibule. Where water closets for males and females are in adjoining compartments, there shall be solid plastered or metal covered partitions between the compartments extending from the floor to the ceiling. Whenever any water closet compartments open directly into the workroom exposing the interior, they shall be screened from view by a partition or a vestibule. The use of curtains for screening purposes is prohibited.

3. The use of any form of trough water closet, latrine or school sink within any factory is prohibited. All such trough water closets, latrines or school sinks shall, before the first of October, nineteen hundred and fourteen, be completely removed and the place where they were located properly disinfected under the direction of the department of labor. Such appliances shall be replaced by proper individual water closets, placed in water closet compartments, all of which shall be constructed and installed in accordance with rules and regulations to be adopted by the industrial board.

4. Every existing water closet and urinal inside any factory shall have a basin of enameled iron or earthenware, and shall be flushed from a separate water-supplied cistern or through a flushometer valve connected in such manner as to keep the water supply of the factory free from contamination. All woodwork enclosing water closet fixtures shall be removed from the front of the closet and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be maintained in good order and repair and all the woodwork shall be kept well painted with a light-color paint. All existing water closet compartments shall have windows leading to the outer air and shall be otherwise ventilated in accordance with rules and regulations adopted for that purpose by the industrial board. Such compartments shall be provided with means for artificial illumination and the enclosure of each compartment shall be kept free from all obscene writing or marking.

5. All water closets, urinals and water closet compartments hereafter installed in a factory, including those provided to replace existing fixtures, shall be properly constructed, installed, ventilated, lighted and maintained in accordance with such rules and regulations as may be adopted by the industrial board.

6. All water closet compartments, and the floors, walls, ceilings and surface thereof, and all fixtures therein, and all water closets and urinals shall at all times be kept and maintained in a clean and sanitary condition. Where the water supply to water closets or urinals is liable to freeze, the water closet compartment shall be properly heated so as to prevent freezing, or the supply and flush pipes, cisterns and traps and valves shall be effectively covered with wool felt or hair felt, or other adequate covering.

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7. All water closets shall be constructed, lighted, ventilated, arranged and maintained according to rules and regulations adopted with reference thereto by the industrial board.

Time for meals.

SEC. 89. In each factory at least sixty minutes shall be allowed for the noonday meal, unless the commissioner of labor shall permit a shorter time. Such permit must be in writing and conspicuously posted in the main entrance of the factory, and may be revoked at any time. Where employees are required or permitted to work overtime for more than one hour after six o'clock in the evening, they shall be allowed at least twenty minutes to obtain a lunch, before beginning to work overtime.

Taking food into certain workrooms.

SEC. 89-a (added by chapter 336, Acts of 1912). 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 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.

Inspections.

SEC. 90. The commissioner of labor, or other competent person designated by him, upon request, shall examine any factory outside of the cities of New York and Brooklyn, to determine whether it is in a safe condition. If it appears to him to be unsafe, he shall immediately notify the owner, agent or lessee thereof, specifying the defects, and require such repairs and improvements to be made as he may deem necessary. If the owner, agent or lessee shall fail to comply with such requirement, he shall forfeit to the people of the State the sum of fifty dollars, to be recovered by the commissioner of labor in his name of office.

Laundries.

SEC. 92. A shop, room or building where one or more persons are employed in doing public laundry work by way of trade or for purposes of gain is a factory within the meaning of this chapter, and shall be subject to the visitation and inspection of the commissioner of labor and the provisions of this chapter in the same manner as any other factory. No such public laundry work shall be done in a room used for a sleeping or living room. All such laundries shall be kept in a clean condition and free from vermin and all impurities of an infectious or contagious nature. This section shall not apply to any female engaged in doing custom laundry work at her home for a regular family trade.

Occupations prohibited for children.

SEC. 93 (as amended by chapter 464, Acts of 1913). 1. No child under the age of sixteen years shall be employed or permitted to work in operating or assisting in operating any of the following machines: Circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood-polishing machinery; picker machines or machines used in picking wool, cotton, hair or any upholstery material; paper lace machines; burnishing machines in any tannery or leather manufactory; job or cylinder printing presses having motive power other than foot; wood-turning or boring machinery; drill presses; metal or paper-cutting machines; corner staying machines in paper box factories; stamping machines used in sheet metal and tinware manufacturing or in washer and nut factories; machines used in making corrugating rolls; steam boilers; dough brakes or cracker machinery of any description; wire or iron straightening machinery; rolling mill machinery; power punches or shears; washing, grinding or mixing machinery; calender rolls in rubber manufacturing; or laundering machinery; or in operating or assisting in operating any other machines or machinery which may be found by the industrial board to be dan-

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gerous and specified as such from time to time in rules and regulations adopted by such board.

2. No child under the age of sixteen years shall be employed or permitted to work at adjusting or assisting in adjusting any belt to any machinery, oiling or assisting in oiling, wiping or cleaning machinery; or in any capacity in preparing any composition in which dangerous or poisonous acids are used; or in the manufacture or packing of paints, dry colors, or red or white lead; or dipping or dyeing matches; or in the manufacture, packing or storing of powder, dynamite, nitroglycerine, compounds, fuses, or other explosives; or in or about any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; and no female under the age of sixteen shall be employed or permitted to work in any capacity where such employment compels her to remain standing constantly. No child under the age of sixteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator either for freight or passengers. No person under the age of eighteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator either for freight or passengers running at a speed of over two hundred feet a minute. No male persons under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. No male child under the age of eighteen years, nor any female, shall be employed in any factory in this State in operating or using any emery, tripoli, rouge, corundum, stone, carborundum or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or of iridium are manufactured.

3. In addition to the cases provided for in the foregoing subdivisions, the industrial board, when as a result of its investigations it finds that any particular trade, process of manufacture, or occupation, or particular method of carrying on any trade, process of manufacture, or occupation, is dangerous or injurious to the health of minors under eighteen years of age employed therein, shall have power to adopt rules and regulations prohibiting or regulating the employment of such minors therein.

Women.

4. No female shall be employed or permitted to work in any brass, iron or steel foundry, at or in connection with the making of cores where the oven in which the cores are baked is located and is in operation in the same room or space in which the cores are made. The erection of a partition separating the oven from the space where the cores are made shall not be sufficient unless the said partition extends from the floor to the ceiling, and the partition is so constructed and arranged, and any openings therein so protected that the gases and fumes from the core oven will not enter the room or space in which the women are employed. The industrial board shall have power to adopt rules and regulations regulating the construction, equipment, maintenance and operation of core rooms and the size and weight of cores that may be handled by women, so as to protect the health and safety of women employed in core rooms.

Employment of women forbidden, when.

SEC. 93-a (added by chapter 331, Acts of 1912). 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.

Nightwork.

SEC. 93-b (added by chapter 83, Acts of 1913). In order to protect the health and morals of females employed in factories by providing an adequate period of rest at night no woman shall be employed or permitted to work in any factory in this State before six o'clock in the *morning* or after ten o'clock in the evening of any day.

Tenant factories.

SEC. 94. A tenant-factory within the meaning of the term as used in this chapter is a building, separate parts of which are occupied and used by different persons, companies or corporations,

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and one or more of which parts is so used as to constitute in law a factory. The owner, whether or not he is also one of the occupants, instead of the respective lessees or tenants, shall be responsible for the observance and punishable for the nonobservance of the following provisions of this article, anything in any lease to the contrary notwithstanding.—namely, the provisions of sections seventy-nine, eighty, eighty-two, eighty-three, eighty-six, ninety, and ninety-one, and the provisions of section eighty-one with respect to the lighting of halls and stairways; except that the lessees or tenants also shall be responsible for the observance and punishable for the nonobservance of the provisions of sections seventy-nine, eighty, eighty-six and ninety-one within their respective holdings. The owner of every tenant-factory shall provide each separate factory therein with water-closets in accordance with the provisions of section eighty-eight, and with proper and sufficient water and plumbing pipes and a proper and sufficient supply of water to enable the tenant or lessee thereof to comply with all the provisions of said section. But as an alternative to providing water-closets within each factory as aforesaid, the owner may provide in the public hallways or other parts of the premises used in common, where they will be at all times readily and conveniently accessible to all persons employed on the premises not provided for in accordance with section eighty-eight, separate water-closets for each sex, of sufficient numbers to accommodate all such persons. Such owner shall keep all water-closets located as last specified at all times provided with proper fastenings, and properly screened, lighted, ventilated, clean, sanitary and free from all obscene writing or marking. Outdoor water-closets shall only be permitted where the commissioner of labor shall decide that they are necessary or preferable, and they shall then be provided in all respects in accordance with his directions. The owner of every tenant-factory shall keep the entire building well drained and the plumbing thereof in a clean and sanitary condition; and shall keep the cellar, basement, yards, areaways, vacant rooms and spaces, and all parts and places used in common in a clean, sanitary and safe condition, and shall keep such parts thereof as may reasonably be required by the commissioner of labor properly lighted at all hours or times when said building is in use for factory purposes. The term "owner" as used in this article shall be construed to mean the owner or owners of the freehold of the premises, or the lessee or joint lessees of the whole thereof, or his, her or their agent in charge of the property. The lessee or tenant of any part of a tenant-factory shall permit the owner, his agents and servants, to enter and remain upon the demised premises whenever and so long as may be necessary to comply with the provisions of law, the responsibility for which is by this section placed upon the owner; and his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings to recover possession of real property, as provided in the Code of Civil Procedure. And whenever by the terms of a lease any lessee or tenant shall have agreed to comply with or carry out any of such provisions, his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings as aforesaid. Except as in this article otherwise provided the person or persons, company or corporation conducting or operating a factory whether as owner or lessee of the whole or of a part of the building in which the same is situated or otherwise, shall be responsible for the observance and punishable for the nonobservance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.

Contagious diseases.

SEC. 95 (as amended by chapter 334, Acts of 1912). If the commissioner of labor finds evidence of contagious disease in any factory he shall affix to any articles therein exposed to such contagion a label containing the word "unclean" and shall notify the local board of health, who may disinfect such articles and thereupon remove such label. If the commissioner of labor finds that any workroom or factory is foul, unclean, or unsanitary, he

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may, after first making and filing in the public records of his office a written order stating the reasons therefor, affix to any articles therein found a label containing the word "unclean." No one but the commissioner of labor shall remove any label so affixed; and he may refuse to remove it until such articles shall have been removed from such factory and cleaned, or until such room or rooms shall have been cleaned or made sanitary.

Definition.

SEC. 96. The word "custodian" as used in this article shall include any person, organization or society having the custody of a child.

Foundries.

SEC. 97 (added by chapter 201, Acts of 1913). 1. Foundries shall be subject to all the provisions of this chapter relating to factories.

2. All entrances to foundries shall be so constructed and maintained as to minimize drafts, and all windows therein shall be maintained in proper condition and repair.

3. All gangways in foundries shall be constructed and maintained of sufficient width to make the use thereof by employees reasonably safe; during the progress of casting such gangways shall not be obstructed in any manner.

4. Smoke, steam and gases generated in foundries shall be effectively removed therefrom, in accordance with such rules and regulations as may be adopted with reference thereto by the industrial board, and whenever required by the regulations of such board, exhaust fans of sufficient capacity and power, properly equipped with ducts and hoods, shall be provided and operated to remove such smoke, steam and gases. The milling and cleaning of castings, and milling of cupola cinders, shall be done under such conditions to be prescribed by the rules and regulations of the industrial board as will adequately protect the persons employed in foundries from the dust arising during the process.

5. All foundries shall be properly and thoroughly lighted during working hours and in cold weather proper and sufficient heat shall be provided and maintained therein. The use of heaters discharging smoke or gas into workrooms is prohibited. In all foundries suitable provisions shall be made and maintained for drying the working clothes of persons employed therein.

Wash rooms.

6. In every foundry in which ten or more persons are employed or engaged at labor, there shall be provided and maintained for the use of employees therein suitable and convenient wash rooms of sufficient capacity adequately equipped with hot and cold water service; such wash rooms shall be kept clean and sanitary and shall be properly heated during cold weather. In every such foundry lockers shall be provided for the safe-keeping of employees' clothing. In every foundry in which more than ten persons are employed or engaged at labor where water-closets or privy accommodations are permitted by the commissioner of labor to remain outside of the factory under the provisions of section eighty-eight of this chapter, the passageway leading from the foundry to the said water-closets or privy accommodations shall be so protected and constructed that the employees in passing thereto or therefrom shall not be exposed to outdoor atmosphere and such water-closets or privy accommodations shall be properly heated during cold weather.

Provisions for accidents.

7. The flasks, molding machines, ladles, cranes and apparatus for transporting molten metal in foundries shall be maintained in proper condition and repair, and any such tools or implements that are defective shall not be used until properly repaired. There shall be in every foundry, available for immediate use, an ample supply of limewater, olive oil, vaseline, bandages and absorbent cotton, to meet the needs of workmen in case of burns or other accidents; but any other equally efficacious remedy for burns may be substituted for those herein prescribed.

Living quarters.

SEC. 98 (added by chapter 195, Acts of 1913). Every employer operating a factory, and furnishing to the employees thereof any living quarters at any place outside the factory, either directly

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or through any third person by contract or otherwise, shall maintain such living quarters and every part thereof in a thoroughly sanitary condition. The industrial board shall have power to make rules and regulations to provide for the sanitation of such living quarters. The commissioner of labor may enter and inspect any such living quarters.

Power of industrial board as to dangerous occupations.

SEC. 99 (added by chapter 199, Acts of 1913). Whenever the industrial board shall find as a result of its investigations that any industry, trade or occupation by reason of the nature of the materials used therein or the products thereof or by reason of the methods or processes or machinery or apparatus employed therein or by reason of any other matter or thing connected with such industry, trade or occupation, contains such elements of danger to the lives, health or safety of persons employed therein as to require special regulation for the protection of such persons, said board shall have power to make such special rules and regulations as it may deem necessary to guard against such elements of danger by establishing requirements as to temperature, humidity, the removal of dusts, gases or fumes and requiring licenses to be applied for and issued by the commissioner of labor as a condition of carrying on any such industry, trade or occupation and requiring medical inspection and supervision of persons employed and applying for employment and by other appropriate means.

Law to be posted.

SEC. 99-a (as amended by chapter 145, Acts of 1913). Copies or digests of the provisions of this chapter and of the rules and regulations of the industrial board, applicable thereto, in English and in such other languages as the commissioner of labor may require, to be prepared and furnished by the commissioner of labor, shall be kept posted by the employer in such conspicuous place or places as the commissioner of labor may direct on each floor of every factory where persons are employed who are affected by the provisions thereof.

Manufacturing in tenements.

SEC. 100 (as amended by chapter 260, Acts of 1913). 1. No tenement house nor any part thereof shall be used for the purpose of manufacturing, altering, repairing or finishing therein, any articles whatsoever except for the sole and exclusive use of the person so using any part of such tenement house or the members of his household without a license therefor as provided in this article. But nothing herein contained shall apply to collars, cuffs, shirts or shirt waists made of cotton or linen fabrics that are subjected to the laundrying process before being offered for sale.

License.

Application.

2. Application for such a license shall be made to the commissioner of labor by the owner of such tenement house, or by his duly authorized agent. Such application shall describe the house by street number or otherwise, as the case may be, in such manner as will enable the commissioner of labor easily to find the same; it shall also state the number of apartments in such house; it shall contain the full name and address of the owner of the said house, and shall be in such form as the commissioner of labor may determine. Blank applications shall be prepared and furnished by the commissioner of labor.

Issue of license.

3. Upon receipt of such application the commissioner of labor shall consult the records of the local health department or board, or other appropriate local authority charged with the duty of sanitary inspection of such houses; if such records show the presence of any infectious, contagious or communicable disease, or the existence of any uncomplied-with order or violations which indicate the presence of unsanitary conditions in such house, the commissioner of labor may, without making an inspection of the building, deny such application for a license, and may continue to deny such application until such time as the records of said department, board or other local authority show that the said tenement house is free from the presence of infectious, contagious or communicable disease, and from all unsanitary conditions. Before, however, any such license is granted, an inspection of the building sought to be licensed must be made by the commissioner of labor, and a

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statement must be filed by him as a matter of public record, to the effect that the records of the local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses show the existence of no infectious, contagious or communicable disease nor of any unsanitary conditions in the said house; such statement must be dated and signed in ink with the full name of the employee responsible therefor. A similar statement similarly signed, showing the results of the inspection of the said building, must also be filed in the office of the commissioner of labor before any license is granted. If the commissioner of labor ascertain that such building is free from infectious, contagious or communicable disease, that there are no defects of plumbing that will permit the entrance of sewer air, that such building is in a clean and proper sanitary condition and that articles may be manufactured therein under clean and healthful conditions, he shall grant a license permitting the use of such building, for the purpose of manufacturing.

Revocation.

4. Such license may be revoked by the commissioner of labor if the health of the community or of the employees requires it, or if the owner of the said tenement house, or his duly authorized agent, fails to comply with the orders of the commissioner of labor within ten days after the receipt of such orders, or if it appears that the building to which such license relates is not in a healthy and proper sanitary condition, or if children are employed therein in violation of section seventy of this chapter. In every case where a license is revoked or denied by the commissioner of labor the reasons therefor shall be stated in writing, and the records of such revocation or denial shall be deemed public records. Where a license is revoked, before such tenement house can again be used for the purposes specified in this section, a new license must be obtained, as if no license had previously existed.

Inspection.

5. Every tenement house and all the parts thereof in which any articles are manufactured, altered, repaired or finished shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the commissioner of labor, for the purpose of ascertaining whether said garments or articles, or part or parts thereof, are clean and free from vermin and every matter of an infectious or contagious nature. An inspection shall be made by the commissioner of labor of each licensed tenement house not less than once in every six months, to determine its sanitary condition, and shall include all parts of such house and the plumbing thereof. Before making such inspection the commissioner of labor may consult the records of the local department or board charged with the duty of sanitary inspection of tenement houses, to determine the frequency of orders issued by such department or board in relation to the said tenement house, since the last inspection of such building was made by the commissioner of labor. Whenever the commissioner of labor finds any unsanitary condition in a tenement house for which a license has been issued as provided in this section, he shall at once issue an order to the owner thereof directing him to remedy such condition forthwith. Whenever the commissioner of labor finds any articles manufactured, altered, repaired or finished, or in process thereof, in a room or apartment of a tenement house, and such room or apartment is in a filthy condition, he shall notify the tenants thereof to immediately clean the same, and to maintain it in a cleanly condition at all times; where the commissioner of labor finds such room or apartment to be habitually kept in a filthy condition, he may in his discretion cause to be affixed to the entrance door of such apartment a placard calling attention to such facts and prohibiting the manufacture, alteration, repair or finishing of any articles therein. No person, except the commissioner of labor, shall remove or deface any such placard so affixed.

Regulations.

6. No articles shall be manufactured, altered, repaired or finished in any room or apartment of a tenement house where there

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is or has been a case of infectious, contagious or communicable disease in such room or apartment, until such time as the local department or board of health shall certify to the commissioner of labor that such disease has terminated, and that said room or apartment has been properly disinfected, if disinfection after such disease is required by the local ordinances, or by the rules or regulations of such department or board. No articles shall be manufactured, altered, repaired or finished in a part of a cellar or basement of a tenement house, which is more than one-half of its height below the level of the curb or ground outside of or adjoining the same; but this prohibition shall not apply to the use for a bakery of a cellar for which a certificate of exemption is issued under section one hundred and sixteen of this chapter. No person shall hire, employ or contract with any person to manufacture, alter, repair or finish any articles in any room or apartment in any tenement house not having a license therefor issued as aforesaid. No articles shall be manufactured, altered, repaired or finished in any room or apartment of a tenement house unless said room or apartment shall be well lighted and ventilated and shall contain at least five hundred cubic feet of air space for every person working therein, or by any person other than the members of the family living therein; except that in licensed tenement houses persons not members of the family may be employed in apartments on the ground floor or second floor, used only for shops of dressmakers who deal solely in the custom trade direct to the consumer: *Provided*, That such apartments shall be in the opinion of the commissioner of labor in the highest degree sanitary, well lighted, well ventilated and plumbed: *And provided further*, That the whole number of persons therein shall not exceed one to each one thousand cubic feet of air space, and that there shall be no children under fourteen years of age living or working therein; before any such room or apartment can be so used a special permit therefor shall be issued by the commissioner of labor, a copy of which shall be entered in his public records with a statement of the reasons therefor. Nothing in this section contained shall prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for the use of such person or family. Nor shall this article apply to a house if the only manufacturing therein be carried on in a shop on the main or ground floor thereof with a separate entrance to the street, unconnected with living rooms and entirely separate from the rest of the building by closed partitions without any openings whatsoever and not used for sleeping or cooking.

Air space.

Register of persons to whom work is given.

SEC. 101 (as amended by chapter 260, Acts of 1913). Every employer in any factory contracting for the manufacturing, altering, repairing or finishing of any articles in a tenement house or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, in a tenement house, shall keep a register of the names and addresses plainly written in English of the persons to whom such articles or materials are given to be so manufactured, altered, repaired or finished or with whom they have contracted to do the same, and shall issue with all such articles or materials a label bearing the name and place of business of such factory written or printed legibly in English. It shall be incumbent upon every employer and upon all persons contracting for the manufacturing, altering, repairing or finishing of any articles or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, before giving out any such articles or materials to ascertain from the office of the commissioner of labor whether the tenement house in which such articles or materials are to be manufactured, altered, repaired or finished, is licensed as provided in this article, and also to ascertain from the local department or board of health the names and addresses of all persons then sick of any infectious, contagious or communicable disease, and residing in tenement houses; and none of the said articles nor any material

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from which they or any part of them are to be manufactured, altered, repaired or finished shall be given out or sent to any person residing in a tenement house that is not licensed as provided in this article, or to any person residing in a room or apartment in which there exists any infectious, contagious or communicable disease. The register mentioned in this section shall be subject to inspection by the commissioner of labor, and a copy thereof shall be furnished on his demand as well as such other information as he may require. The label mentioned in this section shall be exhibited on the demand of the commissioner of labor at any time while said articles or materials remain in the tenement house.

Certain goods to be labeled.

SEC. 102 (as amended by chapter 260, Acts of 1913). Articles manufactured, altered, repaired or finished in a tenement house contrary to the provisions of this chapter shall not be sold or exposed for sale by any person. The commissioner of labor may conspicuously affix to any such article found to be unlawfully manufactured, altered, repaired or finished, a label containing the words "tenement made" printed in small pica capital letters on a tag not less than four inches in length, or may seize and hold such article until the same shall be disinfected or cleaned at the owner's expense, or until all provisions of this chapter are complied with. The commissioner of labor shall notify the person stated by the person in possession of said article to be the owner thereof, that he has so labeled or seized it. No person except the commissioner of labor, or a local board of health in a case provided for in section one hundred and three, shall remove or deface any tag or label so affixed. Unless the owner or person entitled to the possession of an article so seized shall provide for the disinfection or cleaning thereof within one month thereafter it may be destroyed.

Powers of board of health.

SEC. 103 (as amended by chapter 260, Acts of 1913). If the commissioner of labor finds evidence of disease present in a room or apartment in a tenement house in which any articles are manufactured, altered, repaired or finished or in process thereof, he shall affix to such article the label prescribed in the preceding section, and immediately report to the local board of health, who shall disinfect such articles, if necessary, and thereupon remove such label. If the commissioner of labor finds that infectious, contagious or communicable diseases exist in a room or apartment of a tenement house in which any articles are being manufactured, altered, repaired or finished, or that articles manufactured or in process of manufacture therein are infected or that goods used therein are unfit for use, he shall report to the local board of health. The local health department or board in every city, town and village whenever there is any infectious, contagious or communicable disease in a tenement house shall cause an inspection of such tenement house to be made within forty-eight hours. If any articles are found to be manufactured, altered, repaired or finished, or in process thereof in an apartment in which such disease exists, such board shall issue such order as the public health may require, and shall at once report such facts to the commissioner of labor, furnishing such further information as he may require. Such board may condemn and destroy all such infected article or articles manufactured or in the process of manufacture under unclean or unhealthful conditions. The local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses in every city, town and village shall, when so requested by the commissioner of labor, furnish copies of its records as to the presence of infectious, contagious or communicable disease, or of unsanitary conditions in said houses; and shall furnish such other information as may be necessary to enable the commissioner of labor to carry out the provisions of this article.

Manufacture of certain articles prohibited.

SEC. 104 (as amended by chapter 260, Acts of 1913). No article of food, no dolls or dolls' clothing and no article of children's or infants' wearing apparel shall be manufactured, altered, repaired or

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finished, in whole or in part, for a factory, either directly or through the instrumentality of one or more contractors or other third person, in a tenement house, in any portion of an apartment, any part of which is used for living purposes.

Owners not to permit unlawful use.

SEC. 105 (as amended by chapter 260, Acts of 1913). The owner or agent of a tenement house shall not permit the use thereof for the manufacture, repair, alteration or finishing of any article contrary to the provisions of this chapter. If a room or apartment in such tenement house be so unlawfully used, the commissioner of labor shall serve a notice thereof upon such owner or agent. Unless such owner or agent shall cause such unlawful manufacture to be discontinued within ten days after the service of such notice, or within fifteen days thereafter institutes and faithfully prosecutes proceedings for dispossession of the occupant of a tenement house, who unlawfully manufactures, repairs, alters or finishes any articles therein, he shall be deemed guilty of a violation of this chapter as if he, himself, was engaged in such unlawful manufacture, repair, alteration or finishing. The unlawful manufacture, repair, alteration or finishing of any articles by the occupant of a room or apartment of a tenement house shall be a cause for dispossessing such occupant by summary proceedings to recover possession of real property, as provided in the Code of Civil Procedure.

Factory permits.

SEC. 106 (added by chapter 260, Acts of 1913). The owner of every factory for which any articles are manufactured in any tenement house shall secure a permit therefor from the commissioner of labor who shall issue such permit to any such owner applying therefor. Such permit may be revoked or suspended by the commissioner of labor whenever any provision of this article or of section seventy of this chapter is violated in connection with any work for such factory. Such permit may be reissued or reinstated in the discretion of the commissioner when such violation has ceased. No articles shall be manufactured in any tenement house for any factory for which no permit has been issued or for any factory whose permit is suspended or revoked. A complete list of all factories holding such permits, together with the name of the owner of each such factory, the address of the business and the name under which it is carried on, and of all tenement houses holding licenses, and a list of all permits and licenses revoked or suspended shall be published from time to time by the department of labor.

Enforcement of bakery law.

SEC. 110 (as amended by chapter 463, Acts of 1913). In every city of the first class the health department of such city shall have exclusive jurisdiction to enforce the provisions of this article. In the application of any provision of this article to any city of the first class, the words "commissioner of labor" or "department of labor" shall be understood to mean the health department of such city.

Definitions.

SEC. 111 (as amended by chapter 463, Acts of 1913). All buildings, rooms or places used or occupied for the purpose of making, preparing or baking bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni or spaghetti to be sold or consumed on or off the premises, except kitchens in hotels, restaurants, boarding houses or private residences wherein such products are prepared to be used and are used exclusively on the premises, shall for the purpose of this article be deemed bakeries. The commissioner of labor shall have the same powers with respect to the machinery, safety devices and sanitary conditions in hotel bakeries that he has with respect thereto in bakeries as defined by this chapter. In cities of the first class the health department's jurisdiction over hotel bakeries shall not extend to the machinery safety devices and hours of labor of employees therein. The term cellar when used in this article shall mean a room or a part of a building which is more than one-half its height below the level of the curb or ground adjoining the building (excluding areaways). The term owner as used in this article shall be construed to mean the owner or owners of the freehold of the premises, or the lessee

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or joint lessees of the whole thereof, or his, her or their agent in charge of the property. The term occupier shall be construed to mean the person, firm or corporation in actual possession of the premises, who either himself makes, prepares or bakes any of the articles mentioned in this section, or hires or employs others to do it for him. Bakeries are factories within the meaning of this chapter, and subject to all the provisions of article six hereof.

General requirements.

SEC. 112 (as amended by chapter 463, Acts of 1913). All bakeries shall be provided with proper and sufficient drainage and with suitable sinks, supplied with clean running water for the purpose of washing and keeping clean the utensils and apparatus used therein. All bakeries shall be provided with proper and adequate windows, and if required by the rules and regulations of the industrial board, with ventilating hoods and pipes over ovens and ash-pits, or with other mechanical means, to so ventilate same as to render harmless to the persons working therein any steam, gases, vapors, dust, excessive heat or any impurities that may be generated or released by or in the process of making, preparing or baking in said bakeries. Every bakery shall be at least eight feet in height measured from the surface of the finished floor to the under side of the ceiling, and shall have a flooring of even, smooth cement, or of tiles laid in cement, or a wooden floor, so laid and constructed as to be free from cracks, holes and interstices, except that any cellar or basement less than eight feet in height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not be altered to conform to this provision with respect to height; the side walls and ceilings shall be either plastered, ceiled or wainscoted. Every bakery shall be provided with a sufficient number of water-closets, and such water-closets shall be separate and apart from and unconnected with the bake room or rooms where food products are stored or sold.

Sanitation.

SEC. 113 (as amended by chapter 463, Acts of 1913). All floors, walls, stairs, shelves, furniture, utensils, yards, areaways, plumbing, drains and sewers, in or in connection with bakeries, or in bakery water-closets and wash rooms, or rooms where raw materials are stored, or in rooms where the manufactured product is stored, shall at all times be kept in good repair, and maintained in a clean and sanitary condition, free from all kinds of vermin. All interior woodwork, walls and ceilings shall be painted or limewashed once every three months, where so required by the commissioner of labor. Proper sanitary receptacles shall be provided and used for storing coal, ashes, refuse and garbage. Receptacles for refuse and garbage shall have their contents removed from bakeries daily and shall be maintained in a clean and sanitary condition at all times; the use of tobacco in any form in a bakery or room where raw material or manufactured produce of such bakery is stored is prohibited. No person shall sleep, or be permitted, allowed or suffered to sleep in a bakery, or in any room where raw material or the manufactured product of such bakery is stored or sold, and no domestic animals or birds, except cats shall be allowed to remain in any such rooms. Mechanical means of ventilation, when provided, shall be effectively used and operated. Windows, doors and other openings shall be provided with proper screens. All employees, while engaged in the manufacture and handling of bread shall wear slippers or shoes and suits of washable material which shall be used for that purpose only and such garments shall be kept clean at all times. Lockers shall be provided for the street clothes of the employees. The furniture, troughs and utensils shall be so arranged and constructed as not to prevent their cleaning or the cleaning of every part of the bakery.

Employment of diseased persons.

SEC. 113-a (added by chapter 463, Acts of 1913). No person who has any communicable disease shall work or be permitted to work in a bakery. Whenever required by a medical inspector of the department of labor, any person employed in a bakery shall submit to a physical examination by such inspector. No person who

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refuses to submit to such examination shall work or be permitted to work in any bakery.

Inspection.

SEC. 114 (as amended by chapter 637, Acts of 1911). It shall be the duty of the owner of a building wherein a bakery is located to comply with all the provisions of section one hundred and twelve of this article, and of the occupier to comply with all the provisions of section one hundred and thirteen of this article, unless by the terms of a valid lease the responsibility for compliance therewith has been undertaken by the other party to the lease, and a duplicate original lease, containing such obligation, shall have been previously filed in the office of the commissioner of labor, in which event the party assuming the responsibility shall be responsible for such compliance. The commissioner of labor may, in his discretion, apply any or all of the provisions of this article to a factory located in a cellar wherein any food product is manufactured: *Provided*, That basements or cellars used as confectionery or ice cream manufacturing shops shall not be required to conform to the requirement as to height of rooms. Such establishments shall be not less than seven feet in height, except that any cellar or basement so used before October first, nineteen hundred and six, which is more than six feet in height need not be altered to conform to this provision. If on inspection the commissioner of labor find a bakery or any part thereof to be so unclean, ill-drained or ill-ventilated as to be unsanitary, he may, after not less than forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it shall be properly cleaned, drained or ventilated. If such bakery be thereupon continued in operation or be thereafter operated before it be properly cleaned, drained or ventilated, the commissioner of labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word "unclean." No one but the commissioner of labor shall remove any such seal, label or sign, and he may refuse to remove it until such bakery be properly cleaned, drained or ventilated.

Closing bakery.

Certificates of sanitary conditions.

SEC. 115 (as amended by chapter 463, Acts of 1913). 1. No person, firm or corporation shall establish, maintain or operate a bakery without obtaining a sanitary certificate from the department of labor. Application for such certificate shall be made to the commissioner of labor by the occupier of the bakery or by the person, firm or corporation desiring to establish or conduct such bakery. The application for a sanitary certificate shall be made in such form and shall contain such information as the commissioner of labor may require. Blank applications for such certificate shall be prepared and furnished by the commissioner of labor.

2. Upon the receipt of such application for a sanitary certificate, the commissioner of labor shall cause an inspection to be made of the building, room or place described in the application. If the bakery conforms to the provisions of articles six and eight of this chapter and the rules and regulations of the industrial board, or in any city of the first class if the bakery conforms to the provisions of article eight of this chapter, and to the sanitary code and the rules and regulations of the department of health of any such city, the commissioner of labor shall issue a sanitary certificate for such bakery. Such certificate shall be for a period of one year and shall be renewed annually by the commissioner of labor if upon a reinspection of the bakery it is found to comply with the aforesaid provisions and regulations. Every certificate granted under the provisions of this chapter shall be posted in a conspicuous place in the bakery for which such certificate is issued.

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3. Such certificate may be revoked at any time by the commissioner of labor if the health of the community or of the employees of the bakery require such action, or if an order of the department issued under the provisions of this chapter be not complied with within fifteen days after the service thereof upon the person, firm or corporation charged with the duty of complying with such order. The time for such compliance may be extended by the commissioner of labor for good cause shown, but a statement of the reasons for such extension shall be filed in the office of the department of labor as part of the public records thereof. Nothing contained in this subdivision shall be construed to limit in any way the power of the commissioner of labor to seal up an unsanitary bakery as provided in section one hundred and fourteen of this chapter.

4. If an application for a sanitary certificate be denied or if such certificate be revoked by the commissioner of labor, he shall file in the office of the department of labor as part of the public records thereof, a statement in writing setting forth in detail the reasons for such denial or revocation.

5. Applications for sanitary certificates for existing bakeries shall be made within four months after this act takes effect, and no such bakery shall be conducted or operated without a sanitary certificate from the department of labor after the first day of January, nineteen hundred and fourteen. In the case of bakeries hereafter established, the application for a sanitary certificate shall be made within ten days after such bakery shall commence business, and no such bakery shall be conducted or operated without a sanitary certificate for more than thirty days after commencing business.

6. If a bakery has no sanitary certificate as herein required or if such certificate has been revoked, the commissioner of labor shall, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery. No one but the commissioner of labor or his duly authorized representative shall remove any such seal, and he shall not remove same until a sanitary certificate has been issued to such bakery.

Bakeries in cellars prohibited.

SEC. 116 (added by chapter 463; as amended by chapter 797, Acts of 1913). No bakery shall hereafter be located in a cellar, and a sanitary certificate shall not be issued for any bakery so located, unless such bakery shall be at least ten feet in height measured from the surface of the finished floor to the under side of the ceiling, and if the bakery is located or intended to be located entirely in the front part of the building, the ceiling of the bakery shall be in every part at least four feet six inches above the curb level of the street in front of the building, or if such bakery is located or intended to be located entirely in the rear part of the building or to extend from the front to the rear, the ceiling of the bakery shall be not less than one foot above the curb level of the street in front of the building and the bakery shall open upon a yard or courts which shall extend at least six inches below the floor level of the bakery, nor unless proper and adequate provision shall be made for the lighting and ventilation of such bakery and for the proper construction of the floor, walls and ceiling thereof, and plans and specifications for the construction and establishment of such bakery, in such form and covering such matters as the commissioner of labor may require, shall have been first submitted to and approved by the commissioner of labor. This prohibition shall not apply to a cellar used and operated as a bakery at any time within one year prior to the date of the passage of this act: *Provided*, That satisfactory proof of its use as a bakery as herein specified be furnished to the commissioner of labor in such form as he may require within six months after this act shall take effect, nor shall it apply to the cellar of a building in the course of construction on the ninth day of May, nineteen hundred and thirteen, nor to the cellar of a building the

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construction of which was commenced after the first day of January, nineteen hundred and thirteen, and completed on or bebore [before] the ninth day of May, nineteen hundred and thirteen: *Provided*, That such cellar be used and operated as a bakery at any time prior to the first day of January, nineteen hundred and fourteen, and that satisfactory proof of the time of the construction of such building and of the use of the cellar as a bakery as herein specified be furnished to the commissioner of labor, in such form as he may require, on or before the twenty-eighth day of February, nineteen hundred and fourteen. Upon receipt of such proof the commissioner of labor shall issue to the owner of the building in which such cellar is located a certificate of exemption. This section shall not prevent the local health authorities in any city of the first class from exercising any power of regulation now vested in them.

Light, etc.

SEC. 117 (added by chapter 463, Acts of 1913). All factories wherein any food product is manufactured shall be kept in a thoroughly sanitary condition and shall be properly lighted and ventilated, and all necessary methods shall be employed to protect the food product prepared therein from contamination. The industrial board may adopt rules and regulations for carrying into effect the provisions of this article. Such rules and regulations shall be known as the sanitary code for bakeries and confectioneries and shall not apply to cities of the first class.

Rules and regulations.

Mine employees.

SEC. 119 (added by chapter 145, Acts of 1913). Every necessary precaution shall be taken to insure the safety and health of employees employed in the mines and quarries and in the construction of tunnels in the State. The industrial board shall have power to adopt rules and regulations to carry into effect the provisions of this article and may amend or repeal rules and regulations heretofore prescribed by the commissioner of labor under the provisions of this article. The rules and regulations heretofore prescribed by the commissioner of labor under this article shall continue in force until amended or repealed by the industrial board.

Enforcement by commissioner of labor.

SEC. 120 (as amended by chapter 145, Acts of 1913). 1. The commissioner of labor shall enforce the provisions of this article, the rules and regulations adopted by the industrial board pursuant thereto, and the rules and regulations of the commissioner of labor continued in force by this article.

Records.

2. The commissioner of labor shall keep a record of the names and location of all mines, tunnels and quarries, and the names of the persons or corporations owning or operating the same; collect data concerning the working thereof; examine carefully into the method of timbering shafts, drifts, inclines, slopes, and tunnels, through which employees and other persons pass, in the performance of their daily labor, and see that the persons or corporations owning and operating such mines, and quarries and constructing tunnels comply with the provisions of this chapter; and such information shall be furnished by the person operating such mine, tunnel or quarry, upon the demand of the commissioner of labor. The commissioner of labor shall keep a record of all mine, tunnel and quarry examinations, showing the date thereof, and the candition in which the mines, tunnels and quarries are found, and the manner of working the same. He shall make an annual report to the legislature during the month of January, containing a statement of the number of mines, tunnels and quarries visited, the number in operation, the number of men employed, and the number and cause of accidents, fatal and nonfatal, that may have occurred in and about the same.

Reports.

Escape shafts.

SEC. 121. If, in the opinion of the commissioner of labor it is necessary for safety of employees, the owner, operator or superintendent of a mine operating through either a vertical or inclined shaft, or a horizontal tunnel, shall not employ any person therein unless there are in connection with the subterranean workings thereof not less than two openings or outlets, at least one hundred and fifty feet apart, and connected with each other.

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Such openings or outlets shall be so constructed as to provide safe and distinct means of ingress and egress from and to the surface, at all times, for the use of the employees of such mine.

Ventilation.

SEC. 122. In each mine or tunnel a ventilating current shall be conducted and circulated along the face of all working places and through the roadways, in sufficient quantities to insure the safety of employees and remove smoke and noxious gases.

Each owner, agent, manager or lessee of a mine or tunnel shall cause it to be properly timbered, and the roof and sides of each working place therein properly secured. No person shall be required or permitted to work in an unsafe place or under dangerous material, except to make it secure.

Riding on loaded cars.

SEC. 123. No person shall ride or be permitted to ride on any loaded car, cage or bucket into or out of a mine or tunnel in process of construction. No powder or oils of any description shall be stored in a mine, tunnel or quarry, or in or around shafts, engine or boiler houses, and all supplies of an inflammable and destructive nature shall be stored at a safe distance from the mine or tunnel openings.

Explosives.

Boilers.

SEC. 124. All boilers used in generating steam for mining or tunneling purposes shall be kept in good order, and the owner, agent, manager or lessee of such mine or tunnel shall have such boilers inspected by a competent person, approved by the commissioner of labor, once in six months, and shall file a certificate showing the result thereof in the mine or tunnel office and a duplicate thereof in the office of the commissioner of labor. All engines, brakes, cages, buckets, ropes and chains shall be kept in good order and inspected daily by the superintendent of the mine or tunnel or a person designated by him. All lifts, hoists, ropes and other mechanical devices shall be properly designed and maintained to sustain the weight intended to be placed thereon or suspended therefrom, such factors of safety being used as are generally accepted as sufficient by competent engineers, and all cars and lifts shall be supplied with safety brakes. All hoisting ropes shall at all times be of a breaking strength of not less than five times the gross load suspended from them, including weight of rope itself. Each boiler or battery of boilers used in mining or tunneling for generating steam, shall be provided with a proper safety valve and with steam and water gauges, to show, respectively, the pressure of steam and the height of water in the boilers. Every boiler house in which a boiler or nest of boilers is placed, shall be provided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam pipe in the engine house, and so placed that the engineer or fireman can readily ascertain the pressure carried. Every tunnel in which men are working under artificial air pressure shall be furnished with properly equipped and placed gauges capable at all times of showing the weight or pressure of air in said tunnel, and said gauge shall at all times during working hours be accessible to all persons working on said tunnel.

Other machinery and appliances.

High explosives.

SEC. 125. When high explosives other than gunpowder are used in a mine, tunnel or quarry, the manner of storing, keeping, moving, charging and firing, or in any manner using such explosives, shall be in accordance with rules prescribed by the commissioner of labor.

In charging holes for blasting, in slate, rock or ore in any mine, tunnel or quarry, no iron or steel-pointed needle or tamping bar shall be used, unless the end thereof is tipped with at least six inches of copper or other soft material. No person shall be employed to blast, unless the mine or tunnel superintendent or person having charge of such mine or tunnel is satisfied that he is qualified, by experience, to perform the work with ordinary safety. When a blast is about to be fired in a mine or tunnel, timely notice thereof shall be given by the person in charge of the work, to all persons who may be in danger therefrom.

Record of deaths and accidents.

SEC. 126 (as amended by chapter 155, Acts of 1910). Whenever loss of life or an accident causing an injury incapacitating any

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person for work shall occur in the operation of a mine or quarry, or in the construction or repair of a tunnel, the owner, agent, manager, lessee, contractor, subcontractor, or person in charge thereof, shall keep a correct record of all deaths, accidents or injuries sustained by any person therein or on the premises or works, in such form as may be required by the commissioner of labor. Such record shall be open to the inspection of the commissioner of labor and a copy thereof shall be furnished to the said commissioner on demand. Within forty-eight hours after the accident, death or injury a report thereof shall be made in writing to the commissioner of labor, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by the said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.

Report.

Notice of defects.

SEC. 127. If the commissioner of labor, after examination or otherwise, is of the opinion that a mine or tunnel or anything used in the operation thereof is unsafe, he shall immediately serve a written notice, specifying the defects, upon the owner, agent, manager or lessee, who shall forthwith remedy the same.

Traveling ways.

SEC. 128. In all mines there shall be cut out of or around the sides of every hoisting shaft or driven through the solid strata at the bottom thereof, a traveling way not less than five feet high and three feet wide to enable persons to pass the shaft in going from one side to the other without passing over or under or in the way of the cage or other hoisting apparatus.

New shafts, etc.

SEC. 129. Whenever a mine or quarry operator has engaged or is about to engage in the development of new industries by the sinking of new shafts, inclines, tunnels or quarries, he shall report to the commissioner of labor, giving the name of the owner or owners, and the location of the property, before the work of excavation shall have reached the depth of twenty-five feet.

Abandoning mines.

SEC. 130. It shall be the duty of every mine or quarry operator to notify the commissioner of labor of the discontinuance or abandonment of any mine or quarry, when and in the event that such mine or quarry shall be closed permanently or abandoned.

Women and children.

SEC. 131. No child under sixteen years of age shall be employed, permitted or suffered to work in or in connection with any mine or quarry in this State. No female shall be employed, permitted or suffered to work in any mine or quarry in this State.

Head house and trapdoors.

SEC. 132. Every underground working where the depth exceeds forty feet shall be equipped with a proper head house and trapdoors.

Wash room.

SEC. 133. Every mine, tunnel or quarry employing over twenty-five men shall maintain a suitably equipped and heated wash room, which shall be at all times accessible to the men employed.

Use of electricity.

SEC. 134. No blast shall be exploded by an electric current of more than two hundred and fifty volts.

Hours of labor in high air pressure.

SEC. 134–b (added by chapter 291, Acts of 1909; as amended by chapter 528, Acts of 1913). 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 shall not exceed twenty-one 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 compartment, caisson, tunnel or place in which men are employed is greater than normal and shall equal twenty-two pounds to the

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square inch and does not exceed thirty pounds to the square inch, no employee shall be permitted to work or remain therein more than six hours in any twenty-four 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 exceed thirty pounds to the square inch, and shall not equal thirty-five pounds to the square inch, no employee shall be permitted to work or remain therein more than four hours, such four hours to be divided into two periods of 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 thirty-five pounds to the square inch and shall not exceed forty pounds to the square inch, no such 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 one and one-half hours 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 pounds to the square inch and shall not equal forty-five 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 not more than one hour each, with an interval of at least four hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty-five pounds to the square inch and shall not exceed fifty pounds to the square inch, no employee shall be permitted to work or remain therein more than ninety minutes in any twenty-four hours, and such ninety minutes to be divided into periods of forty-five minutes each, with an interval of not less than five 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:

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 the 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 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.

Instruments showing air pressure.

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.

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Medical attendance.

SEC. 134–a (added by chapter 291, Acts of 1909; as amended by chapter 528, Acts of 1913). 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:

Regulations.

(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.

(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.

(h) A medical lock shall be established and maintained in connection with all work in compressed air when the maximum pressure exceeds seventeen pounds 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.

(i) Wherever in the prosecution of caisson work in which compressed air is employed the working chamber is less than ten feet in length and when such caissons are at any time suspended or hung while work is in progress so that the bottom of the excavation is more than nine feet below the deck of the working chamber, a shield shall be erected in the working chamber for the protection of the workmen.

(j) Wherever in the prosecution of work in which compressed air is employed a shaft is used, all such shafts shall be provided with a safe, proper and suitable ladder for its entire length.

(k) Whenever in the prosecution of work in tunnels, caissons or other apparatus or means, in which compressed air is employed or used, lights other than electric lights are used, the said lights shall at all times be guarded.

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(1) All passage ways in work, wherein compressed air is employed or used, shall be kept clear and properly lighted.

Penalty.

SEC. 134–c (added by chapter 291, Acts of 1909). Every person who, or corporation which, shall violate or fail to comply with any of the foregoing provisions shall be guilty of a misdemeanor which shall be punishable by a fine of not less than two hundred and fifty dollars or imprisonment for one year or both.

Two air pipes.

SEC. 134–d (added by chapter 219, Acts of 1912). 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 (added by chapter 219, Acts of 1912). 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.

Enforcement of orders.

SEC. 135. The commissioner of labor may serve a written notice upon the owner, agent, manager or lessee of a mine or tunnel requiring him to comply with a specified provision of this article. The commissioner of labor shall begin an action in the supreme court to enforce compliance with such provision; and upon such notice as the court directs an order may be granted, restraining the working of such mine or tunnel during such time as may be therein specified.

Access to mines.

SEC. 136. The owner, agent, manager or lessee of a mine or tunnel, at any time, either day or night, shall admit to such mine or tunnel, or any building used in the operation thereof, the commissioner of labor or any qualified person duly authorized by him, for the purpose of making the examinations and inspections necessary for the enforcement of this article, and shall render any necessary assistance for such inspection.

Bureau of mediation and arbitration authorized.

SEC. 140. There shall continue to be a bureau of mediation and arbitration. The second deputy commissioner of labor shall be the chief mediator of the State and in immediate charge of this bureau, but subject to the supervision and direction of the commissioner of labor.

Mediation.

SEC. 141. Whenever a strike or lockout occurs or is seriously threatened an officer or agent of the bureau of mediation and arbitration shall, if practicable, proceed promptly to the locality thereof and endeavor by mediation to effect an amicable settlement of the controversy. If the commissioner of labor deems it advisable the board of mediation and arbitration may proceed to the locality and inquire into the cause thereof, and for that purpose shall have all the powers conferred upon it in the case of a controversy submitted to it for arbitration.

State board.

SEC. 142. There shall continue to be a State board of mediation and arbitration, which shall consist of the chief mediator and two other officers of the department of labor to be from time to time designated by the commissioner of labor. The chief mediator when present shall be the chairman of the board. Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

Submission of grievances.

SEC. 143. A grievance or dispute between an employer and his employees may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpœna

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witnesses, compel their attendance, take and hear testimony, and call for and examine books, papers and documents of any parties to the controversy. Subpœnas shall be issued by the chairman under the seal of the department of labor. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

Decision.

SEC. 144. Within ten days after the completion of every arbitration, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party of the controversy. Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy.

Reports.

SEC. 145. The commissioner of labor shall make an annual report to the legislature of the operations of this bureau.

Boards of arbitrators.

SEC. 146. A grievance or dispute between an employer and his employees may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employees concerned are members in good standing of a labor organization, one arbitrator may be appointed by such organization and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board. If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose, may designate one arbitrator for such board.

Organization of boards.

SEC. 147. Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy. The board may, through its chairman, subpœna witnesses, compel their attendance and take and hear testimony. The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

Decision.

SEC. 148. The board shall, within ten days after the close of the hearing, render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose and one copy shall be transmitted to the bureau of mediation and arbitration.

Bureau of industries and immigration created.

SEC. 151 (added by chapter 514, Acts of 1910). There shall be a bureau of industries and immigration, which shall be under the immediate charge of a chief investigator, but subject to the supervision and direction of the commissioner of labor.

Special investigators.

SEC. 152 (added by chapter 514, Acts of 1910; as amended by chapter 543, Acts of 1912). 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 investigations.

SEC. 153 (added by chapter 514, Acts of 1910; as amended by chapter 543, Acts of 1912). 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 pro-

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ductive 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 instruction 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.

Labor camps, employment agencies, etc.

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.

Lodging houses and banks.

Criminals and defectives.

Protection of immigrants on arrival.

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

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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.

Investigations and hearings.

SEC. 154 (added by chapter 514, Acts of 1910; as amended by chapter 543, Acts of 1912). 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 subpœna any witness or any person, and to examine all books, contracts, records and documents of any person or corporation and by subpœna duces tecum to compel production thereof, and to effect as far as practicable an amicable settlement or adjustment of any such complaint. Such subpœna 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 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.

Private employment agencies.

SEC. 155 (added by chapter 514, Acts of 1910). The term "employment agency" as used in this act shall include any person, firm, corporation or association regularly engaging in the business of negotiating labor contracts or of receiving applications for help or labor, or for places or positions, excepting such as shall conduct agencies exclusively for procuring employment for teachers, for incumbents of technical, clerical or executive positions, for vaudeville or theatrical performers, musicians or nurses, and also excepting bureaus conducted by registered agricultural or medical institutions and, excepting also departments maintained by persons, firms, corporations or associations for the purpose of securing help for themselves where no fee is charged the applicant for employment. All employment agencies other than those herein excepted shall on or before the first day of October, nineteen hundred and ten, and annually thereafter, file with the commissioner of labor a statement containing the name of the person, firm, corporation or association conducting such agency, the street and number of the place where the same shall be conducted and showing whether said agency is licensed or unlicensed, and if licensed, specifying the date and duration of the license, by whom granted and the number thereof. Such statements shall be registered by the commissioner. Every such employment agency shall keep in the office thereof a full record of the country of the birth of those for whom places or positions are secured, their length of residence in this country, and the name and address of the person, firm or

Statements to be filed.

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corporation to whom the persons for whom such places or positions are secured shall be sent, the occupation for which employment shall be secured, and the compensation to be paid to the person employed. The books and records of every such agency shall at all reasonable hours be subject to examination by the commissioner of labor. Any person who shall fail to register with the commissioner of labor or to keep books or records shall be guilty of a misdemeanor and shall be punishable for the first offense by a fine of not less than ten dollars, nor more than twenty-five dollars, and for every subsequent offense by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Reports.

SEC. 156-a (added by chapter 514, Acts of 1910, renumbered by chapter 543, Acts of 1912). The commissioner of labor shall make an annual report to the legislature of the operation of this bureau.

Application of law.

SEC. 160. The provisions of this article shall apply to all villages and cities which at the last preceding State enumeration had a population of three thousand or more.

Hours of labor of children.

SEC. 161 (as amended by chapter 493, Acts of 1913). No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment house, theater or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the distribution or sale of articles more than six days or fifty-four hours in any one week, or more than nine hours in any one day, or before eight o'clock in the morning or after seven o'clock in the evening of any day. The foregoing provision shall not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal law.

Women.

No female employee shall be required, permitted or suffered to work in or in connection with any mercantile establishment in any second-class city more than fifty-four hours in any one week, and elsewhere more than sixty hours in any one week; or more than nine hours in any one day in any second-class city; or elsewhere more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week; or before seven o'clock in the morning or after six o'clock in the evening of any day in any second-class city, or elsewhere after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upward on Saturday: *Provided*, The total number of hours of labor in a week of any such person does not exceed fifty-four hours in any second-class city or elsewhere sixty hours, nor to the employment of persons during the five days preceding the twenty-fifth day of December in any second-class city, or elsewhere between the eighteenth day of December and the following twenty-fourth day of December, both inclusive. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment. Whenever any employee is employed or permitted to work after seven o'clock in the evening, such employee shall be allowed at least twenty minutes to obtain lunch or supper between five and seven o'clock in the evening.

Nightwork of messengers.

SEC. 161-a (added by chapter 342, Acts of 1910). In cities of the first or second class no person under the age of twenty-one 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 five o'clock in the morning or after ten o'clock in the evening of any day.

Age limits.

SEC. 162 (as amended by chapter 866, Acts of 1911). No child under the age of fourteen years shall be employed or permitted to work in or in connection with any mercantile or other business or establishment specified in the preceding section.

Certificates.

No child under the age of sixteen years shall be so employed or permitted to work unless an employment certificate, issued as provided in

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this article, shall have been theretofore filed in the office of the employer at the place of employment of such child.

[Sections 163, 164, and 165 are identical respectively with sections 71, 72, and 73, above.]

Employment certificates for children.

SEC. 166 (added by chapter 144, Acts of 1913). The board or department of health or health commissioner of a city, village or town shall transmit between the first and tenth day of each month to the commissioner of labor a list of the names of all children to whom certificates have been issued during the preceding month, together with a duplicate record of all examinations as to physical fitness, including those resulting in rejection. In cities of the first and second class all employment certificates and school records required under the provisions of this chapter shall be in such form as shall be approved by the commissioner of labor. In towns, villages or cities other than cities of the first or second class, the commissioner of labor shall prepare and furnish blank forms for such employment certificates and school records. No school record or employment certificate required by this article other than those approved or furnished by the commissioner of labor as above provided shall be used. The commissioner of labor shall inquire into the administration and enforcement of the provisions of this article by all public officers charged with the duty of issuing employment certificates, and for that purpose the commissioner of labor shall have access to all papers and records required to be kept by all such officers.

Registry of children employed.

SEC. 167 (as amended by chapter 145, Acts of 1913). The owner, manager or agent of a mercantile or other establishment specified in section one hundred and sixty-one, employing children, shall keep or cause to be kept in the office of such establishment, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated, or if such establishment is situated in a city of the first or second class, upon the demand of the commissioner of labor. On termination of the employment of the child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. An officer of the board, department or commissioner of health of the town, village or city where a mercantile or other establishment mentioned in this article is situated, or if such establishment is situated in a city of the first or second class the commissioner of labor may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this chapter, that such employer shall either furnish him, within ten days, evidence satisfactory to him 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 establishment. The officer may 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. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said establishment, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall, except in cities of the first and second class, be filed with the board, department or commissioner

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of health, and in cities of the first and second class with the commissioner of labor, and a material false statement made in any such paper or affidavit by any person shall be a misdemeanor. In case such employer shall fail to produce and deliver to the officer of the board, department or commissioner of health, or in cities of the first and second class to the commissioner of labor, within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such mercantile or other establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.

Wash rooms, etc., in mercantile establishments.

SEC. 168 (as amended by chapter 145, Acts of 1913). Suitable and proper wash rooms and water-closets shall be provided in, adjacent to or connected with mercantile establishments. Such rooms and closets shall be so located and arranged as to be easily accessible to the employees of such establishment.

Such water-closets shall be properly screened and ventilated, and, at all times, kept in a clean condition. The water-closets assigned to the female employees of such establishments shall be separate from those assigned to the male employees.

If a mercantile establishment has not provided wash rooms and water-closets, as required by this section, the board or department of health or health commissioners of the town, village or city where such establishment is situated, unless such establishment is situated in a city of the first or second class, in which case the commissioner of labor shall cause to be served upon the owner, agent or lessee of the building occupied by such establishment a written notice of the omission and directing such owner, agent or lessee to comply with the provisions of this section respecting such wash rooms and water-closets.

Such owner shall, within fifteen days after the receipt of such notice, cause such wash rooms and water-closets to be provided.

Lunch rooms.

SEC. 169 (as amended by chapter 145, Acts of 1913). If a lunch room is provided in a mercantile establishment where females are employed, such lunch room shall not be next to or adjoining the water-closets, unless permission is first obtained from the board or department of health or health commissioners of the town, village or city where such mercantile establishment is situated, unless such establishment is situated in a city of the first or second class in which case such permission must be obtained from the commissioner of labor. Such permission shall be granted unless it appears that proper sanitary conditions do not exist, and it may be revoked at any time by the board or department of health or health commissioners, if it appears that such lunch room is kept in a manner or in a part of a building injurious to the health of the employees, unless such establishment is situated in a city of the first or second class, in which case said permission may be so revoked by the commissioner of labor.

Seats.

SEC. 170. Chairs, stools or other suitable seats shall be maintained in mercantile establishments for the use of female employees therein, to the number of at least one seat for every three females employed, and the use thereof by such employees shall be allowed at such times and to such extent as may be necessary for the preservation of their health. 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.

Employment of women and children in basements.

SEC. 171 (as amended by chapter 145, Acts of 1913). Women or children shall not be employed or permitted to work in the basement of a mercantile establishment, unless permitted by the board or department of health, or health commissioner of the

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town, village or city where such mercantile establishment is situated, unless such establishment is situated in a city of the first or second class in which case such permission must be obtained from the commissioner of labor. Such permission shall be granted unless it appears that such basement is not sufficiently lighted and ventilated, and is not in good sanitary condition.

Enforcement.

SEC. 172 (as amended by chapter 145, Acts of 1913). Except in cities of the first and second class the board or department of health or health commissioners of a town, village or city affected by this article shall enforce the same and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within sixty days after the alleged offense was committed. All officers and members of such boards or department, all health commissioners, inspectors and other persons appointed or designated by such boards, departments or commissioners may visit and inspect, at reasonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article. In cities of the first and second class the commissioner of labor shall enforce the provisions of this article, and for that purpose he and his subordinates shall possess all powers herein conferred upon town, village, or city boards and departments of health and their commissioners, inspectors, and other officers, except that the board or department of health of said cities of the first and second class shall continue to issue employment certificates as provided in section one hundred and sixty-three of this chapter.

Laws to be posted.

SEC. 173 (as amended by chapter 145, Acts of 1913). A copy or abstract of applicable provisions of this chapter and of the rules and regulations of the industrial board to be prepared and furnished by the commissioner of labor shall be kept posted by the employer in a conspicuous place on each floor of every mercantile or other establishment specified in article twelve of this chapter situated in cities of the first or second class, wherein three or more persons are employed who are affected by such provisions.

SEC. 200 (as amended by chapter 352, Acts of 1910). When personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time:

Liability of employers for injuries caused by defective machinery.

1. By reason of any defect in the condition of the ways, works, machinery, or plant, connected with or used in the business of the employer which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and intrusted by him with the duty of seeing that the ways, works, machinery, or plant, were in proper condition;

Negligence of superintendent.

2. By reason of the negligence of any person in the service of the employer intrusted with any superintendence or by reason of the negligence of any person intrusted with authority to direct, control or command any employee in the performance of the duty of such employee. The employee, or in case the injury results in death, the executor or administrator of a deceased employee who

Right of action.

has left him surviving a husband, wife or next of kin, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer nor engaged in his work. The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this act, shall apply to an action brought by an executor or administrator of a deceased

Contractor's employees.

employee, suing under the provisions of this article. If an employer enters into a contract, written or verbal, with an inde-

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pendent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for the injuries to the employees of such contractor or subcontractor, caused by any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer or are furnished by him, and if such defect arose, or had not been discovered or remedied, through the negligence of the employer, or of some person intrusted by him with the duty of seeing that they were in proper condition.

Failure to supply dangerous machinery with the statutory guard causes a defect in conditions within the meaning of this section. 99 N. E. 81.

Notice.

SEC. 201 (as amended by chapter 352, Acts of 1910). No action for recovery of compensation for injury or death under this article shall be maintained unless notice of the time, place and cause of the injury is given to the employer within one hundred and twenty days and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in this section, he may give the same within ten days after such incapacity is removed. In case of his death without having given such notice, his executor or administrator may give such notice within sixty days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury if it be shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby. If such notice does not apprise the employer of the time, place or cause of injury, he may, within eight days after service thereof, serve upon the sender a written demand for a further notice, which demand must specify the particular in which the first notice is claimed to be defective, and a failure by the employer to make such demand as herein provided shall be a waiver of all defects that the notice may contain. After service of such demand as herein provided, the sender of such notice may at any time within eight days thereafter serve an amended notice which shall supersede such first notice and have the same effect as an original notice hereunder. The notice required by this section shall be served on the employer, or if there is more than one employer, upon one of such employers, and may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served. The notice or demand may be served by post by letter addressed to the person on whom it is to be served, at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation, notice shall be served by delivering the same or by sending it by post addressed to the office or principal place of business of such corporation.

Risks assumed.

SEC. 202 (as amended by chapter 352, Acts of 1910). An employee by entering upon or continuing in the service of the employer shall be presumed to have assented to the necessary risks of the occupation or employment and no others. The necessary risks of the occupation or employment shall, in all cases arising after this article takes effect, be considered as including those risks, and those only, inherent in the nature of the business which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action brought to recover damages for personal injury or for death resulting therefrom received after

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this act takes effect, owing to any cause, including open and visible defects, for which the employer would be liable but for the hitherto available defense of assumption of risk by the employee, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such employee, or after he had been informed of the danger of personal injury therefrom shall not be, as matter of fact or as matter of law, an assumption of the risk of injury therefrom, but an employee, or his legal representative, shall not be entitled under this article to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury and failed, within a reasonable time, to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer, or who had intrusted to him some superintendence, unless it shall appear on the trial that such defect or negligence was known to such employer, or superior person, prior to such injuries to the employee; or unless such defect could have been discovered by such employer by reasonable and proper care, tests or inspection.

Contributory negligence.

SEC. 202–a (added by chapter 352, Acts of 1910). On the trial of any action brought by an employee or his personal representative to recover damages for negligence arising out of and in the course of such employment, contributory negligence of the injured employee shall be a defense to be so pleaded and proved by the defendant.

Employment of children in street trades.

SEC. 220 (as amended by chapter 618, Acts of 1913). No male child under twelve, and no girl under sixteen years of age, shall in any city of the first, second or third class sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place.

Permit and badge.

SEC. 221 (as amended by chapter 618, Acts of 1913). No male child under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of twelve years or upwards, and shall also have received, examined and placed on file 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, that he is of normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Principals or chief executive officers of schools in which children under fourteen years are pupils shall keep complete lists of all children in their schools to whom a permit and badge as herein provided have been granted.

Contents of permit and badge.

SEC. 222 (as amended by chapter 618, Acts of 1913). Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height, weight and any distinguishing facial mark of such child, and shall further state that the papers required by the preceding

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section have been duly examined and filed; and that the child named in such permit has 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.

Regulations.

SEC. 223 (as amended by chapter 618, Acts of 1913). The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. 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 nor be engaged in any city of the first, second or third class as a newsboy, or shall sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

Nightwork.

SEC. 224 (as amended by chapter 618, Acts of 1913). No child to whom a permit and badge are issued as provided for in the preceding section shall sell or expose or offer for sale any newspapers, magazines or periodicals after eight o'clock in the evening, or before six o'clock in the morning.

Enforcement.

SEC. 225 (as amended by chapter 618, Acts of 1913). In cities of the first, second or third class, police officers, and the regular attendance officers appointed by the board of education, who are hereby vested with the powers of peace officers for the purpose, shall enforce the provisions of this article.

Violation.

SEC. 226 (as amended by chapter 618, Acts of 1913). Any child who shall, in any city of the first, second or third class, sell or expose or offer for sale newspapers, magazines or periodicals in violation of the provisions of this article may be deemed and adjudged in need of the care and protection of the State, and if over seven years of age may be adjudged guilty of juvenile delinquency. A child violating the provisions of this act may be arrested and in the city of New York be brought before a children's court and in any other city be brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law. If any such child is committed to an institution, it shall, when practicable, be committed to an institution governed by the same religious faith as the parents of such child. The permit and badge of any child who violates the provisions of this article may be revoked by the officer issuing the same, upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any police officer or attendance officer, and such child shall surrender the permit and badge so revoked upon the demand of any attendance officer or police officer charged with the duty of enforcing the provisions of this article. The refusal of any child to surrender such permit and badge, upon such demand, or the sale or offering for sale of newspapers, magazines, or periodicals in any street or public place by any child after notice of the revocation of such permit and badge shall be deemed a violation of this article and shall subject the child to the penalties provided for in this section.

Penalty.

SEC. 227 (added by chapter 618, Acts of 1913). The parent, guardian or other person having the custody of a child, who omits to exercise reasonable diligence to prevent such child from violating the provisions of this act, shall be guilty of a misdemeanor and shall be dealt with as provided by section four hundred and ninety-four of the penal law. In any such proceedings against any such parent, guardian or other person having custody of such child, proof of the presence of such child in the public streets engaged in the sale or exposure or offering for sale of newspapers,

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magazines or periodicals in violation of the provisions of this article, shall be deemed prima facie proof of the lack of reasonable diligence in the control of such child by such parent, guardian or custodian, to prevent such offense by such child.

CHAPTER 34.—*Employment of women and children in barrooms, etc.*

SECTION 30 (as amended by chapter 264, Acts of 1912). * * * It shall not be lawful for any person, whether having paid such [liquor] tax or not,

* * * * *

Employment forbidden.

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 upon the premises; * * *

CHAPTER 37.—*Inspection of steam vessels and boilers—Negligence of employees.*

Transfer of inspectors.

SECTION 3. * * * During such periods of the year as in the judgment of the superintendent of public works, the services of the inspectors provided to be appointed by this article shall not be needed in the administration of the provisions of this article, he may, upon request of the commissioner of labor, for temporary periods, transfer such inspectors to the department of labor, and during the periods in which said inspectors are so transferred, they shall be subject to the jurisdiction of the commissioner of labor and subject to detail by him as experts in the administration of the labor law. * * *

Inspectors.

SEC. 4. The superintendent of public works shall, from time to time, appoint two inspectors of steam vessels, one of whom shall have a practical knowledge of the management of steam vessels by an experience of at least five years as a licensed master and pilot of steam vessels, and the other of whom is experienced in the construction and use of boilers, engines and their appurtenances, and who shall be otherwise properly qualified to perform the duties prescribed by this article. Each of said inspectors shall hold office during the term of office of the superintendent appointing them.

Each inspector shall receive an annual salary of three thousand dollars, to be paid monthly by the State treasurer, on the warrant of the comptroller.

Each inspector shall receive his actual and necessary traveling expenses upon a verified statement of such expenses duly audited by the superintendent of public works.

If the office of inspector becomes vacant, the superintendent shall fill such vacancy by the appointment of a person to serve for the remainder of such unexpired term.

The superintendent of public works may remove such inspectors at any time.

Annual inspections of vessels.

SEC. 5. The inspectors shall annually, or oftener, if they have good cause to believe it reasonable, inspect every steam vessel engaged in carrying passengers for hire, or towing for hire, examine carefully her hull, boats and other equipments, and they may require such changes, repairs and improvements to be adopted and used as they may deem expedient for the contemplated route. They shall also fix the number of passengers that may be transported. The inspectors shall also, whenever they or either of them deem it expedient, visit any vessel licensed under this article, and examine into her condition for the purpose of ascertaining whether or not any party thereon, having a certificate from said inspectors, has conformed to and obeyed the conditions of such certificates, and the provisions of this article; and the owner, master, pilot, captain or engineer of such vessel shall answer all reasonable questions, and give all the information in his or their power, in regard to said vessel, her machinery and the manner of managing the same. In case of damage by fire or by explosion, or by means of an electrical apparatus, the inspectors

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may investigate the cause thereof, and if found by them to have been occasioned by a violation of any of the provisions of this article, or of the orders, regulations and requirements of said inspectors, they shall so certify to the district attorney of the county where such violation occurred, together with the names of the persons guilty thereof and of the witnesses. The inspectors shall also make such inspection, examination and test of all vessels other than steam vessels carrying passengers or freight for hire, or towing for hire, and their apparatus and machinery, as will enable them to determine whether they can be safely used in navigation. They shall also make such inspection, examination and test of naphtha launches and electric launches, and their apparatus and machinery, as will enable them to determine whether they can be safely used in navigation. The inspectors provided for in this article are authorized to make further rules and regulations applying generally to all vessels, or especially to one or more of them, and on framing rules for the government of managers and employees of boats, the said inspectors shall, as far as practicable, be governed by the general rules and regulations prescribed by the United States board of supervising inspectors of steam vessels.

Rules, etc.

SEC. 6 (as amended by chapter 765, Acts of 1913). The inspectors shall examine the boilers of all steam vessels, carrying passengers or freight for hire, or towing for hire, before the same shall be used, and shall make such examination at least once in every year thereafter. They shall determine from their examination, and the data submitted by the manufacturers of each of said boilers, the pressure of steam which it is safe for the boiler to carry, and shall apply to the boiler a hydrostatic test, using a pressure of fifty per centum greater than the working pressure to be allowed; but should said inspectors be of the opinion that such boiler by reason of its construction or material will not safely allow so high a working pressure, they may fix the working pressure of such boiler at less than two-thirds of said test pressure; and no boiler or pipe, or any of the connections therewith, shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or other cause. In addition to the hydrostatic test as herein provided, the inspectors may cause a hammer test to be made and an internal examination of such boiler or boilers so tested, whenever deemed necessary. Any boiler may be drilled at the bottom of shell or boiler, and also at such other points as the inspectors may direct, to determine the thickness of such material at those points, and the general condition of such boiler or boilers at the time of inspection and the steam pressure allowed shall be determined by such ascertained thickness and general condition of the boiler. They shall also see that all connections to the said boiler or engines are of suitable material, size and construction; and that the boiler, machinery and appurtenances are such as may be employed with safety in the service to be performed. They shall also satisfy themselves that the safety valves are of suitable dimensions, and are properly adjusted, so as to allow no greater pressure than the maximum amount prescribed by them; and that there is a sufficient number of gauge cocks properly attached to the boiler, so as to indicate the height of water therein; and suitable steam gauges to correctly show the pressure of steam carried; and as to any other matter connected with such steam vessel or the machinery thereof, that to said inspectors shall appear necessary for the safety of her passengers and crew. All boilers shall have a factor of safety of not less than four and five-tenths.

Inspection of boilers.

SEC. 7. The inspectors, if satisfied that such vessel is in all respects safe and conforms to the requirements of this article, shall make and subscribe duplicate certificates, setting forth the age of the vessel and date of inspection, the name of the vessel, the name of the owner, the master, the number of licensed officers and crew

Certificates.

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deemed necessary to manage the vessel with safety, the number of boats and life preservers required, and the number of passengers that she can safely carry, and if a steam vessel, the age of the boiler, and the pressure of steam she is authorized to carry. One of said certificates shall be kept posted in some conspicuous place on the vessel to be designated by the inspectors in the certificate, and the other copy shall be kept by the inspectors and by them recorded in a book to be kept for that purpose. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, giving their reasons for such refusal, and deliver the same to the owner or master of the vessel.

Tampering with boilers.

SEC. 16. Whoever intentionally loads or obstructs, or causes to be loaded or obstructed, in any way, the safety valve of the boiler, or employs any other means or device whereby the boiler may be subjected to a greater pressure than the pressure allowed by the inspectors' certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of the water or steam in any boiler, or to give warning of approaching danger, or intentionally permits the water to fall below the prescribed low water limit of the boiler, shall forfeit to the people of the State the sum of five hundred dollars for each violation.

Creating unsafe quantity of steam.

SEC. 23. No master, engineer or other person having charge of the boiler or apparatus for the generation of steam of any steamboat shall create, or allow to be created, an undue or unsafe quantity of steam in order to increase the speed of such steamboat or to excel another boat in speed. Any person violating the provisions of this section shall forfeit to the people of the State the sum of five hundred dollars for every such violation.

Report of accidents.

SEC. 30. Whenever a vessel meets with an accident involving a loss of life or damage to property, it shall be the duty of the licensed officers of such vessel to report the same in writing and in person, without delay, to the superintendent of public works: *Provided*, That when from distance it may be inconvenient to report in person a report may be made in writing only and sworn to before an authorized magistrate.

Violation.

SEC. 33 (as amended by chapter 765, Acts of 1913). All vessels propelled by machinery, carrying passengers or freight for hire, or towing for hire, must comply with all the terms and provisions of the preceding sections, and with all orders, regulations and requirements of the inspectors. And all other vessels propelled by machinery must comply with all of the terms and provisions of the preceding section which apply to them, and all other orders, regulations and requirements of the State inspectors. If any such vessel is navigated without complying with the terms and provisions of this article, or without the requisite certificates of the inspectors, the owners and master shall forfeit to the people of the State the penalties prescribed in this article, and the vessel so navigated shall also be liable therefor. Every owner or master of a steamboat or vessel who shall violate any of the provisions of this article, shall for every such violation forfeit to the people of the State the sum of not more than one hundred dollars, unless a different penalty is prescribed herein.

CHAPTER 40.—*Labor organizations—Bribery of representatives.*

Bribes prohibited.

SECTION 380. A person who gives or offers to give any money or other things of value to any duly appointed representative of a labor organization with intent to influence him in respect to any of his acts, decisions, or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, is guilty of a misdemeanor; and no person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to

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convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

CHAPTER 40.—*Bribery of employees.*

SECTION 439. Whoever gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

Offering bribes.

Asking for bribes.

Accepting bonus.

CHAPTER 40.—*Employment of children—Certain occupations forbidden—Messenger service.*

SECTION 485. A person who employs or causes to be employed, or who exhibits, uses, or has in custody, or trains for the purpose of the exhibition, use or employment of, any child actually or apparently under the age of sixteen years; or who having 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:

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 begging or receiving or soliciting alms in any manner or under any pretense, or in any mendicant occupation; or in gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or in peddling; or,

3. In singing; or dancing; or playing upon a musical instrument; or in a theatrical exhibition; or in any wandering occupation; or,

4. 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,

5. In any practice or exhibition or place dangerous or injurious to the life, limb, health or morals of the child,

Is guilty of a misdemeanor.

But this section does 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

Acrobatic, etc., occupations.

Law does not apply, where

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musician in any concert or in a theatrical exhibition, with the written consent of the mayor of the city, or the president of the board of trustees 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 shall have been served in writing upon the society mentioned in section four hundred and ninety-one of this chapter [any incorporated society for the prevention of cruelty to children], if there be one within the county, and a hearing had thereon if requested, and shall be revocable at the will of the authority giving it. It shall specify the name of the child, its age, the names and residence of its parents or guardians, the nature, time, duration and number of performances permitted, together with the place and character of the exhibition. But no such consent shall be deemed to authorize any violation of the first, second, fourth or fifth subdivisions of this section.

Messenger boys.

SEC. 488. A corporation or person employing messenger boys who:

1. Knowingly places or permits to remain in a disorderly house, or in an unlicensed saloon, inn, tavern or other unlicensed place where malt or spirituous liquors or wines are sold, any instrument or device by which communication may be had between such disorderly house, saloon, inn, tavern or unlicensed place, and any office or place of business of such corporation or person; or,

2. Knowingly sends or permits any person to send any messenger boy to any disorderly house, unlicensed saloon, inn, tavern, or other unlicensed place, where malt or spirituous liquors or wines are sold, on any errand or business whatsoever except to deliver telegrams at the door of such house,

Is guilty of a misdemeanor, and incurs a penalty of fifty dollars to be recovered by the district attorney.

CHAPTER 40.—*Interference with employment—Coercion—Conspiracy.*

Use of violence, etc.

SECTION 530. A person who with a view to compel another person to do or to abstain from doing an act which such other person has a legal right to do or to abstain from doing, wrongfully and unlawfully,

1. Uses violence or inflicts injury upon such other person or his family, or a member thereof, or upon his property or threatens such violence or injury; or,

2. Deprives any such person of any tool, implement or clothing or hinders him in the use thereof; or,

3. Uses or attempts the intimidation of such person by threats or force,

Is guilty of a misdemeanor.

Workmen may meet and discuss questions affecting their welfare and take such action as seems to them best so long as it does not involve or tend to create a breach of the peace. They may decline to work unless their terms are complied with and may accost others and seek to persuade them to join in such action. But if these rights are enforced in an illegal manner, either alone or in company with others, by the use of threats or violence the offender becomes liable to arrest to prevent a breach of the peace. 1 City Court Supp. 54.

[See also 4 N. Y. Cr. 317, cited under sec. 580, below.]

Preventing employees from joining union.

SEC. 531. Any person or employer of labor, and any person of any corporation on behalf of such corporation, who shall hereafter coerce or compel any person, employee, laborer or mechanic, to enter into an agreement, either written or verbal from such person, employee, laborer or mechanic, not to join or become a member of any labor organization, as a condition of such person securing employment, or continuing in the employment of any such person, employer or corporation, shall be deemed guilty of a misdemeanor.

The penalty for such misdemeanor shall be imprisonment in a penal institution for not more than six months, or by a fine of not more than two hundred dollars, or by both such fine and imprisonment.

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SEC. 580. If two or more persons conspire:

* * * * *

5. To prevent another from exercising a lawful trade or calling or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use or employment thereof; or, Interfering with trade, etc.

* * * * *

Each of them is guilty of a misdemeanor.

A union provided by its by-laws that a member working for less than the fixed rate of wages should forfeit a sum as penalty, to be recovered by process of law. *Held*, in an action to recover such penalty, (a) That the association was not unlawful within the meaning of this section. (b) That such a by-law was not unlawful as made in restraint of trade. (c) That a penalty could properly be attached and an action maintained for its recovery. (d) It is not unlawful for any number of persons to make mutual agreements as to wages, but any association or combination for the purpose of compelling journeymen or employers to conform to any rule or agreement fixing the rate of wages to which they were not parties by the imposition of penalties, by agreeing to quit the service of any employer who employs journeymen below certain rates, unless the journeyman pays the penalty imposed by the combination, or by menaces, threats, intimidation, violence, or other unlawful means, is an indictable conspiracy. 2 Daly 1.

An indictment charging that certain parties conspired by force, threats, and intimidation to prevent a certain firm from exercising its lawful trade and calling; and by threats and threatening notices attempted to intimidate certain employees and to constrain them against their own free will to quit their employment; and that assaults on its employees were committed, the shop beset and breaches of the peace committed in attempts to intimidate persons who desired to trade in the shop and prevent them from doing so, was held to sufficiently charge conspiracy and coercion under the above section and subdivisions 1 and 3 of the law on coercion (see page 892, above). Counts charging conspiracy against employer and employees may be properly joined. 4 N. Y. Cr. 317.

Interference by outside parties with employment, the terms of which are satisfactory to the employees, and attempts to enforce a boycott on an employer until he shall accede to the demands of such outside parties, are acts constituting offenses within this statute and at common law as well. Efforts by combinations of men to coerce workmen to join unions or to hinder them from obtaining work on account of not being members, or to interfere with the employers in the control of their lawful business by means of threats of injury or loss, or by interference with property are illegal. 30 Fed. 48.

An agreement between a labor organization and an employers' association not to employ any but members of said organization is, in effect, a threat to keep persons from working and to procure their discharge. Such a contract, or the rules of a labor organization are no defense in a suit for damages from loss of employment by conspiracy. 46 N. E. 297.

SEC. 582. * * * the orderly and peaceable assembling or cooperation of persons employed in any calling, trade, or handicraft, for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, is not a conspiracy. Assembling of workingmen.

Peaceable withdrawal from employment for the purpose of improving or maintaining wages is not an offense within the provisions of sections 1 and 3. Section 3 does not authorize a combination of individuals to compel, by means condemned in section 1, workmen to join the organization, or to punish those who may be inimical thereto. 5 N. Y. Cr. 509.

A combination by workmen to drive out and prevent from working in a certain district an objectionable person, is a criminal conspiracy. 6 N. Y. Cr. 292.

An injunction should not be granted against a confederation of persons whose object it is to entice employees from service in the absence of proof of intended violence, intimidation, etc. The remedy is an action for damages. 9 Abb. New Cases, 393.

The fact that a contract between a labor organization and an employers' association had the proper object of avoiding disputes and conflicts does not legalize a plan compelling workmen not members of the union to join it on peril of discharge. 152 N. Y. 33.

An injunction will not lie against a body of workmen combined for the purpose of peaceably and without intimidation persuading their fellow-craftsmen to leave their employment in order to obtain an advance in wages, and they may lawfully pay the expenses of those who leave. 17 N. Y. Supp. 264.

A combination of manufacturers has the right to lock out all operatives connected with an association of employees because of demands which it considers unjust, made by such association upon a member of the combination of manufacturers, and the employees' association has an equal right to endeavor to persuade those who have been accustomed to deal with the manufacturers to discontinue their trade. 77 Hun 215.

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CHAPTER 40.—*Protection of employees as voters—Time to vote.*

Preventing voting.

SECTION 759. A person or corporation who refuses to an employee entitled to vote at an election or town meeting, the privilege of attending thereat, as provided by the election law, or subjects such employee to a penalty or reduction of wages because of the exercise of such privilege, is guilty of a misdemeanor.

Attempting to influence vote.

SEC. 772. Any person or corporation who directly or indirectly:

* * * * *

3. Being an employer pays his employees the salary or wages due in "pay envelopes," upon which there is written or printed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees, or within ninety days of a general election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor, any handbill or placard containing any threat, notice or information, that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employees reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees,

Forfeiture.

Is guilty of a misdemeanor, and if a corporation shall in addition forfeit its charter.

CHAPTER 40.—*Employment of labor—False representations.*

False statements a misdemeanor.

SECTION 950 (added by chapter 575, Acts of 1911). Any person, firm, association or corporation, or any employee or agent thereof, who makes to any person furnishing or seeking employment any statement which is false, knowing the same to be false, in regard to any employment, work or situation, its nature, location, duration, wages, or salary attached thereto, or the circumstances surrounding the said employment, work, or situation, or who shall offer or hold himself out as in a position to secure or furnish employment without having an order therefor or such employment to be filled or shall misrepresent any other material matter in connection with said employment, work, or situation, and by reason of such statement, offer, holding out or misrepresentation, any person shall seek the employment, work or situation, in respect to which such statement, offer, holding out or misrepresentation was made, shall be guilty of a misdemeanor.

CHAPTER 40.—*Negligence of employees causing death.*

Negligence causing death.

SECTION 1052. Such homicide is manslaughter in the second degree, when committed without a design to effect death:

* * * * *

Machinery.

Negligent use of machinery.—A person who, by any act of negligence or misconduct in a business or employment in which he is engaged, or in the use or management of any machinery, animals, or property of any kind, intrusted to his care, or under his control, or by any unlawful, negligent or reckless act, not specified by or coming within the foregoing provisions of this article, or the provisions of some other statute, occasions the death of a human being, is guilty of manslaughter in the second degree.

* * * * *

Steamboats.

Persons in charge of steamboats.—A person having charge of a steamboat used for the conveyance of passengers, or of a boiler or engine thereof, who, from ignorance, recklessness, or gross neglect, or for the purpose of excelling any other boat in speed, creates, or allows to be created, such an undue quantity of steam as to burst the boiler, or other apparatus in which it is generated or contained, or to break any apparatus or machinery connected

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therewith, whereby the death of a human being is occasioned, is guilty of manslaughter in the second degree.

Steam engines.

Persons in charge of steam engines.—An engineer or other person, having charge of a steam boiler, steam engine, or other apparatus for generating or applying steam, employed in a boat or railway, or in a manufactory, or in any mechanical works, who willfully, or from ignorance or gross neglect, creates or allows to be created, such an undue quantity of steam as to burst the boiler, engine, or apparatus, or to cause any other accident, whereby the death of a human being is produced, is guilty of manslaughter in the second degree.

* * * * *

Penalty.

SEC. 1053. Manslaughter in the second degree is punishable by imprisonment for a term not exceeding fifteen years, or by a fine of not more than one thousand dollars, or by both.

CHAPTER 40.—*Kidnapping.*

Kidnapping defined.

SECTION 1250 (as amended by chapter 625, Acts of 1911). A person who willfully:

1. Seizes, confines, inveigles, or kidnaps another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within this State, or to be sent out of the State, or to be sold as a slave, or in any way held to service or kept or detained, against his will; * * *

Penalty.

Is guilty of kidnapping, which is a felony and is punishable, if a parent of the person kidnapped, by imprisonment for not more than ten years, and, if a person other than a parent of the person kidnapped, by imprisonment for not less than ten years nor more than fifty years.

Selling services.

SEC. 1253. A person who, within this State or elsewhere, sells or in any manner transfers, for any term, the services or labor of any person who has been forcibly taken, inveigled, or kidnapped in or from this State, is punishable by imprisonment in a State prison not exceeding ten years.

Removing from State.

SEC. 1254. A person claiming that he or another is entitled to the services of a person alleged to be held to labor or service in a State or Territory of the United States who, except as authorized by special statute, takes, or removes, or willfully does any act tending towards removing from this State any such person, is guilty of felony, punishable by imprisonment in the State prison not exceeding ten years, and by a penalty of five hundred dollars, recoverable in a civil action by the party aggrieved.

CHAPTER 40.—*Labor law—Violations.*

SECTION 1270. A person:

Hindering mine inspection.

1. Refusing to admit the commissioner of labor, or any person authorized by him, to a mine, tunnel or quarry, and to each and every part thereof, for the purpose of examination and inspection; or,

Disobeying orders.

2. Neglecting or refusing to comply with the provisions of article nine of the labor law [relating to mines and their inspection] upon written notice of the commissioner of labor.

Is guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days.

SEC. 1271. Any person or corporation:

Hours of labor on public works; On street railways;

1. Who, contracting with the State or a municipal corporation, shall require more than eight hours work for a day's labor; or,

2. Who shall require more than ten hours labor, including one-half hour for dinner, to be performed within twelve consecutive hours, by the employees of a street surface and elevated railway owned or operated by corporations whose main line of travel or routes lie principally within the corporate limits of cities of more than one hundred thousand inhabitants; or,

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In brickyards.

3. Who shall require the employees of a corporation owning or operating a brickyard to work contrary to the requirements of section five of the labor law; or,

On railroads.

4. Who shall require or permit any employee engaged in or connected with the movement of any train of a corporation operating a line of railroad of thirty miles in length, or over, in whole or in part within this State, to remain on duty more than sixteen consecutive hours; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period, to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four hour period; except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal;

Is guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of not less than five hundred nor more than one thousand dollars for each offense.

If any contractor with the State or a municipal corporation shall require more than eight hours for a day's labor, upon conviction therefor in addition to such fine, the contract shall be forfeited at the option of the municipal corporation.

An earlier law penalizing contractors for working their employees for more than eight hours on public works was declared unconstitutional, as being outside the police power of the State. 67 N. E. 129.

The State constitution was subsequently amended to cover this point. See p. 1453.

Payment of wages.

SEC. 1272 (as amended by chapter 205, Acts of 1909). A corporation or joint stock association or person carrying on the business thereof, by lease or otherwise, who does not pay the wages of all its employees in accordance with the provisions of the labor law, is guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than one hundred nor more than ten thousand dollars for each offense. An indictment of a person or corporation operating a steam surface railroad for an offense specified in this section may be found and tried in any county within the State in which such railroad ran at the time of such offense.

Charging fee in free employment bureau.

SEC. 1274. A person connected with or employed in a free public employment bureau, who shall charge or receive directly or indirectly, any fee or compensation from any person applying to such bureau for help or employment, is guilty of a misdemeanor.

Violation of rules, laws, etc.

SEC. 1275 (as amended by chapter 349, Acts of 1913). Any person who violates or does not comply with any provision of the labor law, any provision of the Industrial Code, any rule or regulation of the industrial board of the department of labor, or any lawful order of the commissioner of labor; and any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles six and eleven of the labor law to appear in any affidavit, record, transcript or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished, except as in this chapter otherwise provided, for a first offense by a fine of not less than twenty nor more than fifty dollars; for a second offense by a fine of not less than fifty nor more than two hundred and fifty dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Insecure scaffolding.

SEC. 1276. A person or corporation employing or directing another to do or perform any labor in the erection, repairing, altering or painting, any house, building or structure within this State, who knowingly or negligently furnishes or erects or causes

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to be furnished or erected for the performance of such labor, unsafe, unsuitable or improper scaffolding, hoists, stays, ladders or other mechanical contrivances; or who hinders or obstructs any officer detailed to inspect the same, destroys or defaces any notice posted thereon, or permits the use thereof after the same has been declared unsafe by such officer contrary to the provisions of article two of the labor law, is guilty of a misdemeanor. Hindering inspector, etc.

SEC. 1277. A person, constructing a building in a city, as owner or contractor, who violates the provisions of article two of the labor law, relating to the completing or laying of floors, or the planking of such floors or tiers of beams as the work of construction progresses, is guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine for each offense of not less than twenty-five nor more than two hundred dollars. Neglecting to put in flooring.

CHAPTER 40.—*Labor organizations—Using false credentials.*

SECTION 1278. Any person who represents himself or herself to be a member of, or who claims to represent a labor organization which does not exist within the State, at the time of such representation, or who has in his or her possession a credential, certificate or letter of introduction bearing a fraudulent seal, or bearing the seal of a labor organization which has ceased to exist, and does not exist at the time of such representation, and attempts to gain admission by the use of said credential, certificate or letter of introduction, as a member of any convention, or meeting of representatives of labor organizations of the State, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than twenty dollars nor more than fifty dollars, and imprisonment for not less than ten days nor more than thirty days in the jail of the county wherein such conviction is had, or by both such fine and imprisonment. Using false credentials, etc.

CHAPTER 40.—*Protection of employees as members of the National Guard.*

SECTION 1480. A 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 or annoys said member of said National Guard, or his employer, in respect of 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, is guilty of a misdemeanor. Interfering with employment of guardsmen.

SEC. 1481. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment, or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote, or regulation, discriminate against any member of the National Guard of the State of New York, because of such membership in respect of the eligibility of such member of the said National Guard to membership in such association or corporation, or in respect of his right to retain said last mentioned membership; it being the purpose of this section and the section immediately preceding to protect a member of the said National Guard from disadvantage in his means of livelihood and liberty therein but not to give him any preference or advantage on account of his membership of said National Guard. A person who aids in enforcing such provisions against a member of the said National Guard with the intent to discriminate against him because of such membership, is guilty of a misdemeanor. Associations excluding guardsmen.

CHAPTER 40.—*Negligence of employees in charge of steam boilers.*

SECTION 1891. A person who applies, or causes to be applied, to a steam boiler a higher pressure of steam than is allowed by law, or by the inspector, officer or person authorized to limit the pressure of steam to be applied to such boiler, is guilty of a misdemeanor. High pressure.

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Unsafe pressure.

SEC. 1892. A captain or other person having charge of the machinery or boiler of a steamboat, used for the conveyance of passengers, in the waters of this State, who from ignorance or gross neglect, or for the purpose of increasing the speed of the boat, creates, or causes to be created, an undue and unsafe pressure of steam, is guilty of a misdemeanor.

Bursting boiler endangering life.

SEC. 1893. An engineer or other person having charge of a steam boiler, steam engine, or other apparatus for generating or employing steam, employed in a railway, manufactory, or other mechanical works, who, willfully or from ignorance or gross neglect, creates or allows to be created such an undue quantity of steam as to burst the boiler, engine or apparatus, or cause any other accident whereby human life is endangered, is guilty of a misdemeanor.

CHAPTER 40.—*Contracts of employment—Violation endangering life.*

Violations endangering life.

SECTION 1910. A person, who willfully and maliciously, either alone or in combination with others, breaks a contract of service or hiring, knowing, or having reasonable cause to believe, that the probable consequence of his so doing will be to endanger human life, or to cause grievous bodily injury, or to expose valuable property to destruction or serious injury, is guilty of a misdemeanor.

CHAPTER 40.—*Railroads, etc.—Illiterate employees—Intoxication.*

Intemperate engineers, etc.

SECTION 1913. Any person or officer of an association or corporation engaged in the business of conveying passengers or property for hire, who shall employ in the conduct of such business, as an engineer, fireman, conductor, switch tender, train dispatcher, telegrapher, commander, pilot, mate, fireman or in other like capacity, so that by his neglect of duty the safety and security of life, person or property so conveyed might be imperiled, any person who habitually indulges in the intemperate use of liquors, after notice that such person has been intoxicated while in the active service of such person, association or corporation, shall be guilty of a misdemeanor.

Illiterate engineers.

SEC. 1982. Any person unable to read the time-tables of a railroad and ordinary handwriting, who acts as an engineer or runs a locomotive or train on any railroad in this State; or any person who, in his own behalf, or in the behalf of any other person or corporation, knowingly employs a person so unable to read to act as such engineer or to run any such locomotive; or who

Telegraphers under eighteen years of age.

employs a person as a telegraph operator who is under the age of eighteen years, or who has less than one year's experience in telegraphing, to receive or transmit a telegraphic message or train order for the movement of trains, is guilty of a misdemeanor.

Intoxication of engineer, etc.

SEC. 1984. 1. Any person who, being employed upon any railway as engineer, conductor, baggage-master, brakeman, switch tender, fireman, bridge tender, flagman, signalman, or having charge of stations, starting, regulating or running trains upon a railroad, or, being employed as captain, engineer or other officer of a vessel propelled by steam, is intoxicated while engaged in the discharge of any such duties; or,

Violation of duty.

2. An engineer, conductor, brakeman, switch tender, or other officer, agent or employee of any railroad corporation, who willfully violates or omits his duty as such officer, agent or employee, by which human life or safety is endangered, the punishment of which is not otherwise prescribed,

Is guilty of a misdemeanor.

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CHAPTER 40.—*Railroads—Safety appliances—Employees' uniforms.*

SECTION 1988 (as amended by chapter 398, Acts of 1913). All corporations and persons other than employees, operating any steam railroad in this State:

Guard posts.

1. Failing to cause guard posts to be placed in prolongation of the line of bridge trusses upon such railroad, so that in case of derailment, the posts and not the trusses shall receive the blow of the derailed locomotive or car, or in lieu thereof failing to cause guardrails to be placed within the running rails of its track, or such other safeguard as the public service commission shall order, for the same purpose; or

Automatic couplers.

2. Failing to equip all of their own freight cars, run and used in freight or other trains on such railroad, with automatic self-couplers, or running or operating on such railroad any freight car belonging to any such person or corporation, without having the same equipped, except in case of accident or other emergency, with automatic self-couplers, and except within the extended time allowed by the public service commission, in pursuance of law, for equipping such car with such couplers, is guilty of a misdemeanor, punishable by a fine of five hundred dollars for each offense.

SEC. 1989. A person who:

Advising employees to leave service, etc.

1. Advises or induces anyone, being an officer, agent or employee of a railway company, to leave the service of such company, because it requires a uniform to be worn by such officer, agent or employee, or to refuse to wear such uniform, or any part thereof; or,

2. Uses any inducement with a person employed by a railway company to go into the service or employment of any other railway company, because a uniform is required to be worn; or,

Unauthorized wearing of uniform.

3. Wears the uniform designated by a railway company without authority,

Is guilty of a misdemeanor.

CHAPTER 40.—*Sunday labor.*

Penalty.

SECTION 2142. Sabbath breaking is a misdemeanor, punishable by a fine not less than five dollars and not more than ten dollars, or by imprisonment in a county jail not exceeding five days, or by both, but for a second or other offense, where the party shall have been previously convicted, it shall be punishable by a fine not less than ten dollars and not more than twenty dollars, and by imprisonment in a county jail not less than five nor more than twenty days.

Sunday labor forbidden.

SEC. 2143. All labor on Sunday is prohibited, excepting the works of necessity or charity. In works of necessity or charity is included whatever is needful during the day for the good order, health or comfort of the community.

Observance of another day.

SEC. 2144. It is a sufficient defense to a prosecution for work or labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time, and does not labor on that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

Works of necessity.

SEC. 2146. All trades, manufactures, agricultural or mechanical employments upon the first day of the week are prohibited, except that when the same are works of necessity they may be performed on that day in their usual and orderly manner, so as not to interfere with the repose and religious liberty of the community.

Work which can be stopped only at an irreparable loss, as smelting iron, is a work of necessity within the terms of this law. 12 Abb. N. C. 447.

It is no defense to an action for injuries caused by the negligence of a master that such injuries were received on Sunday, where the performance of work on that day was required by the master. 8 Misc. 656.

Barbering.

SEC. 2153. Any person who carries on or engages in the business of shaving, hair cutting or other work of a barber on the first day

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of the week, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five dollars; and upon a second conviction for a like offense shall be fined not less than ten dollars and not more than twenty-five dollars, or be imprisoned in the county jail for a period of not less than ten days, nor more than twenty-five days, or be punishable by both such fine and such imprisonment at the discretion of the court or magistrate: *Provided*, That in the village of Saratoga Springs, from the fifteenth day of June to the fifteenth day of September, inclusive, and in the city of New York throughout the year, barber shops or other places where a barber is engaged in shaving, hair cutting or other work of a barber, may be kept open, and the work of a barber may be performed therein until one o'clock of the afternoon of the first day of the week.

Proviso.

CHAPTER 41.—*Assignments of wages.*

Provisions required.

SECTION 42 (as amended by chapter 626, Acts of 1911). 1. Any person or persons, firm, corporation or company, who shall after the passage of this act, make to any employee an advance of money, or loan, on account of salary or wages due or to be earned in the future by such individual, upon an assignment or note covering such loans or advances, shall not acquire any right to collect or attach the same while in the possession or control of the employer, unless such note or assignment is dated on the same day on which such loan is actually made, and unless within a period of three days after such loan and assignment or note are actually made the party making such loan or loans and taking such assignment or notes shall have filed with the employer or employers of the individual or individuals so assigning his present or prospective salary or wages, a duly authenticated copy of such agreement or assignment or notes under which the claim is made. The day of making a loan or advance within the meaning of this act shall be deemed to be the day when the money is delivered to the borrower, and the subsequent execution of an instrument by virtue of a power of attorney shall not be deemed to affect the time of the actual making of such loan or advance.

Copy filed with employer.

2. No action shall be maintained in any of the courts of this State, brought by the holder of any such contract, assignment or notes, given by an employee for moneys loaned on account of salary or wages, in which it is sought to charge in any manner the employer or employers, unless a copy of such agreement, assignment or notes, together with a notice of lien, was duly filed with the employer or employers of the person making such agreement, assignment or notes, by the person or persons, corporation or company making said loan within three days after the said loan was actually made and the said agreement, assignment or notes were given as provided in the previous section.

* * * * *

Rate of interest.

5. After the passage of this act, no person shall directly or indirectly receive or accept for the use and sale of his personal credit or for making any advance or loan of money, either wholly or partly in anticipation of salary or wages due or to be earned, a greater sum than at the rate of eighteen per centum per annum on the amount of such loan or advance, either as a bonus, interest or otherwise, or under the guise of a charge for investigating the status of a person applying for such loan or advance, drawing of papers or other service in connection with such loan or advance, except such charges as are now permitted by section three hundred and eighty of chapter twenty-five of the laws of nineteen hundred and nine, known as the "General Business Law" [not more than fifty cents for procuring a loan of one hundred dollars, nor more than thirty-eight cents for renewing a note or other security for such loans].

Violation.

6. Every person, firm, corporation, director, agent, officer or member thereof who shall violate any provision of this act,

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directly or indirectly, or assent to such violation, shall be guilty of a misdemeanor.

CHAPTER 45.—*Manufactures in tenements.*

Manufactures in tenement houses.

SECTION 33. No room or apartment in a tenement or dwelling house, used for eating or sleeping purposes, shall be used for the manufacture, wholly or partly, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, purses, feathers, artificial flowers or cigars, except by the members of the family living therein, which shall include a husband and wife and their children, or the children of either. A family occupying or controlling such a workshop shall, within fourteen days from the time of beginning work therein, notify the board of health of the city, village or town, where such workshop is located, or a special inspector appointed by such board, of the location of such workshops the nature of the work carried on, and the number of persons employed therein; and thereupon such board shall, if it deems advisable, cause a permit to be issued to such family to carry on the manufacture specified in the notice. Such board may appoint as many persons as it deems advisable to act as special inspectors. Such special inspectors shall receive no compensation, but may be paid by the board their reasonable and necessary expenses. If a board of health or such inspector shall find evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manufacture therein, the board shall issue such orders as the public health may require, and shall condemn and destroy such infectious and contagious articles, and may, if necessary to protect the public health, revoke any permit granted by it for manufacturing goods in such workshop. If a board of health or any such inspector shall discover that any such goods are being brought into the State, having been manufactured, in whole or in part, under unhealthy conditions, such board or inspector shall examine such goods, and if they are found to contain vermin, or to have been made in improper places or under unhealthy conditions, the board may make such orders as the public health may require. and may condemn and destroy such goods.

Permit.

Infectious diseases.

CHAPTER 45.—*Hours of labor of drug clerks.*

Seventy hours per week.

SECTION 236 (as amended by chapter 630, Acts of 1911). No apprentice or employee in any pharmacy or drug store shall be required or permitted to work more than seventy hours a week. Nothing in this section prohibits working six hours overtime any week for the purpose of making a shorter succeeding week: *Provided, however,* That the aggregate number of hours in any such two weeks shall not exceed one hundred and thirty-two hours. The hours shall be so arranged that an employee shall be entitled to and shall receive at least one full day off in two consecutive weeks. No proprietor of any pharmacy or drug store shall require any clerk to sleep in any room or apartment in or connected with such store that does not comply with the sanitary regulations of the local board of health.

Day off.

Sleeping rooms.

SEC. 240 (as amended by chapters 422, Acts of 1910, and 630, Acts of 1911).

* * * * *

It is a misdemeanor for

Violation.

* * * * *

9. Any proprietor of a pharmacy or drug store to require more than seventy working hours a week in other arrangement than that permitted by section two hundred and thirty-six; and for any proprietor of a pharmacy or drug store to violate the provisions of the same section in regard to sleeping apartments.

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CHAPTER 48.—*Accidents on railroads, etc.—Reports—Safety appliances.*

Investigation of accidents.

SECTION 47. Each [public service] commission shall investigate the cause of all accidents on any railroad or street railroad within its district which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every common carrier, railroad corporation and street railroad corporation is hereby required to give immediate notice to the commission of every accident happening upon any line of railroad or street railroad owned, operated, controlled or leased by it, within the territory over which such commission has jurisdiction in such manner as the commission may direct. Such notice shall not be admitted as evidence or used for any purpose against such common carrier, railroad corporation or street railroad corporation giving such notice in any suit or action for damages growing out of any matter mentioned in said notice.

Reports.

Changes, etc., in appliances.

SEC. 50. If in the judgment of the commission having jurisdiction, additional tracks, switches, terminals or terminal facilities, stations, motive power, or any other property, construction, apparatus, equipment, facilities or device for use by any common carrier, railroad corporation or street railroad corporation in or in connection with the transportation of passengers or property ought reasonably to be provided, or any repairs or improvements to or changes in any thereof in use ought reasonably to be made, or any additions or changes in construction should reasonably be made thereto in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers or property, the commission shall, after a hearing either on its own motion or after complaint, make and serve an order directing such repairs, improvements, changes or additions to be made within a reasonable time and in a manner to be specified therein, and every common carrier, railroad corporation and street railroad corporation is hereby required and directed to make all repairs, improvements, changes and additions required of it by any order of the commission served upon it.

* * * * *

CHAPTER 49.—*Railroads—Sufficient crews for trains.*

Crew required.

SECTION 54–a (added by chapter 146, Acts of 1913). No person, corporation, trustee, receiver, or other court officer, shall run or operate, or cause to be run or operated, outside of the yard limits, on any railroad of more than fifty miles in length within this State, a freight train of more than twenty-five cars, unless said train shall be manned with a crew of not less than one engineer, one fireman, one conductor and three brakemen; nor any train other than a freight train of five cars or more, without a crew of not less than one engineer, one fireman, one conductor and two brakemen, and if the train is a baggage train or a passenger train having a baggage car or baggage compartment without a baggageman in addition to said crew; nor any freight train of twenty-five cars or less without a crew of not less than one engineer, one fireman, one conductor and two brakemen; nor any light engine without a car or cars, without a crew of not less than one engineer, one fireman and one conductor or brakeman. Each separate violation of the provisions of this section shall be a misdemeanor punishable by a fine of not less than one hundred dollars nor more than five hundred dollars. Each train or light engine run in violation of the provisions of this section shall be deemed to be a separate offense.

CHAPTER 49.—*Street railways—Qualifications of employees.*

Use of intoxicants.

SECTION 63. Any railroad corporation may employ any inhabitant of the State, of the age of twenty-one years, not addicted to

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the use of intoxicating liquors, as a car driver, conductor, motorman or gripman, or in any other capacity, if fit and competent therefor. All applicants for positions as motormen or gripmen on any street surface railroad in this State shall be subjected to a thorough examination by the officers of the corporation as to their habits, physical ability and intelligence. If this examination is satisfactory, the applicant shall be placed in the shop or power house where he can be made familiar with the power and machinery he is about to control. He shall then be placed on a car with an instructor, and when the latter is satisfied as to the applicant's capability for the position of motorman or gripman, he shall so certify to the officers of the company, and, if appointed, the applicant shall first serve on the lines of least travel. Any violation of the provisions of this section shall be a misdemeanor.

Examination, etc.

CHAPTER 49.—*Liability of railroad companies for injuries to employees.*

SECTION 64. In all actions against a railroad corporation, foreign or domestic, doing business in this State, or against a receiver thereof, for personal injury to, or death resulting from personal injury of any person, while in the employment of such corporation, or receiver, arising from the negligence of such corporation or receiver or of any of its or his officers or employees, every employee, or his legal representatives, shall have the same rights and remedies for an injury, or for death, suffered by him, from the act or omission of such corporation or receiver or of its or his officers or employees, as are now allowed by law, and, in addition to the liability now existing by law, it shall be held in such actions that persons engaged in the service of any railroad corporation, foreign or domestic, doing business in this State, or in the service of a receiver thereof, who are intrusted by such corporation or receiver, with the authority of superintendence, control or command of other persons in the employment of such corporation or receiver, or with the authority to direct or control any other employee in the performance of the duty of such employee, or who have, as a part of their duty, for the time being, physical control or direction of the movement of a signal, switch, locomotive engine, car, train or telegraph office, are vice principals of such corporation or receiver, and are not fellow-servants of such injured or deceased employee. If an employee, engaged in the service of any such railroad corporation, or of a receiver thereof, shall receive any injury by reason of any defect in the condition of the ways, works, machinery, plant, tools or implements, or of any car, train, locomotive or attachment thereto belonging, owned or operated, or being run and operated by such corporation or receiver, when such defect could have been discovered by such corporation or receiver, by reasonable and proper care, tests or inspection, such corporation or receiver shall be deemed to have had knowledge of such defect before and at the time such injury is sustained; and when the fact of such defect shall be proved upon the trial of any action in the courts of this State, brought by such employee or his legal representatives, against any such railroad corporation or receiver, on account of such injuries so received, the same shall be prima facie evidence of negligence on the part of such corporation or receiver. This section shall not affect actions or causes of action existing on May twenty-ninth, nineteen hundred and six; and no contract, receipt, rule or regulation, between an employee and a railroad corporation or receiver, shall exempt or limit the liability of such corporation or receiver from the provisions of this section.

Liability continued.

Additional liability.

Vice principals.

Defects.

Contracts.

This section is applicable to street railways. 98 N. E. 664.

One voluntarily joining a relief association and using his option to accept benefits after the receipt of an injury can not recover under this section when the application for membership contains an agreement releasing the company if benefits are received, the acceptance and not the original agreement operating as the actual release. 101 N. E. 859.

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CHAPTER 49.—*Railroads—Safety appliances—Inspection of locomotive boilers.*

SECTION 71. It shall be the duty of every railroad corporation operating its road by steam:

Switches. 1. To lay, in the construction of new and in the renewal of existing switches, upon freight or passenger main line tracks, switches on the principle of either the so-called Tyler, Wharton, Lorenz, or split-point switch, or some other kind of safety switch, which shall prevent the derailment of a train, when such switch is misplaced or a switch interlocked with distant signals.

Telltales. 2. To erect and thereafter maintain such suitable warning signals at every road, bridge, or structure which crosses the railroad above the tracks, where such warning signals may be necessary, for the protection of employees on top of cars from injury.

Automatic couplers. 3. To use upon every new freight car, built or purchased for use, couplers which can be coupled and uncoupled automatically, without the necessity of having a person guide the link, lift the pin by hand, or go between the ends of the cars.

Power brakes. 4. To attach to every car used for passenger transportation an automatic air brake or other form of safety power brake, applied from the locomotive, excepting cars attached to freight trains, the schedule rate of speed of which does not exceed twenty miles an hour.

* * * * *

Penalty. Every corporation, person or persons, operating such railroad, and violating any of the provisions of this section, * * * shall be liable to a penalty of one hundred dollars for each offense, and the further penalty of ten dollars for each day that it shall omit or neglect to comply with any of such provisions. * * *

An employee in the discharge of his duty has a right to rely on proper compliance with this law by the company. Telltales must not only be erected but so located and kept in repair as to serve effectually their intended purpose, or negligence can properly be charged. 138 N. Y. 302.

A brakeman who knows of the dangers of a low bridge and is injured by reason of not taking sufficient precautions can not recover from the company though it violated the provisions of the law in not placing the proper signals. 59 Hun 225.

Inspection of locomotive boilers, etc. SEC. 72. It shall be the duty of every railroad corporation operated by steam power, within this State, and of the directors, managers or superintendents of such railroad to cause thorough inspections to be made of the boilers and their appurtenances of all the steam locomotives which shall be used by such corporation or corporations, on said railroads. Said inspections shall be made, at least every three months under the direction and superintendence of said corporations, or the directors, managers or superintendents thereof, by persons of suitable qualifications and attainments to perform the services required of inspectors of boilers, and who from their knowledge of the construction and use of boilers and the appurtenances therewith connected, are able to form a reliable opinion of the strength, form, workmanship and suitableness of boilers, to be employed without hazard of life, from imperfections in material, workmanship or arrangement of any part of such boiler and appurtenances. All such boilers so used shall comply with the following requirements: The boilers must be made of good and suitable materials; the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat shall be of proper dimensions; the safety valves, fusible plugs, low water glass indicater [indicator], gauge cocks and steam gauges, shall be of such construction, condition and arrangement that the same may be safely employed in the active service of the railroad corporation without peril to life; and each inspector shall satisfy himself by thorough examination that said requirements have been fully complied with. No boiler, nor any connection therewith shall be approved which is unsafe in its form, or dangerous from defects, workmanship or other cause. The person or persons who shall make the said inspections if he or they approve of the boiler or boilers and the appur-

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tenances throughout, shall make and subscribe his or their name to a written or printed certificate which shall contain the number of each boiler inspected, the date of its inspection, the condition of the boiler inspected, and such details as may be required by the forms and regulations which shall be prescribed by the public service commission. Every certificate shall be verified by the oath of the inspector, and he shall cause said certificate or certificates to be filed in the office of the public service commission, within ten days after each inspection shall have been made, and also a copy thereof with the chief operating officer or employee of such railroad having charge of the operation of such locomotive boiler; a copy shall also be placed by such officer or employee in a conspicuous place in the cab connected with the locomotive boiler inspected, and there kept framed under glass. The public service commission shall have power, from time to time, to formulate rules and regulations for the inspection and testing of boilers as aforesaid, and may require the removal of incompetent inspectors of boilers under the provisions of this section. Copies of such rules and regulations shall be mailed to every corporation operating a railroad by steam in this State. If it shall be ascertained by such inspection and test or otherwise, that any locomotive boiler is unsafe for use, the same shall not again be used until it shall be repaired, and made safe, so as to comply with the requirements of this section. Every corporation, director, manager or superintendent operating such railroad and violating any of the provisions of this section shall be liable to a penalty, to be paid to the people of the State of New York, of one hundred dollars for each offense, and the further penalty of one hundred dollars for each day it or he shall omit or neglect to comply with said provisions, and the making or filing of a false certificate shall be a misdemeanor, and every inspector who willfully certifies falsely touching any steam boiler, or any appurtenance thereto belonging, or any matter or thing contained or required to be contained in any certificate, signed and sworn to by him, shall be guilty of a misdemeanor. Any person, upon application to the secretary of said commission and on the payment of such reasonable fee as said commission may by rule fix, shall be furnished with a copy of any such certificate. The public service commission shall enforce the provisions of this section as to penalties.

Certificates.

Rules.

Violations.

SEC. 73. The office of State inspector of locomotive boilers is continued. Said inspector shall be appointed by the public service commissions [sic] and shall receive a compensation to be fixed by the commission, not exceeding three thousand dollars per year. He shall, under the direction of the commission, inspect boilers or locomotives used by railroad corporations operating steam railroads within the State, and may cause the same to be tested by hydrostatic test and shall perform such other duties in connection with the inspection and test of locomotive boilers as the commission shall direct. But this section shall not relieve any railroad corporation from the duties imposed by the preceding section.

State inspector.

SEC. 74. It shall be the duty of every corporation operating a steam railroad, within this State, and of its directors, managers or superintendents, to cause the boiler of every locomotive used on such railroad to be washed out as often as once every thirty days, and to equip each boiler with and maintain thereon at all times, a water glass, showing the height of water in the boiler, having two valves or shut-off cocks, one at each end of such glass, which valves or shut-off cocks shall be so constructed that they can be easily opened and closed by hand; also to cause such valves or shut-off cocks and all gauge cocks or try-cocks attached to the boiler to be removed and cleaned whenever the boiler is washed out pursuant to the foregoing requirements of this section; also to keep all steam valves, cocks and joints, studs, bolts and seams in such repair that they will not at any time emit steam in front of the engineer, so as to obscure his vision. No locomo-

Boilers to be washed.

Equipment.

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tive shall hereafter be driven in this State unless the same is equipped and cared for in conformity with the provisions of this section; but nothing herein contained shall be construed to excuse the observance of any other requirement imposed by this chapter upon railroad corporations, their directors, officers, managers and superintendents. Every corporation, person or persons operating a steam railroad and violating any of the provisions of this section, shall be liable to a penalty of one hundred dollars for each offense, and the further penalty of ten dollars for each day that such violation shall continue. The public service commission shall enforce the provisions of this section.

Violation.

Other devices. SEC. 75. The public service commission may, on the application of any railroad corporation, authorize it to use any other safeguard or device approved by the commission, in place of any safeguard or device hereinbefore required by this article, which shall thereafter be used in lieu thereof, and the same penalties for neglect or refusal to use the same shall be incurred and imposed as for a failure to use the safeguard or device hereinbefore required, in lieu of which the same is to be used.

Driving wheel brake. SEC. 77. It shall be unlawful for any railroad company to use within the State on its line or lines any locomotive engine not equipped with a power driving wheel brake and appliances for operating the train brake system.

Coal jimmies and caboose cars. SEC. 78 (as amended by chapter 497, Acts of 1913). The use of cars known and designated as "coal jimmies" in any form and the use of any car as a caboose unless it shall have a suitable and safe platform at each end thereof, and the usual railing for the protection of persons using such platform, shall be unlawful within the State, except upon any railroad whose main line is less than fifteen miles in length and whose average grade exceeds two hundred feet to the mile. This section shall not be construed to authorize the interchange of such "coal jimmies" with, and the use thereof upon, railroads of more than fifteen miles in length or whose average grade is less than two hundred feet to the mile.

From and after the first day of July, nineteen hundred and twenty, it shall be unlawful for any corporation or individual to man, equip, or to use within the State on any railroad a caboose car, or car to serve the purpose of a caboose car, which shall be less than twenty-four feet in length exclusive of the platform, or which shall have a center constructive strength less than that of the fifty-ton freight cars built according to master car builders' standards. Such caboose or other equivalent car shall be constructed with steel center sills with two four-wheel trucks; with each platform not less than twenty-four inches wide, with proper guardrails, grab irons and steps, which shall be equipped with a suitable rod, board or other guard designed to prevent slipping from the car step. Each such car shall have a door at each end and shall be equipped with four separate sleeping berths not less than six feet and two inches in length. Each such car shall contain a properly furnished toilet room, sink, ice box, water cooler, clothing lockers, and with a cupola of sufficient size to accommodate at least two men. Whenever any caboose or other car used for like purpose now in use by any such railroad company shall, after this act goes into effect, be brought into any shop for general repairs it shall be unlawful to again put the same into use within this State, as a caboose or other car used for like purpose unless it be equipped as provided in this act.

This section shall not apply to cabooses or other equivalent cars used in the switching service or on trains operated wholly within twenty-five miles of yard limits.

Any violation of the provisions of this section shall be a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than five hundred dollars for each separate offense. This penalty is in addition to that provided for in section eighty-one of this chapter.

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Air brakes on freight trains.

SEC. 79. It shall be unlawful for any railroad or other company to haul or permit to be hauled or used on its line or lines within this State any freight train that has not a sufficient number of cars in it so equipped with continuous power or air brakes that the engineer on the locomotive drawing such train can control its speed without requiring brakemen to use the common hand brake for that purpose.

Cars not to be hauled.

SEC. 80. It shall be unlawful for any railroad or other company to haul, or permit to be hauled or used, on its line or lines within the State, any freight car not equipped with couplers of the master car builders' type, and coupling automatically by impact, and which can be uncoupled, except in cases of accident, without the necessity of men going between the ends of the cars.

Penalty.

SEC. 81. Any railroad or other company hauling or permitting to be hauled on its line or lines any train in violation of any of the provisions of the preceding four sections shall be liable to a penalty of one hundred dollars for each and every violation, to be recovered in an action to be brought by the public service commission in the name of the people and in the judicial district wherein the principal office of the company within the State is located.

CHAPTER 49.—*Protection of employees on street railways—Inclosed platforms.*

Law applies, where.

SECTION 194. Every corporation operating a street surface railroad in this State, except such as operate a railroad or railroads either in the borough of Manhattan or Brooklyn, in the city of New York, shall cause the front and rear platforms of every passenger car propelled by electricity, cable, or compressed air, operated on any division of such railroad which extends in or between towns or outside of city limits, during the months of December, January, February and March, except cars attached to the rear of other cars, to be inclosed from the fronts of the platforms to the fronts of the hoods, so as to afford protection to any person stationed by such corporation on such platforms to perform duties in connection with the operation of such cars. Every corporation or person using and operating a car in violation of this section shall be liable to a penalty of twenty-five dollars per day for each car so used and operated, to be collected in an action brought by the public service commission and to be paid to the treasurer of the State of New York, or in a suit by the attorney of the municipality in which the violation of the provision of this section occurs, to be paid into the treasury of such municipality.

Time.

Platforms to be inclosed.

New cars.

SEC. 195. All street surface railroad passenger cars purchased, built or rebuilt after the first day of December, nineteen hundred and four, and operated in the State of New York on and after said date except those owned by any company operating either in the borough of Manhattan or Brooklyn, in the city of New York, shall be constructed in accordance with the provisions of the preceding section.

[Similar laws apply to the counties of Albany, Rensselaer, Kings and Queens.]

CHAPTER 56.—*Preference of domestic products in State institutions.*

Use of home products.

SECTION 42. The officers, boards, commissions and departments whose duty it is to purchase supplies for the maintenance of inmates in State institutions, shall, in purchasing such supplies, give preference to products raised within the State, price and quality being equal.

CODE OF CIVIL PROCEDURE.

Exemption of wages from execution.

On what execution may issue.

SECTION 1391 (as amended by chapter 532, Acts of 1911). * * * Where a judgment has been recovered and where an execution issued upon said judgment has been returned wholly or partly

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unsatisfied, and where any wages, debts, earnings, salary, income from trust funds or profits are due and owing to the judgment debtor or shall thereafter become due and owing to him, to the amount of twelve dollars or more per week, the judgment creditor may apply to the court in which said judgment was recovered or the court having jurisdiction of the same without notice to the judgment debtor and upon satisfactory proof of such facts by affidavits or otherwise, the court, if a court not of record, a judge or justice thereof, must issue, or if a court of record, a judge or justice, must grant an order directing that an execution issue against the wages, debts, earnings, salary, income from trust funds or profits of said judgment debtor, and on presentation of such execution by the officer to whom delivered for collection to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing, or may thereafter become due and owing to the judgment debtor, said execution shall become a lien and a continuing levy upon the wages, earnings, debts, salary, income from trust funds or profits due or to become due to said judgment debtor to the amount specified therein which shall not exceed ten per centum thereof, and said levy shall be a continuing levy until said execution and the expenses thereof are fully satisfied and paid or until modified as hereinafter provided, but only one execution against the wages, debts, earnings, salary, income from trust funds or profits of said judgment debtor shall be satisfied at one time and where more than one execution has been issued or shall be issued pursuant to the provisions of this section against the same judgment debtor, they shall be satisfied in the order of priority in which such executions are presented to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing. It shall be the duty of any person or corporation, municipal or otherwise, to whom said execution shall be presented, and who shall at such time be indebted to the judgment debtor named in such execution, or who shall become indebted to such judgment debtor in the future, and while said execution shall remain a lien upon said indebtedness to pay over to the officer presenting the same, such amount of such indebtedness as such execution shall prescribe until said execution shall be wholly satisfied and such payment shall be a bar to any action therefor by any such judgment debtor. If such person or corporation, municipal or otherwise, to whom said execution shall be presented shall fail, or refuse to pay over to said officer presenting said execution, the percentage of said indebtedness, he shall be liable to an action therefor by the judgment creditor named in such execution, and the amount so recovered by such judgment creditor shall be applied towards the payment of said execution. Either party may apply at any time to the court from which such execution shall issue, or to any judge or justice issuing the same, or to the county judge of the county, and in any county where there is no county judge, to any justice of the city court upon such notice to the other party as such court, judge, or justice shall direct for a modification of said execution, and upon such hearing the said court, judge or justice may make such modification of said execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until fully paid and satisfied, or until further modified as herein provided. This section, so far as it relates to wages and salary, due and owing or to become due and owing to the judgment debtor, shall not apply to judgments recovered more than ten years prior to September first, nineteen hundred and eight, and any execution heretofore issued upon such judgments pursuant to an order heretofore granted under this section shall, when this act takes effect, cease to be a lien and continuing levy upon wages and salary thereafter to become due and owing to the judgment debtor.

Order of satisfaction.

Modification of execution.

Sixty days' earnings exempt, when.

SEC. 1879. * * * Nor does it [the law regulating actions by judgment creditors] authorize the discovery or seizure of, or other interference with, * * * the earnings of the judgment

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debtor for his personal service, rendered within sixty days next before the commencement of the action, where it is made to appear, by his oath or otherwise, that those earnings are necessary for the use of a family, wholly or partly supported by his labor.

ACTS OF 1911.

CHAPTER 152.—*American Museum of Safety—Incorporation.*

Corporation created.

SECTION 1. Philip T. Dodge, * * * [and others,] and such other persons as may hereafter be associated with them, and their successors, are hereby constituted and created a body corporate by the name and title of American Museum of Safety.

Objects.

SEC. 2. The objects of the corporation hereby created are to study and promote means and methods of safety and sanitation and the application thereof to any and all public or private occupations whatsoever, and of advancing knowledge of kindred subjects; and to that end to establish and maintain a museum, library and laboratories, and their branches wherein all matters, methods and means for improving the general condition of the people as to their safety and health may be studied, tested and promoted, with a view to lessening the number of casualties and avoiding the causes of physical suffering and of premature death; and to disseminate the results of such study, researches and test by lectures, exhibitions and other publications.

Office.

SEC. 3. The corporation hereby created shall maintain its principal office in the borough of Manhattan, city, county and State of New York, and it shall be perpetual, and it shall have the general powers and privileges of a corporation as the same are declared in chapter twenty-three of the Consolidated Laws of the State of New York, and said body corporate shall be classed as an educational corporation.

SEC. 6. The commissioner of labor or such State official as may be designated by the governor shall be ex officio a trustee of the corporation hereby created.

RULES AND REGULATIONS OF THE INDUSTRIAL BOARD.

No. 1.—*Employment of women in canneries.*

Overtime work permitted.

Pursuant to subdivision 3, section 78 of the labor law, and upon application to be made by the employer to the commissioner of labor, women eighteen years of age and upwards may be employed or permitted to work in canning or preserving perishable products in fruit and canning establishments between the twenty-fifth day of June and the fifth day of August, nineteen thirteen, in excess of ten hours in any one day and sixty hours in any one week, but not in excess of twelve hours in any one day nor sixty-six hours in any one week nor six days in any one week, upon compliance with the following regulations:

A WOMAN MAY BE SO EMPLOYED

Conditions.

1. At any process or part of the work which does not require continuous standing while at work, except that she shall not be so employed in the processes of labeling or packing cans:

2. *Provided*, That every floor on which such woman is employed be drained free of liquids; but whenever any such floor cannot so be kept free from liquids, slat platforms shall also be furnished upon which such woman may rest her feet while at work;

3. Permits granting exemption under these rules and regulations shall be revocable by the commissioner of labor for violation of any of the above regulations of the industrial board.

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No. 2.—*Inspection and regulation of factories—Stairways in certain factories.*

Stairways to be inclosed.

In all factory buildings less than five stories in height, in which there are more than twenty-five persons employed above the ground floor, or in which, regardless of the number of persons employed, articles, goods, wares, merchandise or products of combustible material are stored, packed, manufactured, or in the process of manufacture, all interior stairways, serving as required means of exit, and the landings, platforms and passageways connected therewith, shall be inclosed on all sides by partitions of fire-resisting material extending continuously from the basement. Where the stairway extends to the top floor of the building such partitions shall extend to three feet above the roof. All openings in such partitions shall be provided with self-closing doors constructed of fire-resisting material, except where such openings are in the exterior wall of the building. The bottom of the enclosure shall be of fireproof material at least four inches thick, unless the fire-resisting partitions extend to the cellar bottom.

Such enclosure of stairways shall not be required in factory buildings in which there is an exterior enclosed fireproof stairway or a horizontal exit serving as a required means of exit, as defined in section 79 F, subdivisions 8 and 9 of the labor law.

Where approved automatic sprinklers are installed throughout such buildings, such enclosure of stairways shall not be required unless more than eighty persons are employed above the ground floor.

No. 3.—*Inspection and regulation of factories—Storage of materials on stairways in factories.*

Combustible materials.

In all factory buildings no articles or wares of a combustible nature shall be kept or stored inside the limits of any stairway enclosure or unenclosed stairway, or on the landings, platforms or passageways connected therewith, nor shall such articles or wares be kept or stored under any stairway unless such stairway and any partitions or doors thereunder are constructed of or covered with incombustible material.

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NORTH CAROLINA.

REVISAL OF 1905.

Wages as preferred claims—In administration.

Order of payment.

SECTION 87. The debts of the decedent must be paid in the following order:

First class. Debts which by law have a specific lien on property to an amount not exceeding the value of such property.

Second class. Funeral expenses.

Third class. Taxes assessed on the estate of the deceased previous to his death.

Fourth class. Dues to the United States and to the State of North Carolina.

Fifth class. Judgments of any court of competent jurisdiction within this State, docketed and in force, to the extent to which they are a lien on the property of the deceased at his death.

Sixth class. Wages due to any domestic servant or mechanical or agricultural laborer employed by the deceased, which claim for wages shall not extend to a period of more than one year next preceding the death; or if such servant or laborer was employed for the year current at the decease, then from the time of such employment; for medical services within the twelve months preceding the decease.

Seventh class. All other debts and demands.

Suits for wages—No property exempt.

SECTION 685.

* * * * *

Debts for labor.

The property, real and personal, specified in the third subdivision of this section, and the homestead of any resident of this State shall not be subject to sale under execution or other process thereon, except such as may be rendered or issued to secure the payment * * * for work done and performed for the claimant of said homestead. * * *

Mortgages can not exempt.

SEC. 1131. Mortgages of corporations upon their property or earnings, whether in bonds or otherwise, shall not have power to exempt the property or earnings of such corporations from execution for the satisfaction of any judgment obtained in courts of the State against such corporations for labor performed, * * * any clause or clauses in such mortgage to the contrary notwithstanding.

Wages as preferred claims—In insolvency of corporations.

Wage claims are a first lien.

SECTION 1206. In case of the insolvency of any corporation the laborers and workmen and all persons doing labor or service of whatever character in the regular employment of such corporation, shall have a first and prior lien upon the assets thereof for the amount of wages due to them respectively for all labor, work, and services done, performed or rendered within two months next preceding the date when proceedings in insolvency shall be actually instituted and begun against such insolvent corporation, which lien shall be prior to all other liens that can or may be acquired upon or against such assets.

Sunday labor—Railroads.

Operation of railroads.

SECTION 2613 (as amended by chapter 285, Acts of 1909). No railroad company shall permit the loading or unloading of any

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freight car on Sunday; nor shall permit any car, train of cars, or locomotive to be run on Sunday on any railroad, except in case of accident and except such as may be run for the purpose of transporting the United States mails and passengers with their baggage, and ordinary express freight in express cars exclusively, and except such as shall be run for the purpose of transporting fruits, vegetables, live stock and perishable freights. Where there are not sufficient cars of live stock or other perishable freights to make a complete train, or section of a train, the company may add other cars to complete the same: *Provided*, That solid trains, made up of through freight cars, reaching on Sunday any point upon any railroad in North Carolina and destined for some point or points beyond the limits of the State of North Carolina, may be continued as a solid through freight train along the line of said railroad through the State of North Carolina, without stopping said train for other purposes than to take on fuel and receive necessary running orders: *Provided*, The word Sunday in this section shall be construed to embrace only that portion of the day between sunrise and sunset; and trains in transitu, having started on Saturday, may, in order to reach the terminus or shops, run until nine o'clock a. m. on Sunday, but not later, nor for any other purpose than to reach the terminus or shops. [A penalty of $500 for each violation of the provisions of this section is fixed by section 3844.]

Local trains.

SEC. 2614. * * * nothing in this section shall be construed as preventing the running of local passenger trains on Sunday.

Protection of employees on street railways.

Vestibules required.

SECTION 2615. All street passenger railway companies shall use vestibule fronts, of frontage not less than four feet, on all passenger cars run by them on their lines during the latter half of the month of November and during the months of December, January, February and March of each year: *Provided*, That such companies shall not be required to close the sides of the vestibules: *Provided, further*, Such companies may use cars without vestibule fronts in cases of temporary emergency in suitable weather, not to exceed four days in any one month within the period herein prescribed for use of vestibule fronts. The corporation commission is hereby authorized to make exemptions from the provisions of this section in such cases as in their judgment the enforcement of this section is unnecessary. [A penalty of not less than $10 nor more than $100 for each day the provisions of this section are violated is fixed by section 3800.]

The purpose of this law is to procure the protection of the motormen from inclement weather, and failure to provide vestibules resulting in other injuries entails no liability thereunder. 68 S. E. 232.

Liability of railroad companies for injuries to employees.

Acts of fellow-servants, etc.

SECTION 2646. Any servant or employee of any railroad company operating in this State who shall suffer injury to his person, or the personal representative of any such servant or employee who shall have suffered death in the course of his services or employment with such company by the negligence, carelessness or incompetence of any other servant, employee or agent of the company, or by any defect in the machinery, ways or appliances of the company, shall be entitled to maintain an action against such company. Any contract or agreement, expressed or implied, made by any employee of such company to waive the benefit of this section shall be null and void.

Contracts waiving benefit of law.

This law, where it applies, has the effect of making all coemployees of railroad companies agents and principals of the company so far as fixing its liability for their neglect is concerned. 54 S. E. 391.

Within the limits set by this statute the defense of assumption of risks is abrogated. 52 S. E. 129.

It applies to logging roads. 54 S. E. 795. And to street railways. 68 S. E. 215.

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Leave of absence for employees in public service.

Fifteen days' leave allowed.

SECTION 2763 (as amended by chapter 117, Acts of 1907). Every laborer, waiter and messenger permanently employed under authority of law in and about the public buildings and grounds, who shall have served faithfully therein for the space of one continuous year, shall be entitled to fifteen days' leave of absence per annum, with full pay at the end of every year of such service.

Sunday labor.

Sunday labor, etc., forbidden.

SECTION 2836. On the Lord's day, commonly called Sunday, no tradesman, artificer, planter, laborer, or other person, shall, upon land or water, do or exercise any labor, business or work, of his ordinary calling, works of necessity and charity alone excepted, nor employ himself in hunting, fishing or fowling, nor use any game, sport or play, upon pain that every person so offending, being of the age of fourteen years and upwards, shall forfeit and pay one dollar.

Interference with employment—Enticing employees.

Procuring violation of contract, etc.

SECTION 3365. If any person shall entice, persuade and procure any servant by indenture, or any servant who shall have contracted in writing or orally to serve his employer, to unlawfully leave the service of his master or employer; or if any person shall knowingly and unlawfully harbor and detain, in his own service and from the service of his master, or employer, any servant who shall unlawfully leave the service of such master, or employer, then, in either case, such person and servant shall be guilty of a misdemeanor and fined not exceeding one hundred dollars or imprisoned not exceeding six months.

The mere employment of one under contract is not an offense under this act. 67 S. E. 53.

Hiring employee of another.

SEC. 3374 (as amended by chapter 402, Acts of 1907). If any person shall knowingly hire, employ, harbor or detain in his own service any servant, employee, or wage hand of any other person, who shall have contracted in writing, or orally, for a fixed period of time to serve his employer, and who shall have left the service of his employer, in violation of his contract, he shall be guilty of a misdemeanor, and shall be civilly liable in damages to the party so aggrieved. This section shall apply to the following counties: Beaufort, Edgecombe, Person, Pitt, Washington, Warren, Vance, Pender, Halifax, Guilford, Granville, Hertford, Wayne, Wake and Caswell.

Protection of employees as voters.

Discharging employee for vote.

SECTION 3387. If any person shall discharge from employment, * * * any qualified voter of this State because of the vote such voter may or may not have cast in any election, he shall be guilty of a misdemeanor.

Employment of children—Fraudulent contracts.

Fraudulent employment of minors.

SECTION 3428-a. Whenever any person having a contract with any corporation, company or person for the manufacture or change of any raw material by the piece or pound shall hire and employ any minor to assist in said work upon the faith of and by color of said contract and with intent to cheat and defraud said minor, and shall secure the contract price and shall willfully fail to pay said minor when he shall have performed his part of said contract work, whether done by the day or by the job, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

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Employment of children—Enticing out of State.

Engaging minor to go out of State.

SECTION 3630. If any person shall employ and carry beyond the limits of this State any minor, or shall induce any minor to go beyond the limits of this State for the purpose of employment without the consent in writing, duly authenticated, of the parent, guardian or other person having authority over such minor, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred and not more than one thousand dollars for each offense. The fact of the employment and going out of the State of the minor, or of the going out of the State by the minor, at the solicitation of the person for the purpose of employment, shall be prima facie evidence of knowledge that the person employed or solicited to go beyond the limits of the State is a minor.

Evidence.

Payment of wages in scrip.

Scrip to be transferable.

SECTION 3730. If any person who employs laborers by the day, week or month shall issue in payment for such labor any ticket or tickets, certificate or other script [scrip] bearing upon their face the word "nontransferable," or shall issue tickets, certificates or script [scrip] in any form that would render them void by transfer from the person to whom issued, or shall refuse to pay to the person holding the same their face value, he 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, or imprisoned not more than thirty days.

This statute does not authorize the assignee of scrip payable in merchandise to demand and receive payment in money. 112 N. C. 164.

Employment of children, etc., to support men in idleness.

Who are vagrants.

SECTION 3740. If any person shall come within any of the following classes, he shall be deemed a vagrant, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days:

* * * * *

6. All able-bodied men who have no other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife or minor child or children, except male child or children over eighteen years of age.

Intoxication of employees on railroads, etc.

Intoxication a misdemeanor.

SECTION 3758 (as amended by chapter 330, Acts of 1907). Any train dispatcher, telegraph operator, engineer, fireman, flagman, brakeman, switchman, conductor, motorman, or other employee of any steam, street, suburban or interurban railway company, who shall be intoxicated while engaged in running or operating, or assisting in running or operating, any railway train, shifting engine, street or other electric car, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

Mine regulations.

Penalty for negligence, etc.

SECTION 3797. If any person shall knowingly violate any of the provisions of the law relating to mines or shall do anything whereby the life or health of persons or the security of any mine and machinery is endangered, or if any miner or other person employed in any mine governed by the statutes shall intentionally or willfully neglect or refuse to securely prop the roof of any working place under his control, or neglect or refuse to obey any orders given by the superintendent of a mine in relation to the security of a mine in the part thereof where he is at work and for

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fifteen feet back of his working place, or if any miner, workman or other person shall knowingly injure any water-gauge, barometer, air course or brattice, or shall obstruct or throw open any airways, or shall handle or disturb any part of the machinery of the hoisting engine or signaling apparatus or wire connected therewith, or air pipes or fittings, or open a door of the mine, and not have the same closed again, whereby danger is produced either to the mine or those that work therein, or shall enter any part of the mine against caution, or shall disobey any order given in pursuance of law, or shall do any willful act whereby the lives and health of the persons working in the mines [mine] or the security of the mine or the machinery thereof is endangered, or if the person having charge of a mine whenever loss of life occurs by accident connected with the machinery of such mine or by explosion shall neglect or refuse to give notice thereof forthwith by mail or otherwise to the inspector and to the coroner of the county in which such mine is situated, or if any such coroner shall neglect or refuse to hold an inquest upon the body of the person whose death has been thus caused, and return a copy of his findings and a copy of all the testimony to the inspector, he shall be guilty of a misdemeanor, and upon conviction fined not less than fifty dollars or imprisoned in the county jail not more than thirty days, or both.

Bureau of labor and printing.

Bureau established.

SECTION 3909. A bureau of labor and printing is hereby created and established, the duties of which bureau shall be exercised and discharged by a commissioner, who shall be designated as commissioner of labor and printing, and by an assistant, who shall be appointed by the commissioner, and who shall be a practical printer. The commissioner shall be elected by the people in the same manner as is provided for the election of the secretary of state. His term of office shall be four years. The office of the bureau shall be kept in the city of Raleigh and the same shall be provided for as are other public officers of the State.

Commissioner and assistant.

Duties.

SEC. 3910. The commissioner, aided by the assistant commissioner, shall collect and collate information and statistics concerning labor and its relation to capital, the hours of labor, the earnings of laborers and their educational, moral and financial condition, and the best means of promoting their mental and moral and material welfare; shall also collect and collate information and statistics concerning the various mining, milling and manufacturing industries in this State, their location, capacity and actual output of manufactured products, the kind and quantity of raw material annually used by them and the capital invested therein; shall also collect and collate information and statistics concerning the location, estimated and actual horsepower and condition of valuable water powers developed and undeveloped in this State; also concerning farm lands and farming, the kinds, character and quantity of the annual farm products in this State; also of timber lands and timbers, truck gardening, dairying and such other information and statistics concerning the agricultural and industrial welfare of the citizens of this State as he may deem to be of interest and benefit to the public, and shall also perform the duties of mine inspector as prescribed in chapter one hundred and three; and shall have the powers and perform the duties in relation to the public printing that are set forth in chapter one hundred and nine. The assistant commissioner shall perform the duties of the commissioner in his absence from office or in case of a vacancy therein.

Report.

SEC. 3911. The commissioner shall annually publish a report embodying therein such information and statistics as he may deem expedient and proper, which report shall be printed and paid for by the State just as the reports of other public officers are printed and paid for. The number of copies of said report to be printed to be designated by the commissioner. The distribu-

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tion of the reports will be paid for from the general fund and not from the appropriation. The commissioner shall send or cause to be sent a copy of the report to every newspaper in this State and a copy to each member of the general assembly; a copy to each of the several State and county officers; a copy to each labor organization in the State and a copy to any citizen who may apply for the same either in person or by mail, and he may also send a copy to such officers of other States and Territories and to such corporations or individuals in other States and Territories as may apply for the same or as he may think proper. He shall also make a full report to the governor as other State officers are required to do, embodying therein such recommendations as he may deem calculated to promote the efficiency of his department.

Mine regulations.

Employment of children.

SECTION 4931. No minor under twelve years of age shall be allowed to work in any mine, and in all cases of minors applying for work the agent of such mine shall see that the provisions of this section are not violated; and the inspector may, when doubt exists as to the age of any person found working in any mine, examine under oath such person and his parents, or other witnesses, as to his age.

Timber.

SEC. 4932. The owner, agent or operator of every coal mine shall keep a supply of timber constantly on hand, and shall deliver the same to the working place of the miner, and no miner shall be held responsible for accident which may occur in the mine where the provisions of this section have not been complied with by the owner, agent, or operator thereof, resulting directly or indirectly from the failure to deliver such timber.

Fencing of entrances.

SEC. 4933. All underground entrances to any place not in actual course of working or extension shall be properly fenced across the whole width of such entrance so as to prevent persons from inadvertently entering the same.

Escape shaft.

SEC. 4934. No owner or agent of any coal mine worked by shaft shall permit any person to work therein unless there are, to every seam of coal worked in such mine, at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in the mine; but it is not necessary for the two outlets to belong to the same mine if the persons employed therein have safe, ready and available means of ingress or egress by not less than two openings. This section shall not apply to opening a new mine while being worked for the purpose of making communications between said two outlets, so long as not more than twenty persons are employed at one time in such mine; neither shall it apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final robbing of pillars previous to abandonment, as long as not more than twenty persons are employed therein at any one time. The cage or cages and other means of egress shall at all times be available for the persons employed when there is no second outlet. The escapement shafts shall be fitted with safe and available appliances, which shall always be kept in a safe condition, by which the persons employed in the mine may readily escape in case an accident occurs; and in no case shall an air shaft with a ventilating furnace at the bottom be construed to be an escapement shaft within the meaning of this section. To all other coal mines, whether slopes or drifts, two such openings or outlets must be provided within twelve months after shipments of coal have commenced from such mine; and in case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of such slope or drift to permit more than ten persons to work therein at any one time.

Hoisting engineers.

SEC. 4935 (as amended by chapter 183, Acts of 1911). No owner or agent of any mine operated by a shaft or slope shall place in charge of any engine used for lowering into or hoisting out of

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mines persons employed therein any but experienced, competent and sober engineers, and no engineer in charge of such engine shall allow any person except such as may be deputed for such purposes by the owner or agent to interfere with it or any part of the machinery, and no person shall interfere or in any way intimidate the engineer in the discharge of his duties, and in no case shall more than six men ride on any cage or car at one time, and no person shall ride upon a loaded cage or car in any shaft or slope.

Ventilation.

SEC. 4936. The owner or agent of any coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation of not less than one hundred cubic feet per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute, render harmless and expel the poisonous and noxious gases from each and every working place in the mine, and no working place shall be driven more than sixty feet in advance of a break-through or airway, and all break-throughs or airways, except those last made near the working places of the mine, shall be closed up by brattice trapdoors, or otherwise so that the currents of air in circulation in the mine may spread to the interior of the mine when the persons employed in such mine are at work, and all mines governed by this chapter shall be provided with artificial means of producing ventilation, such as forcing or suction fans, exhaust steam furnaces, or other contrivances of such capacity and power as to produce and maintain an abundant supply of air, and all mines generating fire damp shall be kept free from standing gas.

Examination.

SEC. 4937. Every working place shall be examined every morning with a safety lamp by a competent person before any workmen are allowed to enter the mine.

Safety lamps.

All safety lamps used in examining mines, or for working therein, shall be the property of the operator of the mine, and a competent person shall be appointed, who shall examine every safety lamp before it is taken into the workings for use, and ascertain it to be clean, safe and securely locked, and safety lamps shall not be used until they have been so examined and found safe and clean and securely locked, unless permission be first given by the mine foreman to have the lamps used unlocked. No one, except the duly authorized person shall have in his possession a key, or any other contrivance, for the purpose of unlocking any safety lamp in any mine where locked lamps are used. No matches or any other apparatus for striking lights shall be taken into any mines, or parts thereof, except under the direction of the mine foreman.

Air to be measured.

SEC. 4938. The mine foreman shall measure the ventilation at least once a week, at the inlet and outlet, and also at or near the face of all the entries, and the measurement of air so made shall be noted on blanks furnished by the inspector; and on the first day of each month the mine boss of each mine shall sign one of such blanks, properly filled with the said actual measurement, and present the same to the inspector.

Notice to inspector.

SEC. 4939. The owner, agent or manager of any mine shall give notice to the inspector in the following cases: 1. When any working is commenced for the purpose of opening a new shaft, slope or mine, to which this chapter applies. 2. When any mine is abandoned, or the working thereof discontinued. 3. When the working of any mines is recommenced after an abandonment or discontinuance for a period exceeding three months. 4. When a squeeze or crush, or any other cause or change, may seem to affect the safety of persons employed in the mine, or when fire occurs.

Accidents.

SEC. 4940. The owner, agent or manager of every mine shall, within twenty-four hours next after any accident or explosion, whereby loss of life or personal injury may have been occasioned, send notice, in writing, by mail or otherwise, to the inspector, and shall specify in such notice the character and cause of the accident, and the name or names of the persons killed and injured, with the extent and nature of the injuries sustained. When any

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personal injury of which notice is required to be sent under this section results in the death of the person injured, notice in writing shall be sent to the inspector within twenty-four hours after such death comes to the knowledge of the owner, agent or manager; and when loss of life occurs in any mine by explosion, or accident, or results from personal injury so received, the owner, agent or manager of such mine shall notify the coroner of the county in which such mine is situated, and the coroner shall hold an inquest upon the body of the person whose death has been thus caused, and inquire carefully into the cause thereof, and return a copy of the finding of the jury and all the testimony to the inspector.

Reports by owners, etc.

SEC. 4941. The owner, lessee or agent in charge of any mine, any limestone quarry, or who is engaged in mining or producing any mineral whatsoever in this State, shall, on or before the thirtieth day of November in every year, send to the office of the inspector upon blanks to be furnished by him a correct return, specifying with respect to the year ending on the preceding first day of October the quantity of coal, iron ore, fire clay, limestone or other mineral product of such mine or quarry, and the number of persons ordinarily employed in or about such mine or quarry below and above ground, distinguishing the persons and labor below ground and above ground.

Liability.

SEC. 4942. For any injury to person or property occasioned by any willful violation of this chapter, or any willful failure to comply with its provisions, by any owner, agent or manager of the mine, a right of action shall accrue to the party injured for any damage he may have sustained thereby; and in any case of loss of life by reason of such willful neglect or failure aforesaid a right of action shall accrue to the personal representative of the deceased, as in other actions for wrongful death.

Inspector.

SEC. 4943. The commissioner of labor and printing shall perform the duties of mine inspector as provided in this chapter.

Duty of inspector.

SEC. 4944. It shall be the duty of the inspector to examine all the mines in the State as often as possible to see that all the provisions and requirements of this chapter are strictly observed and carried out; he shall particularly examine the works and machinery belonging to any mine, examine into the state and condition of the mines as to ventilation, circulation and condition of air, drainage and general security.

Access to mines.

SEC. 4945. For the purpose of making the inspection and examinations provided for in this chapter, the inspector shall have the right to enter any mine at all reasonable times, by night or by day, but in such manner as shall not unnecessarily obstruct the working of the mine; and the owner or agent of such mine is hereby required to furnish the means necessary for such entry and inspection; the inspection and examination herein provided for shall extend to fire clay, iron ore and other mines as well as coal mines.

Investigation of accidents.

SEC. 4946. Upon receiving notice of any death resulting from accident it shall be the duty of the inspector to go himself, or send a representative, at once to the mine in which said death occurred and inquire into the cause of the same, and to make a written report fully setting forth the condition of that part of the mine where such death occurred and the cause which led to the same; which report shall be filed by the inspector in his office as a matter of record and for future reference.

Records.

SEC. 4947. He shall make a record of all examinations of mines, showing the date when examination [was] made, the condition in which the mines are found, the extent to which the laws relating to mines and mining are observed or violated, the progress made in the improvements and security of life and health sought to be secured by the provisions of this chapter, number of accidents, injuries received or deaths in or about the mines, the number of mines in the State, the number of persons employed in or about each mine, together with all such other facts and information of public interest, concerning the condition of mines, development and progress of mining in the State as he may think useful and proper, which record shall be filed in the office of the inspector,

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and as much thereof as may be of public interest to be included in his annual report.

Maps, etc., to be filed.

SEC. 4948. He shall keep in his office and carefully preserve all maps, surveys and other reports and papers required by law to be filed with him, and so arrange and preserve the same as shall make them a permanent record of ready, convenient and connected reference.

Disagreements.

SEC. 4949. In case of any controversy or disagreement between the inspector and the owner or operator of any mine or the persons working therein, or in case of conditions or emergencies requiring counsel, the inspector may call on the governor for such assistance and counsel as may be necessary. Should the inspector find any of the provisions of this chapter violated or not complied with by any owner, lessee or agent in charge, unless the same is within a reasonable time rectified, and the provisions of this chapter fully complied with, he shall institute an action in the name of the State to compel the compliance therewith. The inspector shall exercise a sound discretion in the enforcement of this chapter.

Injunction.

SEC. 4950. On application of the inspector, after suit brought as directed in the preceding section, any court of competent jurisdiction may enjoin or restrain the owner or agent from working or operating such mine until it is made to conform to the provisions of this chapter; and such remedy shall be cumulative, and shall not take the place of or affect any other proceedings against such owner or agent authorized by law for the matter complained of in such action.

Annual reports.

SEC. 4951. The inspector shall annually make report to the governor of all his proceedings, the condition and operation of the different mines of the State, and the number of mines and the number of persons employed in or about such mines, the amount of coal, iron ore, limestone, fire clay or other mineral mined in this State; and he shall enumerate all accidents in or about the mines, and the manner in which they occurred, and give all such other information as he thinks useful and proper, and make such suggestions as he deems important relative to mines and mining, and any legislation that may be necessary on the subject for the better preservation of the life and health of those engaged in such industry.

Application of law.

SEC. 4952. The provisions of this chapter shall not apply to or affect any mine in which not more than ten men are employed at the same time; but the inspector shall at all times have free ingress to such mines for the purpose of examination and inspection, and shall direct and enforce any regulation in accordance with the provisions of this chapter that he may deem necessary for the safety of the health and lives of the miners employed therein.

Emigrant agents.

Tax required;

SECTION 5132. Taxes in this subchapter shall be imposed as license tax for the privilege of carrying on the business or doing the act named, * * * The license issued under this subchapter shall be for twelve months, and shall expire on the thirty-first day of May of each year. * * *

Of emigrant agents.

SEC. 5180. On every emigrant agent or person engaged in procuring laborers for employment out of this State an annual license tax of one hundred dollars for the State and one hundred dollars for the county for each county in which such agent or person does business, the same to be collected by the sheriff. Anyone engaging in this business without first paying said tax shall be guilty of a misdemeanor and fined not less than two hundred dollars or imprisoned, in the discretion of the court.

Employers to furnish names of employees to tax officials.

Duty of employers.

SECTION 5201. * * * Any corporation, firm or person who shall on demand or request made, refuse to give to the tax col-

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lector of any county, city or town a list giving the names of all persons employed by them who are liable for tax, shall be guilty of a misdemeanor. * * *

ACTS OF 1907.

CHAPTER 463.—*Employment of children.*

Age limit.

SECTION 1. No child under twelve years of age shall be employed or worked in any factory or manufacturing establishment within this State: *Provided further*, That after one thousand nine hundred and seven no child between the ages of twelve and thirteen years of age shall be employed or work in a factory except in apprenticeship capacity, and only then after having attended school four months in the preceding twelve months.

Hours of labor.

SEC. 2 (as amended by chapter 85, Acts of 1911). Not exceeding sixty hours shall constitute a week's work in all factories and manufacturing establishments of this State. No person under 18 years of age shall be required to work in such factories or establishments a longer period than sixty hours in one week: *Provided*, That this section shall not apply to engineers, firemen, machinists, superintendents, overseers, section and yard hands, office men, watchmen or repairers of breakdowns.

Parents to report age.

SEC. 3. All parents, or persons standing in relation of parent, upon hiring their children to any factory or manufacturing establishment, shall furnish such establishment a written statement of the age of such child or children being so hired, and certificate as to school attendance; and any parent, or person standing in the relation of parent to such child or children, who shall in such written statement misstate the age of such child or children being so employed, or their school attendance, shall be guilty of a misdemeanor, and upon conviction shall be punished at the discretion of the court. Any mill owner, superintendent or manufacturing establishment, who shall knowingly or willfully violate the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished at the discretion of the court.

Nightwork.

SEC. 4. After one thousand nine hundred and seven no boy or girl under fourteen years old shall work in a factory between the hours of eight p. m. and five a. m.

[The following annotations refer to an earlier act, but are probably applicable to the above law.]

Employment of minors in violation of this section is negligence, which, if followed by injury, gives a cause of action. 53 S. E. 891.

Illegal employment is negligence per se, and not merely evidence of negligence. The statute is constitutional. 61 S. E. 525.

ACTS OF 1909.

CHAPTER 446.—*Railroads—Headlights on locomotives.*

Headlights required.

SECTION 1. Every company, corporation, lessee, manager or receiver owning or operating a railroad in this State is hereby required to equip and maintain and use upon each and every locomotive in operation in railroad service on main lines in this State an electric or power headlight of at least one thousand five hundred candlepower, measured without the aid of a reflector: *Provided*, That only twenty-five per cent of said locomotives not now so equipped shall be required to be so equipped or used by April first, one thousand nine hundred and ten; another twenty-five per cent by April first, one thousand nine hundred and eleven; another twenty-five per cent by April first, one thousand nine hundred and twelve, and the remainder by April first, one thousand nine hundred and thirteen: *Provided*, That this act shall not apply to locomotive engines regularly used in switching cars or trains: *And further providing*, That this act shall not apply to locomotive engines used exclusively between sunup and sundown, nor going to nor returning from repair shops when ordered in for repairs: *Provided further*, That this act shall not apply to independently

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owned and operated railroad companies in this State whose mileage of road in this State is one hundred and twenty-five miles or less, nor to railroads having only lines extending into this State, no one of which is one hundred miles in length in this State: *Provided further*, The corporation commission may relieve from the operation of this act such locomotives and roads or parts or sections or branches of roads upon which the said corporation commission may deem electric or power headlights not advisable: *Provided further*, That should an engine start on a trip with the headlight in good working condition, and from some unavoidable cause such headlight becomes disabled and can not be repaired on the line of the road on which such run is being made, there shall be nothing in this act to prevent said engine from continuing on said trip, and the railroad shall not be liable for prosecutions on account of such failure.

SEC. 2. That any company, corporation, lessee, manager or receiver violating the provisions of this act shall be guilty of a misdemeanor. Violations.

CHAPTER 504.—*Exemption of wages from execution—Unlawful assignments.*

SECTION 1. No resident creditor or other holder of any book account, negotiable instrument, duebill or other monetary demand arising out of contract, due by or chargeable against any resident wage earner or other salaried employee of any railway corporation or other corporation, firm or individual engaged in interstate business shall send out of the State, assign or transfer the same, for value or otherwise, with intent to thereby deprive such debtor of his personal earnings and property exempt by law from application to the payment of his debts under the laws of the State of North Carolina, by instituting or causing to be instituted thereon against such debtor, in any court outside of this State, in such creditor's own name or in the name of any other person, any action, suit or proceeding for the attachment or garnishment of such debtor's earnings in the hands of his employer, when such creditor and debtor and the railway corporation or other corporation, firm or individual owing the wages or salary intended to be reached are under the jurisdiction of the courts of this State. Sending claims out of State.

SEC. 2. No person residing or sojourning in this State shall counsel, aid or abet any violation of the provisions of section one of this act. Aiding violations.

SEC. 3. Any person or persons violating any provision of sections one and two of this act shall be answerable in damages to any debtor from whom any book account, negotiable instrument, duebill or other monetary demand arising out of contract shall be collected, or against whose earnings any warrant of attachment or notice of garnishment shall be issued, in violation of the provisions of section one of this act, to the full amount of the debt thus collected, attached or garnisheed, to be recovered by civil action in any court of competent jurisdiction in this State; and any person so offending shall likewise be guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars. Violations.

SEC. 4. In any civil or criminal action instituted in any court of competent jurisdiction in this State for any violation of the provisions of sections one and two of this act, proof of the institution or prosecution of any action, suit or proceeding in violation of the provisions of section one hereof, or the issuance of service therein of any warrant of attachment, notice or garnishment or other like writ for the garnishment of the earnings of the defendant therein, or of the payment by the garnishee therein of any final judgment rendered in any such action, suit or proceeding shall be deemed prima facie evidence of the intent of the creditor or other holder of the debt sued upon to deprive such debtor of his personal earnings and property exempt from application to the payment of his debts under the laws of this State, in violation of the provisions of this act. Evidence.

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Construction of act.

SEC. 5. No provision of this act shall be so construed as to deprive any person entitled to its benefits of any legal or equitable remedy already possessed under the laws of this State.

CHAPTER 637.—*Fire escapes on factories, etc.*

Doors to open outward.

SECTION 3. All doors for ingress and egress * * * of all * * * factories with more than twenty employees * * * which shall hereafter be erected, together with all those heretofore erected and which are still in use as such buildings * * * shall be so hung as to open outwardly from the * * * workshops of such buildings or places: *Provided*, That said doors may be hung on double hinges, so as to open with equal ease outwardly or inwardly.

Fire escapes.

SEC. 4. All factories, manufactories, establishments or workshops of three or more stories in height, in which thirty or more people are employed above the first floor thereof, shall be provided with one or (if the proper officials shall deem necessary) more outside fire escapes, not less than six feet in length and three feet in width, properly and safely constructed, guarded by iron railings not less than three feet in length and taking in at least one door and one window or two windows at each story and connected with the interior by easily accessible and unobstructed openings; and the said fire escapes shall connect by iron stairs not less than twenty-four inches wide, the steps to be not less than six inches tread, placed at not more than an angle of forty-five degrees slant and protected by a well-secured handrail on both sides, with a twelve-inch-wide drop ladder from the lowest platform reaching to the ground; that no outside fire escapes shall be required where there are already sufficient inside stairways; that for every twenty people employed on any floor above the second floor of every factory and workshop there shall be one rope or portable fire escape, and that each story shall be amply supplied with means for extinguishing fires; that all the main doors, both inside and outside, in factories, except fire doors, shall open outwardly when the proper official shall so direct, and that no outside or inside door of any building wherein operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent egress.

Other provisions.

Means of egress.

SEC. 5. * * * every building in which twenty or more persons are employed above the second story in a factory, workshop or mercantile or other establishment, the owner or agent of the owner of which said buildings is notified in writing by the insurance commissioner or any one of his deputies, shall be provided with proper ways of egress or other means of escape from fire sufficient for the use of all persons * * * employed * * * in such building or buildings, and such ways of egress and means of escape shall be kept free from obstructions, in good repair and ready for use. Every room above the second story in any such building in which twenty or more persons are employed shall be provided with more than one way of egress by stairways on the inside or outside of the building. All doors in any building subject to the provisions of this act shall open outwardly, if the insurance commissioner or one of his deputies shall direct in writing.

Enforcement.

SEC. 6. The insurance commissioner is charged with the execution of this law, and the said commissioner or chief of the fire department are hereby vested with all privileges, duties and obligations placed upon them in section four, chapter fifty-eight, Public Laws of one thousand eight hundred and ninety-nine, in regard to the inspection of buildings for the purpose of enforcing the provisions of this act in regard to the buildings and requirements herein, and any owner or occupant of premises failing to comply with the provisions of this act in accordance with the orders of the authorities above specified shall be guilty of a misdemeanor and punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect: *Provided, however*, That if

Violations.

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any owner or lessee of any building referred to in this act shall deem himself aggrieved by any ruling or order of any chief of fire department or local inspector, he may within twenty-four hours appeal to the insurance commissioner, and the cause of complaint shall at once be investigated by the direction of said commissioner, and unless by his authority the order or ruling is revoked it shall remain in full force and effect and be forthwith complied with by said owner or lessee.

CHAPTER 857.—*Seats for female employees.*

Seats to be provided.

SECTION 1. All persons, firms or corporations who employ females in a store, shop, office or manufacturing establishment, as clerks, operatives or helpers in any business, trade or occupation carried on or operated in the State of North Carolina, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests or stools as may be necessary, and shall not make any rules, regulations or orders preventing the use of such seats, stools or rests when any such female employee or employees are not actively employed or engaged in their work in such business or employment.

Violations.

SEC. 2. If any employer of female help in the State of North Carolina shall fail, neglect or refuse to provide seats, as provided in this act, on or before the first day of June, one thousand nine hundred and nine, or shall make any rules, orders or regulations in his or its shop, store or other place of business requiring females to remain standing when not necessarily employed or engaged in service or labor therein, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court.

CHAPTER 858.—*Blacklisting.*

Blacklisting forbidden.

SECTION 1. If any person, agent, company or corporation, after having discharged any employee from his or its service, shall prevent or attempt to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, company or corporation, such person, agent or corporation shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, and such person, agent, company or corporation shall be liable in penal damages to such discharged person, to be recovered by civil action; but this section shall not be construed as prohibiting any person or agent of any company or corporation from informing, in writing, upon request, any other person, company or corporation to whom such discharged person or employee has applied for employment a truthful statement of the reason for such discharge.

Agreement to blacklist.

SEC. 2. It shall be unlawful for two or more persons to agree together to blacklist any discharged employee or to attempt, by words or writing or any other means whatever, to prevent such discharged employee or any employee who may have voluntarily left the service of his employer from obtaining employment with any other person or company. Such persons violating the provisions of this section shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court.

A statement as to the standing of a discharged employee is not privileged unless made on request; and whether privileged or not, if it is made maliciously, and the employer has thereby prevented or attempted to prevent the reemployment of the discharged employee, penal damages may be awarded. 75 S. E. 34.

ACTS OF 1911.

CHAPTER 57.—*Accidents in factories—Provisions for first aid.*

Medical, etc., supplies required.

SECTION 1. Every person, firm, or corporation operating a factory or shop employing over twenty-five laborers, in which machinery is used for any manufacturing purpose, or for any pur-

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pose except for elevation or for heating or hoisting apparatus, shall at all times keep and maintain free of expense to the employees a medical or surgical chest which shall contain two porcelain pans, two tourniquets, gauze, absorbent cotton, adhesive plasters, bandages, antiseptic soap, one bottle of carbolic acid with directions on bottle, one bottle antiseptic tablets, one pair of scissors, one folding stretcher, all of which shall not cost to exceed ten dollars, for the treatment of persons injured or taken ill upon the premises.

Violations. SEC. 2. Any person, firm or corporation violating this act shall be subject to a fine of not less than five dollars or more than twenty-five dollars for every week during which such violation continues.

CHAPTER 112.—*Hours of labor of employees on railroads.*

Sixteen-hour day. SECTION 2. It shall be unlawful for any common carrier, its officers or agents, subject to this act, to require or permit any employee, subject to this act, to be or remain on duty for a longer period than sixteeen consecutive hours, and whenever any such employee of such common carrier 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*, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week: *Provided further*, The corporation commission may, after full hearing in a particular case and for good cause shown, extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

Eight hours' rest.

Nine-hour day.

Violations. SEC. 3. Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof shall be liable to a penalty of not to exceed five hundred dollars for each and every violation, to be recovered in suit or suits to be brought in the name of the State of North Carolina on relation of the corporation commission in the superior court of Wake County or of the county in which the violation of this act occurred; and it shall be the duty of the said corporation commission to bring such suits upon satisfactory information lodged with it; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall be the duty of the said corporation commission to lodge with the proper solicitors information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains: *Provided further*, This act shall not be construed to impose a penalty upon any common

Provisos.

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carrier for any act done in violation of the act of Congress, ratified March the fourth, one thousand nine hundred and seven, and entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," or any acts amendatory thereof.

Enforcement.

SEC. 4. It shall be the duty of the corporation commission to execute and enforce the provisions of this act, and all powers granted to the corporation commission are hereby extended to it in the execution of this act.

[The following annotations refer to an earlier act, but are probably applicable under the present law.]
This statute may exist contemporaneously with the Federal statute on the same subject. 66 S. E. 604.
An employee while working overtime in violation of this statute can recover nothing, though he was acting under orders. 66 S. E. 604.

ACTS OF 1913.

CHAPTER 6.—*Liability of railroad companies for injuries to employees.*

Negligence of officers, etc.

SECTION 1. Every common carrier by railroad shall be liable in damages to any person suffering injury while he is employed by such carrier, or in the case of the death of such employee, to his or her personal representative, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such carrier, or by reason of any defect or insufficiency due to its negligence, in its cars, engine, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

Defects.

Contributory negligence to be measured.

SEC. 2. In all actions hereafter brought against any such common carrier by railroad to recover damages, for personal injury to an employee, or where such injuries have resulted in his death, the fact that the employees may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided, however*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Assumption of risk.

SEC. 3. In any action brought against any common carrier to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee, or the death or injury was caused by negligence.

Contracts exempting from liability.

SEC. 4. Any contract, rule, regulation or device whatsoever, the purpose and intent of which shall be to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against such common carrier, under and by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance or relief benefit, or indemnity that may have been paid to the injured employee, or the person entitled thereto, on account of the injury or death for which said action was brought.

Set-offs.

Definition.

SEC. 5. The term "common carrier," as used in this act, shall include the receiver or receivers, or other persons or corporations charged with the duty of the management of the business of a common carrier.

CHAPTER 17.—*Bonds of employees—Railroads.*

Cancellation by employee;

SECTION 1. Whenever any employee of a common carrier authorized to do business in this State is required to give a bond or undertaking of any nature whatever with a bonding company or

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companies, as surety thereon, any such employee who shall have given 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, for the benefit of whom same shall have been made, at least ten days' notice in writing, setting out in full the reason for canceling 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 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, and upon demand, set out in full the reasons for canceling same, the said notice to be signed by an agent or manager of such surety: *Provided,* That nothing herein shall affect any right of action accruing to any person upon the breach of a contract: *Provided, further,* That any bonding company furnishing the information which causes it to withdraw from the bond, shall not be liable in any action at the instance of the party aggrieved for damages: *Provided, further,* That the bonding company shall not be required to disclose to the party aggrieved the sources of information that caused it to withdraw from the bond: *Provided, further,* That any bonding company may be required to give evidence in any action brought by the party aggrieved against the party or person furnishing the information causing the company to withdraw as surety.

By surety.

Violation.

SEC. 2. 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 punished by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

CHAPTER 64.—*Employment of children in factories.*

Age limit.

SECTION 1. No child under twelve years of age shall be employed or work in any factory or manufacturing establishment within this State: *Provided,* That no child between the ages of twelve and thirteen years shall be employed or work in a factory except in apprenticeship capacity, and only then after having attended school four months in the preceding twelve months.

Nightwork.

SEC. 2. No person under sixteen years of age shall be employed or permitted to work in any mill, factory or manufacturing establishment in this State between the hours of nine p. m. and six a. m.

Certificates.

SEC. 3. No child under sixteen years of age shall be employed or permitted to work at night, nor shall any child under the age of thirteen years be employed on day work in any mill, factory or manufacturing plant in this State, unless the person, firm or corporation employing such child or permitting such child to work shall have procured and shall keep on file and accessible to any inspector of factories or other authorized officer charged with the enforcement of this act a certificate from the parent, guardian or person standing in loco parentis to any such child, which certificate shall show the name and age of such child; and in case such child is under thirteen and more than twelve years of age, said certificate must set forth the fact that such child has attended school four months in the preceding twelve months.

Violation.

SEC. 4. Any person, firm or corporation, agent or manager of any firm or corporation, who willfully, whether for himself or for such firm or corporation, employs or permits to work any child in violation of any of the provisions of this act, and whoever, having under his control as parent, guardian or otherwise, shall willfully set forth any false statement in the certificate of employment herein required, or otherwise suffers such children to be employed or to work, in violation of any of the provisions of this act, shall be guilty of a misdemeanor.

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SEC. 5. It shall be the duty of the county superintendent of public schools to investigate any violation of this act and to report the same to the solicitor of the judicial district in which said violation occurred, together with the names of all witnesses. Investigation.

CHAPTER 65.—*Railroads—Shelters for employees at division points.*

SECTION 1 (as amended by chapter 117, Acts of 1913). It shall be, and is, hereby made the duty of every person, firm, corporation or company that may now or hereafter own, control or operate any line or lines of railroad in the State of North Carolina, to erect and maintain at every division point where cars are regularly taken out of trains for repairs or construction work, or where other railroad equipment is regularly made, repaired or constructed, a building or shed with a suitable and sufficient roof over the repair and construction track or tracks so as to provide that all men or employees permanently employed in the construction and repair of cars, trucks or other railroad equipment of whatever description, shall be under shelter and protected during snows, rains, sleets, hot sunshine, and other inclement weather: *Provided,* The corporation commission shall have the power to direct the points at which sheds shall be erected, and the character of the sheds: *Provided further,* That such order shall only be made after a hearing of which public notice shall have been given. Shelters required.

SEC. 2. On and after the first day of December, nineteen hundred and thirteen, any person, firm, corporation or company failing to comply with the requirements set out in section one of this act shall be guilty of a misdemeanor, and for each and every offense shall be fined not less than one hundred dollars nor more than five hundred dollars. Violation.

SEC. 3. Each and every day that any person, firm, corporation or company shall refuse or fail to comply with the provisions of this act after the first day of December, nineteen hundred and thirteen, shall constitute a separate offense and violation of the provisions of section one hereof. Continuing violations.

CHAPTER 83.—*Factory regulations—Toilet facilities.*

SECTION 1. All persons and corporations employing males and females in any manufacturing industry, or other business employing more than two males and females in towns and cities having a population of one thousand persons or more, and where such employees are required to do indoor work chiefly, shall provide and keep in a cleanly condition separate and distinct toilet rooms for such employees, said toilets to be lettered and marked in a distinct manner, so as to separate the white and colored males and females of both sexes: *Provided,* That the provisions of this act shall not apply to cases where toilet arrangements or facilities are furnished by said employer off the premises occupied by him. Toilet rooms.

SEC. 2. Any person or corporation refusing to comply with the provision of section one of this act shall be guilty of a misdemeanor and upon conviction fined five dollars for the first offense and five dollars for each day they shall fail to make the provisions required under section one of this act. Violation.

SEC. 3. It shall be the duty of the police officers of any town or city to investigate the places of business of any person or corporation employing males and females and see that the provisions of this act are put in force, and it shall be his duty to swear out a warrant before the mayor or other proper officer of any town or city and prosecute all persons, corporations and managers of corporations who shall violate any of the provisions of this act, he or she, shall be fined five dollars. Enforcement in cities and towns.

SEC. 4. It shall be the duty of the persons or corporation mentioned under this act to locate their toilets for males and females, white and colored, in separate parts of their buildings or grounds, Separate toilets.

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in buildings hereafter erected, and in those now erected, all closets shall be separated by substantial walls of brick or timber, and any employee who shall willfully intrude or use any toilet not intended for his or her sex or color shall be guilty of a misdemeanor and upon conviction shall be fined five dollars.

Enforcement. SEC. 5. Whenever any persons or corporations shall have located, outside of any city or town, its manufacturing plant or other business, it shall be the duty of the sheriff of the county to make investigation of the condition of the toilets used by such manufacturing plant or business and see that section one of this act is complied with, and it shall be his duty to swear out a warrant before a justice of the peace and prosecute any one violating the provisions of this act.

Exceptions. SEC. 6. *Provided*, That this act shall not apply to Sampson, Harnett, Lee, Johnston, Northampton, Cleveland, Rutherford, Polk and Henderson counties.

CHAPTER 91.—*Accident insurance.*

Provisions in policies. SECTION 3. Every such policy [against loss or damage from the sickness, or the bodily injury or death of the insured by accident] so issued shall contain certain standard provisions, which shall be in the words and in the order hereinafter set forth and be preceded in every policy by the caption "Standard Provisions." * * * Said standard provisions shall be:

Alternative forms. (1) A standard provision relative to the contract which may be in either of the following two forms: Form (A) to be used in policies which do not provide for reduction of indemnity on account of change of occupation, and Form (B) to be used in policies which do so provide. If Form (B) is used and the policy provides indemnity against loss from sickness, the words "or contracts sickness" may be inserted therein immediately after the words "in the event that the insured is injured":

Change of occupation. (A) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance. No reduction shall be made in any indemnity herein provided by reason of change in the occupation of the insured or by reason of his doing any act or thing pertaining to any other occupation.

(B) 2. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the insurer as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, in which event the insurer will pay only such portion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits so fixed by the insurer for such more hazardous occupation.

* * * * *

Blanket policies. SEC. 12. (1) Nothing in this act, however, shall apply to or affect any policy of liability or workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association or individual employer, police or fire department, underwriter's corps, salvage bureau, or like associations or organizations, where the officers, members or employees or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

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CHAPTER 164.—*Protection of employees as voters.*

Threatening to discharge, etc.

SECTION 1. Any person who shall hereafter, in connection with any primary, special, general or other elections held, being held, or about to be held in the State of North Carolina, do any of the acts and things declared in this section to be unlawful, shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful for any person,

* * * * *

(f) To directly or indirectly discharge or threaten to discharge from employment or otherwise intimidate or oppress any legally qualified voter on account of any vote such voter may cast, or consider casting, or intend to cast or not to cast, or which he may have failed to cast;

* * * * *

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

Attendance required.

SECTION 1. From and after the first day of July, one thousand nine hundred and thirteen, every parent, guardian, or other person in the State of North Carolina having charge or control of a child or children between the ages of eight and twelve years, shall cause such child or children to attend the local public school in the district, town or city in which he resides, continuously for four months of the school term of each year, except as hereinafter provided. * * * *Provided,* The period of compulsory attendance shall be in force and apply between the ages of eight and fifteen years in Mitchell County.

Needy children.

SEC. 2. This act shall not apply * * * in any case in which, because of extreme poverty the services of such child are necessary for his own support or the support of his parents, as attested by the affidavit of said parents and of such witnesses as the attendance officer may require; or in any case in which said parent, guardian or other person having charge or control of the child shall show before any magistrate by affidavit of himself and of such witnesses as the attendance officer may require, that the child is without necessary books and clothing for attending school, and that he is unable to provide the necessary books and clothes: *Provided,* That when books and clothing shall have been provided, through charity or by other means, the child shall no longer be exempt from attendance under this provision.

Enforcement.

SEC. 5. The county board of education in each county shall appoint and remove at will an attendance officer for each township to enforce the provisions of this act * * * The attendance officer shall have the right to visit and enter any office or factory or business house employing children, for the purpose of enforcing the provisions of this act; when doubt exists as to the age of a child, he may require a properly attested birth certificate or affidavit stating such child's age. * * *

Existing laws.

SEC. 8. This act shall not affect or in any part repeal any existing special or local laws requiring compulsory attendance in any county or school district: *Provided,* The provisions of this act shall apply to Mitchell County.

Mitchell County.

Polk County.

SEC. 9. This bill shall apply to all children in Polk County between the ages of seven and fifteen years.

CHAPTER 190.—*Bribery, etc., of employees.*

Offering bribes.

SECTION 1. Whoever gives, offers or promises to an agent, employee, or servant any gift or gratuity whatever with intent to influence his action in relation to his principal's, employer's or master's business; that any agent, employee or servant who requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in

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relation to his principal's, employer's or master's business; any agent, employee or servant who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives, directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be punished in the discretion of the court.

Receiving bribes.

Giving evidence.

SEC. 2. No person shall be excused from attending, testifying or producing books, papers, contracts, agreements and documents before any court or in obedience to the subpœna of any court having jurisdiction of the crime herein denounced on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or to subject him to a penalty or to a forfeiture; but no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpœna or in any such case or proceeding: *Provided*, That no person so testifying or producing any such books, papers, contracts, agreements or documents shall be exempted from such prosecution and punishment for perjury committed in so testifying.

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NORTH DAKOTA.

CONSTITUTION.

Interference with employment.

SECTION 23. Every citizen of this State shall be free to obtain employment wherever possible, and any person, corporation or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor. Employment to be free.

Department of agriculture and labor—Commissioner.

SECTION 82. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the legislative assembly, * * * one commissioner of agriculture and labor, who shall have attained the age of twenty-five years, shall be citizens of the United States, and shall have the qualifications of State electors. They shall severally hold their offices at the seat of government, for the term of two years and until their successors are elected and duly qualified, * * * Commissioner to be elected.

Employment of children.

SECTION 209. The labor of children under twelve years of age shall be prohibited in mines, factories and workshops in this State. Age limit.

[See chapter 266, Acts of 1911.]

Blacklisting.

SECTION 212. The exchange of "black lists" between corporations shall be prohibited. Blacklisting prohibited.

REVISED CODES OF 1905.

POLITICAL CODE.

Department of agriculture and labor—Commissioner.

SECTION 127. It shall be the duty of the commissioner of agriculture and labor to collect, systematize and present in biennial reports to the legislative assembly statistical details relating to all labor departments in the State, such as hours and wages of labor, the estimated number of persons employed by the several industries within the State, the operation of labor-saving machinery and its relation to hand labor, a description of the different kinds of labor organizations in existence in this State, and what they have accomplished in favor of the class for which they were organized. Such statistics may be classified as the commissioner of agriculture and labor deems best. Duty of commissioner.

SEC. 128. It shall be the duty of all State, county, township and municipal officers to furnish upon the written request of the commissioner of agriculture all the information in their power necessary to assist in carrying out the objects of this article. For the purpose of obtaining statistics relating to manufactures and mining the commissioner of agriculture shall procure in a manner that may seem best to him, the names and addresses of all the Duty of officials.

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manufacturers and mine owners and operators in the State, and shall transmit by mail to each owner, operator or manager of each shop, mill, manufacturing establishment or mine, not later than the first day of July of each year, suitably prepared blanks embodying inquiries into the subjects upon which the commissioner is required or authorized to prepare statistics, which blanks shall be filled out complete and returned to the commissioner not later than the first day of August following. The information so obtained shall be preserved, systematized and tabulated by the commissioner, but no information concerning the business or affairs of any individual, firm, company or corporation shall be divulged or in any manner made public by the commissioner or any one in the employ of his office, and any violation of this provision shall subject the party violating to a fine of not more than five hundred dollars or to imprisonment of not more than one year, or both such fine and imprisonment. The refusal or neglect of any such owner, operator or manager of any shop, mill, manufacturing establishment or mine to supply the information asked by the commissioner within the time designated shall be construed as a violation of section one hundred and twenty-nine and shall subject the party so offending to the penalties therein prescribed: *Provided,* That no prosecution shall be begun against such persons for such neglect or refusal until at least twenty days after a second notice and blank shall have been mailed them by the commissioner.

Owners of factories, etc.

Penalty.

Obstructing commissioner.

SEC. 129. Any person who willfully impedes or obstructs the commissioner in the full and free performance of his duties shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than ten nor more than fifty dollars, or by imprisonment of not less than seven nor more than thirty days in the county jail, or by both. The refusal or neglect of any person for himself or for any person, firm, company or corporation of which he may be a member, or agent, to furnish the information or statistical statement required to be furnished to assessors, shall be construed to be a violation of the provisions of this section, and it is hereby made the duty of the county auditor to report such violation with the names and post-office address and place of residence of the violator as furnished him by the assessor to the State's attorney for the county in which such violation occurred, and the State's attorney shall forthwith proceed to enforce the penalty provided in this section against such persons; and he is hereby authorized to subpœna the assessor and such other witnesses as may be necessary, and to introduce the assessor's returns in evidence.

Powers.

SEC. 130. He shall have power to send for persons, books and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby authorized to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in his office.

Coal mining.

SEC. 134. The commissioner shall report to the legislative assembly the number of coal mines being operated within the State, the number of tons of coal being mined annually, the number of persons employed in coal mining, the wages paid coal miners and the cost per ton to mine coal at the different mines. The commissioner is hereby authorized to give out to the press of this or other States at any time such parts of any reports in course of preparation as may be sufficiently concluded to admit of publication, or such information regarding the statistics of the State as may in his judgment be of interest or value to the people, the design being to furnish to the people through the press as fresh information regarding the State and its industries and condition as possible without awaiting the official publication through biennial or other reports.

Reports may be given to press.

Salary.

SEC. 135. The commissioner of agriculture and labor shall receive an annual salary of two thousand dollars.

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Coal used in public buildings to be mined within the State.

Use of native coal.

SECTION 1290. The various State institutions, county buildings and public schoolhouses of this State shall use for fuel, native or lignite coal, and it shall be unlawful for any officer to purchase for use in such institutions, county buildings and public schools any coal other than that taken from the mines within the boundaries of this State. This section shall not be construed, however, as prohibiting the use of wood at such institutions, county buildings and public schools, when the cost thereof does not exceed that of native coal, or the use of coal other than native lignite coal at such public schools as are located six miles or more from any mine or railroad station within the boundaries of this State: *Provided,* That the comparative cost of such fuel is not greater than that of lignite coal.

Employment of intemperate drivers on public conveyances.

Intemperate drivers not to be employed.

SECTION 1461. No person owning or having the direction or control of any coach or other vehicle running or traveling upon any road in this State for the conveyance of passengers shall employ or continue in his employment any person to drive such coach or other vehicle who is addicted to drunkenness or to the excessive use of intoxicating liquors; and if any person shall violate the provisions of this section, he shall forfeit and pay a sum of not less than ten nor more than fifty dollars, and shall be liable for all damages sustained thereby.

Inspection and regulation of factories—Fire escapes—Doors to open outward.

Fire escapes to be provided.

SECTION 2175. The owners and proprietors of all hotels, factories, public halls, offices and other buildings in this State, over two stories in height, are required to provide safe and suitable fire escapes from all rooms above the second story of such hotel or other building, and when rooms have no outside windows there shall be affixed to the window in the hallway leading from such room at least three fire escapes in each window as herein directed. Such fire escapes shall consist of at least one good cotton rope not less than one inch in diameter, to be securely and permanently fastened with iron rings or bolts at a point immediately outside or inside of at least one window in each room above the second story; and such rope shall be of sufficient length to reach to the ground: *Provided,* That if the owner or proprietor of any such buildings shall provide good and sufficient iron ladders extending from each of the windows herein mentioned, and from points immediately adjacent to each of such windows, to the ground, securely and permanently fastened to such building, or shall have the fire escape ladder in each of the rooms and hall windows aforesaid, of sufficient length to reach from such windows to the ground, he will be deemed to have complied with the requirements of this section.

Proviso.

Penalty.

SEC. 2176. Any person violating any of the provisions of the last section shall be punished by a fine of not less than twenty-five dollars for each room in such hotel or other building not provided with fire escapes as aforesaid.

Doors to open outward.

SEC. 2177. All doors of ingress and egress in all buildings used for * * * factories, * * * wherein numbers of persons are employed * * * shall be so constructed as to open and swing outward, and doorways shall not be less than four feet in width, with proper landings and stairways of at least equal width.

Who to make changes.

SEC 2178. It shall be the duty of all persons owning or having charge of such buildings, * * * to comply with the provisions of the last section * * *.

Penalty.

SEC. 2179. Any person failing to comply with the provisions of * * * [section 2177], or who shall build, maintain or permit to

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be used any such building contrary to the provisions hereof shall be deemed guilty of a misdemeanor.

CIVIL CODE.

Earnings of minors.

Payment to minors valid until notice.

SECTION 4105. The wages of a minor employed in service may be paid to him or her until the parent or guardian entitled thereto gives the employer notice that he claims such wages.

Railroads—Sufficient crews for trains.

Number of brakemen.

SECTION 4307. It shall be the duty of every corporation operating a railway within the limits of this State which has not complete air equipments in good order on all rolling stock in use on said road to furnish at least two brakemen to each freight train consisting of forty-five cars and it shall be the duty of said company to furnish an extra brakeman on said freight train for every ten cars or fraction thereof in excess of said forty-five cars: *Provided*, That this section shall not apply to any train which has therein, equipped with air brakes, a sufficient number of cars to render hand brakes unnecessary in the ordinary stoppage of trains.

Penalty.

SEC. 4308. For each and every violation of the last section the railroad corporation so offending shall be subject to a penalty of fifty dollars to be recovered in a civil action and paid to the State of North Dakota and it is made the duty of the attorney general upon complaint of any citizen to commence and prosecute this action in his own name as attorney general on behalf of the State.

Liability of employers for injuries to employees.

Negligence of coemployees on railroads.

SECTION 4400. Every railroad company organized or doing business in this State shall be liable for all damages done to any employee of such company, in consequence of any negligence of its agents, or by any mismanagement of its engineers, or other employees, to any person sustaining such damage; and no contract which restricts such liability shall be legal or binding.

Want of care, etc.

SEC. 5392. Everyone is responsible not only for the result of his willful acts, but also for an injury occasioned to another by his want of ordinary care or skill in the management of his property or person, except so far as the latter has willfully or by want of ordinary care, brought the injury upon himself. * * *

Employment of labor—General provisions.

Definition.

SECTION 5542. The contract of employment is a contract by which one, who is called the employer, engages another, who is called the employee, to do something for the benefit of the employer or a third person.

Employee to be indemnified, when.

SEC. 5543. An employer must indemnify his employee except as prescribed in the next section for all that he necessarily expends or loses in direct consequence of the discharge of his duties as such or of his obedience to the directions of the employer, even though unlawful, unless the employee at the time of obeying such directions believed them to be unlawful.

Ordinary risks.

SEC. 5544. An employer is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless he has neglected to use ordinary care in the selection of the culpable employee.

Employer's negligence.

SEC. 5545. An employer must in all cases indemnify his employee for losses caused by the former's want of ordinary care.

Sections 5544 and 5545 are an enactment of the common law and do not change the rule as to the liability of employers. 3 Dak. 38.

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Service without consideration.

SEC. 5546. One who without consideration undertakes to do a service for another is not bound to perform the same, but if he actually enters upon its performance he must use at least slight care and diligence therein.

Employment on request.

SEC. 5547. One who by his own special request induces another to intrust him with the performance of a service must perform the same fully. In other cases one who undertakes a gratuitous service may relinquish it at any time.

Service for reward.

SEC. 5549. One who for a good consideration agrees to serve another must perform the service and must use ordinary care and diligence therein so long as he is thus employed.

Service for personal advantage.

SEC. 5550. One who is employed at his own request to do that which is more for his own advantage than for that of his employer must use great care and diligence therein to protect the interests of the latter.

Limit of term of contract.

SEC. 5551. A contract to render personal service, other than a contract of apprenticeship, as provided in the chapter on master and servant, can not be enforced against the employee beyond the term of two years from the commencement of service under it, but if the employee voluntarily continues his service under it beyond that time the contract may be referred to as affording a presumptive measure of the compensation.

Obedience to orders.

SEC. 5552. An employee must substantially comply with all the directions of his employer concerning the service on which he is engaged, even though contrary to the provisions of this and the two succeeding chapters, except when such obedience is impossible or unlawful, or would impose new and unreasonable burdens upon the employee, or in case of an emergency, which, according to the best information which the employee can with reasonable diligence obtain the employer did not contemplate, in which he can not with reasonable diligence be consulted and in which noncompliance is judged by the employee in good faith and in the exercise of reasonable discretion to be absolutely necessary for the protection of the employer's interest. In all such cases the employee must conform as nearly to the directions of his employer as may be reasonably practicable, and most for the interest of the latter.

Usage of place.

SEC. 5553. An employee must perform his service in conformity to the usage of the place of performance, unless otherwise directed by his employer, or unless it is impracticable, or manifestly injurious to his employer to do so.

Degree of skill.

SEC. 5554. An employee is bound to exercise a reasonable degree of skill, unless his employer has notice before employing him of his want of skill.

Same subject.

SEC. 5555. An employee is bound to use such skill as he possesses so far as the same is required for the service specified.

Acquisitions by employee.

SEC. 5556. Everything which an employee acquires by virtue of his employment, except the compensation, if any, which is due to him from his employer, belongs to the latter, whether acquired lawfully or unlawfully, or during or after the expiration of the term of his employment.

Accounts.

SEC. 5557. An employee must on demand render to his employer just accounts of all his transactions in the course of his services as often as may be reasonable and must without demand give prompt notice to his employer of everything which he receives for his account.

May hold goods until demand.

SEC. 5558. An employee, who receives anything on account of his employer in any capacity other than that of a mere servant, is not bound to deliver it to him until demanded, and is not at liberty to send it to him from a distance without demand in any mode involving greater risk than its retention by the employee himself.

Employer's business to have preference.

SEC. 5559. An employee who has any business to transact on his own account similar to that intrusted to him by his employer must always give the latter the preference. If intrusted with similar affairs by different employers, he must give them preference according to their relative urgency, or, other things being equal, according to the order in which they were committed to him.

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Substitutes. SEC. 5560. An employee who is expressly authorized to employ a substitute is liable to his principal only for want of ordinary care in his selection. The substitute is directly responsible to the principal.

Culpable negligence. SEC. 5561. An employee who is guilty of a culpable degree of negligence is liable to his employer for the damage thereby caused to the latter; and the employer is liable to him if the service is not gratuitous for the value of such services only as are properly rendered.

Survivor of joint employees. SEC. 5562. When service is to be rendered by two or more persons jointly and one of them dies, the survivor must act alone if the service to be rendered is such as he can rightly perform without the aid of the deceased person, but not otherwise.

Termination of employment. SEC. 5564. Every employment in which the power of the employee is not coupled with an interest in its subject is terminated by notice to him of:

1. The death of the employer; or,
2. His legal incapacity to contract.

Every employment is terminated:

1. By the expiration of its appointed term.
2. By the extinction of its subject.
3. By the death of the employee; or,
4. By his legal incapacity to act as such.

Continuance after death of employer. SEC. 5565. An employee, unless the term of his service has expired or unless he has a right to discontinue it at any time without notice, must continue his service after notice of the death or incapacity of his employer, so far as is necessary to protect from serious injury the interests of the employer's successor in interest, until a reasonable time after notice of the facts has been communicated to such successor. The successor must compensate the employee for such service according to the terms of the contract of employment.

Termination at will. SEC. 5566. An employment, having no specified term, may be terminated at the will of either party on notice to the other, except when otherwise provided by this chapter.

Breach of duty by employee; SEC. 5567. An employment, even for a specified term, may be terminated at any time by the employer in case of any willful breach of duty by the employee in the course of his employment or in case of his habitual neglect of his duty or continued incapacity to perform it.

By employer. SEC. 5568. Any employment, even for a specified term, may be terminated by the employee at any time in case of any willful or permanent breach of the obligations of his employer to him as an employee.

Forfeiture of wages. SEC. 5569. An employee dismissed by his employer for good cause is not entitled to any compensation for services rendered since the last day upon which a payment became due to him under the contract.

Proportionate compensation. SEC. 5570. An employee who quits the service of his employer for good cause is entitled to such proportion of the compensation which would become due in case of full performance, as the services which he has already rendered bear to the services which he was to render as full performance.

Definition. SEC. 5571. A servant is one who is employed to render personal service to his employer, otherwise than in the pursuit of an independent calling, and who in such service remains entirely under the control and direction of the latter, who is called his master.

Measure of term of service. SEC. 5572 (as amended by chapter 173, Acts of 1907). A servant is presumed to be hired for such length of time as the parties shall agree upon. A hiring at a monthly rate is to be presumed to be for one month or such number of months as may be agreed upon. A hiring for the season shall be presumed to be from the date of such hiring to November 1st of the year of such hiring. A hiring at a yearly rate is presumed to be for one year. A hiring at a daily rate shall be presumed to be an entire contract for as many days as the parties agree upon, and such contract shall not be presumed to be for one day. A hiring by piecework, for no specified time.

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Monthly term presumed.

SEC. 5573. In the absence of any agreement or custom as to the rate or value of wages the term of service or the time of payment, a servant is presumed to be hired by the month at a monthly rate of reasonable wages, to be paid when the service is performed.

Renewal of agreement.

SEC. 5574. When after the expiration of an agreement respecting the wages and the term of service the parties continue the relation of master and servant, they are presumed to have renewed the agreement for the same wages and term of service.

Servants time.

SEC. 5575. The entire time of a domestic servant belongs to the master and the time of other servants, to such extent as is usual in the business in which they serve, not exceeding in any case ten hours in a day.

Delivery of goods, etc., received.

SEC. 5576. A servant must deliver to his master, as soon as with reasonable diligence he can find him, everything that he receives for his account without demand; but he is not bound without orders from his master to send anything to him through another person.

Discharge for cause.

SEC. 5577. A master may discharge any servant, other than an apprentice, whether engaged for a fixed term or not:

1. If he is guilty of misconduct in the course of his service or of gross immorality, though unconnected with the same; or,

2. If, being employed about the person of the master or in a confidential position, the master discovers that he has been guilty of misconduct before or after the commencement of his service of such a nature that if the master had known or contemplated it, he would not have so employed him.

Service without employment.

SEC. 5620. One who officiously and without consent of the real or apparent owner of a thing takes it into his possession for the purpose of rendering a service about it must complete such service and use ordinary care, diligence and reasonable skill about the same. He is not entitled to any compensation for his service or expenses, except that he may deduct actual and necessary expenses incurred by him about such service from any profits which his service has caused the thing to acquire for its owner and must account to the owner for the residue.

Damages.

SEC. 6556. Every person who suffers detriment from the unlawful act or omission of another may recover from the person in fault a compensation therefor in money, which is called damages.

What contracts can not be enforced.

SEC. 6614. The following obligations can not be specifically enforced:

1. An obligation to render personal service.

2. An obligation to employ another in personal service.

* * * * *

CODE OF CIVIL PROCEDURE.

Exemption of wages from execution.

Sixty days' wages exempt, when.

SECTION 7166. The judge may order any property of the judgment debtor not exempt from execution in the hands either of himself or any other person or due the judgment debtor to be applied towards the satisfaction of the judgment; except that the earnings of the debtor for his personal services at any time within sixty days next preceding the order can not be so applied when it is made to appear by the debtor's affidavit or otherwise, that such earnings are necessary for the use of a family supported wholly or partly by his labor.

Inspector of mines.

State engineer.

SECTION 7608 (as amended by chapter 52, Acts of 1907). There shall be a State engineer, who shall be a technically qualified and experienced hydraulic engineer, to be appointed by the governor and such appointment confirmed by the senate. He shall hold office for the term of four years from and after his appointment, or until his successor shall have been appointed and shall have qualified. He shall not engage in private practice. He shall

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have general supervision of the waters of the State and of the measurement and appropriation thereof, and shall receive a salary of two thousand five hundred dollars per annum and actual necessary traveling expenses while away from his office in the discharge of official duties; and until otherwise provided by law he shall be ex officio State coal mine inspector, and it is hereby made his duty immediately after the taking effect of this act to make a thorough inspection of all lignite mines in the State that are being worked, and report to the governor in detail on each mine, the depth and thickness of the vein, the average number of tons mined daily and the annual output, the selling price per ton at the mine, the number of men employed and the wages paid, the manner of mining and the machinery used, the rate per ton paid for mining, the condition of each mine with reference to the safety of the employees, what mines, if any, are on school or institution lands, and such further information as he may deem proper to report; and it shall be the duty of every mine owner, superintendent or manager of every mine, to give the inspector free access to the mine and any information which he may desire with reference to the mine and its management. * * *

Inspector of coal mines.

Assistants.

SEC. 7609 (as amended by chapter 52, Acts of 1907). The State engineer shall have power to appoint from time to time, during the season of the year when field work is practicable, one or more assistant engineers, one of whom shall be a graduate from one of the leading technical universities of the country, as a mining engineer, at a salary not to exceed one thousand eight hundred dollars per annum and actual and necessary traveling expenses while away from the office in the discharge of official duties.

Wages as preferred claims—In insolvency.

Order of payment of demands.

SECTION 7782. The following claims shall be entitled to priority and to be first paid in full in their order:

1. All debts due to the United States and all debts due to and taxes assessed by this State or any county, city or town therein.

2. All debts owing for the wages of servants, laborers, mechanics and clerks for labor performed within one year next preceding the commencement of proceedings in insolvency.

* * * * *

JUSTICES' CODE.

Execution on judgments for wages not to be stayed.

Stay not allowed, when.

SECTION 8447. * * * no stay is allowed under the provisions of this section without the consent of the owner and holder of the judgment when it is rendered for wages of a mechanic or laborer * * *

PENAL CODE.

Sunday labor.

Acts prohibited.

SECTION 8567. The first day of the week being by general consent set apart for rest and religious uses, the law prohibits the doing on that day of certain acts hereinafter specified.

Violations.

SEC. 8568. Any violation of the foregoing prohibition is Sabbath breaking.

Day defined.

SEC. 8569. Under the term "day," as employed in the phrase "first day of the week," in the seven sections following, is included all the time from midnight to midnight.

Sunday labor, etc., forbidden.

SEC. 8570. The following are the acts forbidden to be done on the first day of the week, the doing of any of which is Sabbath breaking:

1. Servile labor.
2. Public sports.
3. Trades, manufactures and mechanical employments.

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4. Public traffic.
5. Serving process.

Same subject.

SEC. 8571. All manner of servile labor on the first day of the week is prohibited, excepting works of necessity or charity.

Observance of another day.

SEC. 8572. It is a sufficient defense in proceedings for servile labor on the first day of the week, to show that the accused uniformly keeps another day of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

Trades, etc., prohibited.

SEC. 8574. All trades, manufactures and mechanical employments, upon the first day of the week, are prohibited.

Penalty.

SEC. 8577. Every person guilty of Sabbath breaking is punishable by a fine of not less than one dollar nor more than ten dollars, at the discretion of the court, for each offense.

Interference with employment—Conspiracy against workingmen.

Conspiring to interfere with trade, etc.

SECTION 8768. If two or more persons conspire, either:

* * * * *

5. To prevent another from exercising a lawful trade or calling or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements or property belonging to or used by another, or with the use or employment thereof; or,

6. To commit any act injurious to the public health, to public morals or to trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws; each of them is guilty of a misdemeanor.

Assemblies of workingmen.

SEC. 8770. No conspiracy is punishable criminally unless it is one of those enumerated in the last two sections, and the orderly and peaceable assembling or cooperation of persons employed in any calling, trade or handicraft for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, is not a conspiracy.

Hindering employment.

SEC. 8772. Every person, corporation, or agent thereof, who maliciously interferes or hinders, in any way, any citizen of this State from obtaining employment or enjoying employment already obtained, from any other person or corporation, is guilty of a misdemeanor.

Blacklisting.

SEC. 8773. Every corporation, officer, agent or employee thereof, and every person of any corporation on behalf of such corporation, who exchanges with or furnishes or delivers to any other corporation or any officer, agent, employee or person thereof, any "black list," is guilty of a misdemeanor.

Negligence, intoxication, etc., of operators of steam boilers.

Negligence causing death—Captains, etc., of steamboats; Persons in charge of steam boilers.

SECTION 8821. Every captain or other person having charge of any steamboat used for the conveyance of passengers or of the boilers or engines thereof, who, from ignorance or gross neglect, or for the purpose of excelling any other boat in speed, creates or allows to be created, such an undue quantity of steam as to burst or break the boiler or other apparatus in which it shall be generated or any apparatus or machinery connected therewith, by which bursting or breaking any person is killed, is deemed guilty of manslaughter in the second degree.

SEC. 8822. Every engineer or other person having charge of any steam boiler, steam engine or other apparatus for generating or employing steam, employed in any manufactory, railway or other mechanical works, who willfully or from ignorance or gross neglect creates or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine or apparatus, or to cause any other accident whereby the death of a human being is produced, is guilty of manslaughter in the second degree.

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Negligence endangering life—
Captains, etc., of steamboats;

SEC. 8993. Every captain or other person having charge of any steamboat used for the conveyance of passengers, or of the boilers and engines thereof, who, from ignorance or gross neglect, or for the purpose of excelling any other boat in speed, creates or allows to be created such an undue quantity of steam as to burst or break the boiler or other apparatus in which it shall be generated, or any apparatus or machinery connected therewith, by which bursting or breaking human life is endangered, is guilty of a misdemeanor.

Persons in charge of steam boilers.

SEC. 8994. Every engineer or other person having charge of any steam boiler, steam engine or other apparatus for generating or employing steam, employed in any manufactory, railway or other mechanical works, who willfully or from ignorance or gross neglect, creates or allows to be created such an undue quantity of steam as to burst or break the boiler or engine or apparatus or cause any other accident whereby human life is endangered, is guilty of a misdemeanor.

Intoxication of railroad employees.

SEC. 9061. Every person who, while in charge as engineer, of a locomotive engine, or while acting as conductor or driver upon a railroad train or car, whether propelled by steam or drawn by horses, is intoxicated, is guilty of a misdemeanor.

Violations of duty.

SEC. 9062. Every engineer, conductor, brakeman, switch tender or other officer, agent or servant, of any railroad company, who is guilty of any willful violation or omission of his duty as such officer, agent or servant, by which human life or safety is endangered, the punishment for which is not otherwise prescribed, is guilty of a misdemeanor.

Sale of intoxicants to employees—Actions for damages.

Liability of sellers of intoxicants.

SECTION 9376. Every * * * employer or other person who shall be injured in person or property * * * by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such * * * employer shall have a right of action, in his or her own name, against any person who shall by selling, bartering or giving away intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained as well as for exemplary damages; * * *

Intimidation of employers and employees.

Intimidating employees;

SECTION 9434. Every person who, by any use of force, threats or intimidation, prevents or endeavors to prevent any hired foreman, journeyman, apprentice, workman, laborer, servant or other person employed by another, from continuing or performing his work, or from accepting any new work or employment, or to induce such hired person to relinquish his work or employment, or to return any work he has in hand before it is finished, is guilty of a misdemeanor.

Employers;

SEC. 9435. Every person who, by any use of force, threats or intimidation, prevents or endeavors to prevent another from employing any person, or to compel another to employ any person, or to force or induce another to alter his mode of carrying on business, or to limit or increase the number of his hired foremen, journeymen, apprentices, workmen, laborers, servants or other persons employed by him, or their rate of wages or time of service, is guilty of a misdemeanor.

Mine laborers.

SEC. 9436. In all cases when two or more persons * * * shall enter upon or into any lode, gulch, placer claim or quartz mill or other mining property, or, not being upon such property but within hearing of the same, shall make any threats or make use of any language, sign or gesture calculated to intimidate any person or persons at work on said property from continuing work thereon or therein, or to intimidate others from engaging to work thereon or therein, every such person so offending shall, upon conviction, be punished by imprisonment in the county jail not exceeding six months and not less than thirty days, and by fine not

Penalty.

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exceeding two hundred and fifty dollars, such fine to be discharged either by payment or by confinement in such jail until such fine is discharged at the rate of two dollars and fifty cents per day. On trials under this section, proof of a common purpose of two or more persons * * * to intimidate laborers as above set forth, accompanied or followed by any of the acts above specified, by any of them, shall be sufficient evidence to convict any one committing such acts, although the parties may not be associated together at the time of committing the same.

Employment of women and children—Hours of labor.

Limit of ten hours.

SECTION 9440. Every owner, stockholder, overseer, employer, clerk or foreman, of any manufactory, workshop or other place used for mechanical or manufacturing purposes, who, having control, shall compel any woman or any child under eighteen years of age, or permit any child under fourteen years of age, to labor in any day exceeding ten hours, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding one hundred and not less than ten dollars.

ACTS OF 1907.

CHAPTER 203.—*Liability of railroad companies for injuries to employees.*

Acts of employees.

SECTION 1. Every common carrier shall be liable to any of its employees, or in case of the death of an employee, to his personal representative, for the benefit of his widow, children or next of kin, for all damages which may result from the negligence of any of its officers, agents or employees, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways or works.

Defects.

Comparative negligence.

SEC. 2. In all actions hereinafter brought against any common carrier to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury.

Contracts not a bar.

SEC. 3. No contract of employment, insurance, relief benefit or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit or indemnity by the person entitled thereto shall constitute a bar or defense to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however*, That upon the trial of said action against any common carrier, the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been made to the injured employee, or in case of his death, to his personal representative.

Limitation.

SEC. 4. No action shall be maintained under this act unless commenced within one year from the time the cause of action accrued.

CHAPTER 205.—*Accidents on railroads—Reports and investigations.*

Reports required.

SECTION 1. It shall be the duty of every railroad company operating a line of railway in this State to report to the railroad commissioners of this State all accidents, wrecks or casualties occurring in the operation of trains on said line or lines of railway within this State, coming within the knowledge of the company, wherein any person is either killed or injured, within reasonable time, not exceeding sixty days, in such form as the railroad commissioners may require.

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Inquiry.

SEC. 2. Whenever any such report is made to such railroad commissioners they shall forthwith examine into the causes and circumstances of such wreck, accident or casualty, and it shall thereupon be the duty of said railroad commissioners to order such railroad company to comply with any reasonable requirements prescribed by said railroad commissioners, calculated to prevent the recurrence of any such wreck, accident or casualty, and it shall be the duty of said railroad commissioners to report to the legislature biennially a summarized statement of all wrecks, accidents or casualties that have come to their knowledge by reason of this act, together with a recommendation of such additional legislation as they deem proper for the greater protection of passengers and employees of such railroads.

Violations.

SEC. 3. Every person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars, nor more than two thousand dollars, or imprisonment in the county jail for not less than thirty days, nor more than one year, or shall suffer such fine and imprisonment in the discretion of the court.

CHAPTER 207.—*Hours of labor of employees on railroads.*

Limit of sixteen hours.

SECTION 1. It shall be unlawful for any railroad, railroad corporation or common carrier, engaged in commerce in whole or in part within this State, or any of its officers or agents, to require or permit any employees engaged in or connected with the movement of any train in which commerce is hauled within the State, or to require or permit any employee engaged in or connected with the movement of any train carrying freight or passengers within the State, to remain on duty more than sixteen consecutive hours, except when by casualty, storms, wrecks, washouts, snow blockades or any unavoidable delay arising from like causes he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on any duty without having at least eight hours' rest.

Violation.

SEC. 2. Any such railroad, railroad corporation, common carrier, or any of its officers or agents, violating any of the provisions of this act shall be deemed guilty of [a] misdemeanor and shall, upon conviction thereof in any district court of the State of competent jurisdiction, be subject to a fine of not less than one hundred dollars nor more than one thousand dollars for each offense; and it shall be the duty of the railroad commissioners to fully investigate all cases of any violation of this act and said railroad commissioners shall forthwith notify the attorney general of such violation thereof as may come to their knowledge, and it shall be the duty of the attorney general to prosecute or cause to be prosecuted all violations thereof.

CHAPTER 208.—*Contracts of employment—Repayment of advances.*

Failure to repay.

SECTION 1. Every employee who, with intent to defraud, shall accept or receive transportation provided by or at the instance or expense of his employer, from any point in this State to or in the direction of the place where he has contracted to perform labor for or render services to such employer, or who shall knowingly or with intent to defraud accept or receive the benefit of any other pecuniary advancements made by or at the instance and cost of his employer under an agreement on the part of such employee to perform labor or render services in repayment of the cost of such transportation or of such other benefits, shall be deemed and adjudged [guilty] of a misdemeanor if he shall neglect or refuse to render services or perform labor of an equal value to the full amount paid for such transportation or other benefits, or shall neglect or refuse to pay such employer in money the amount paid therefor. The value of the services to be rendered or labor to be performed shall be determined by the price agreed to be paid

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therefor by such employer under his contract with the employee. The failure or refusal of any such employee to perform such labor or to render such services in accordance with his contract or to pay in money the amount paid for such transportation or other benefits shall be prima facie evidence of his intent to defraud.

Penalty.

SEC. 2. Every person found guilty of such misdemeanor shall be punished by a fine not exceeding twenty-five dollars and by imprisonment of not less than ten nor more than sixty days.

ACTS OF 1909.

CHAPTER 46.—*Barbers—Regulations of practice.*

Tools to be disinfected.

SECTION 1. Registered barbers or barber apprentices, and all persons engaged in hairdressing and manicuring, must disinfect all tools used in the performance of their profession before they are brought in direct contact with the person of any one of their customers. This disinfection must be carried on in a manner approved by the board of health of the State of North Dakota.

Violations.

SEC. 2. Any violation of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

ACTS OF 1911.

CHAPTER 158.—*Accident insurance.*

Provisions of policy.

SECTION 1. No policy of insurance against loss or damage by the sickness, bodily injury or death by accident of the assured shall be issued or delivered in this State unless the same shall be plainly printed, no portion thereof in smaller than long primer type, and every policy so issued and delivered shall contain the following provisions:

* * * * *

Change of occupation.

4. A provision that if the occupation of the insured be changed to a more hazardous one, then the benefit and payment to be such as the premium would pay for in that occupation.

CHAPTER 245.—*Railroads—Construction, etc., of caboose cars.*

Scope of law.

SECTION 1. The provisions of this act shall apply to any railroad corporation, or any person or persons while engaged as common carriers in the transportation of passengers or property within this State to which the regulative power of this State extends.

Dimensions and equipment.

SEC. 2. From and after the first day of June, 1914, it shall be unlawful, except as otherwise provided in this act, for any such common carrier by railroad to use on its lines any caboose car or other car used for like purposes unless such caboose or other car shall be at least twenty-four feet in length exclusive of the platform and equipped with two four-wheeled trucks, and said caboose car or other car shall be of constructive strength equal to that of the thirty-ton capacity freight cars constructed according to M. C. B. standards, and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guardrails, and with grab irons and steps for safety of the persons getting on and off said car. Said steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof, properly designed to prevent slipping from said steps.

Repairing cabooses.

SEC. 3. Whenever any caboose cars now in use by such common carriers as provided by section 1 herein, shall, after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into service of such common carrier within this State, unless it be equipped as provided in section 2 of this act.

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Extension of time.

SEC. 4. The State railroad commission is hereby authorized to grant to any common carrier aforesaid, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act: *Provided*, That in no case shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance with this act.

Violations.

SEC. 5. Any common carrier as provided in section 1 of this act, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense.

CHAPTER 266.—*Employment of children—General provisions.*

School attendance required.

SECTION 232 (as amended by chapter 267, Acts of 1913). Every parent, guardian, or other person, who resides in any school district or city, and who has control over any child of or between the ages of eight and fifteen, shall send such child to a public school in each year during the entire time the public schools of such district or city are in session: * * * *Provided*, That such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction subject to appeal as provided by law that one of the following reasons therefor exists:

Proviso.

* * * * *

Labor necessary.

2. That such child is actually necessary to the support of of [sic] the family.

* * * * *

Age limit.

SEC. 291. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during the hours when the public schools of the district in which the child resides are in session.

Employment during school term.

Certificates.

SEC. 292. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any mine, factory, workship or mercantile establishment unless the person or corporation employing him procures and keeps on file, and accessible to the superintendent of schools of the city or village, if one is employed, otherwise, to the clerk of the school board or board of education, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such child is employed. On termination of the employment of a child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent, or guardian or custodian. The superintendent of schools or clerk of the school board or board of education, as the case may be, may make demand on an employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him within ten days evidence satisfactory to him 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 factory. The superintendent of schools of the city or village or clerk of the school board or board of education may 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. In case

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Enforcement.

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such employer shall fail to produce and deliver to the superintendent of schools of the city or village or the clerk of the school board or board of education, as the case may be, within ten days after such demand, such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this act that such child is under sixteen years of age and is unlawfully employed. Evidence.

SEC. 293. The superintendent of schools of the city or village, if one is employed, and if not, then the clerk of the school board or board of education, is hereby authorized to issue an employment certificate in writing, such certificate is to be issued upon the evidence prescribed in section four [294] of this act: *Provided*, That no employment certificate shall be issued 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. Who may issue certificates.

SEC. 294. The person authorized to issue 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. 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 conclusive evidence of the age of such child.

3. The affidavit of the parent or guardian or custodian of a child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who 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 certificate, and until such officer shall, after making such examination, sign and file 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 years of age or upwards, and 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. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. 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. Literacy.

SEC. 295. Such certificates shall state 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 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 been examined. Description of child.

SEC. 296. 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 parochial schools for not less than one hundred and twenty days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school record and is able to read and write simple sentences in the English language and has received during such period instruction in reading, spelling, writing, English grammar and geog- School record.

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raphy and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parent, guardian or custodian.

Hours of labor. Nightwork.

SEC. 297. No persons under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than forty-eight hours in any one week, nor more than eight hours in any one day; or before the hour of seven o'clock in the morning or after the hour of seven 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 meals begin and end. The printed form of such notice shall be furnished by the superintendent of schools of the city or village, or the clerk of the school board or board of education, and the employment of any minor for longer times in any day so stated shall be deemed a violation of this section.

Enforcement.

SEC. 298. Peace officers may visit mines, factories, workshops and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act; and it shall be their duty to report any cases of such illegal employment to the school board or board of education. Such officer may require that the employment certificates and lists provided for in this act of minors employed in such factories, mines, workshops or mercantile establishments shall be produced for their inspection. Complaints for offenses under this act may be made by such peace officer or by any other person cognizant of the facts.

Employments forbidden.

SEC. 299. No child under the age of sixteen years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever; nor shall any child 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 band saws, wood shapers, wood joiners, [jointers] planers, sandpaper 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 brakes, or cracker machinery of any description; wire or iron straightening machinery; nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing, grinding or mixing mill or calender rolls in rubber manufacturing; nor shall they operate or assist in operating laundry machinery; nor shall children 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 that may be considered dangerous to their lives or limbs, or where their health may be injured or morals depraved; nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold; nor shall females under sixteen years of age be employed in any capacity where such employment compels them to remain standing constantly.

Violations.

SEC. 300. Each owner, superintendent, manager or overseer of any mine, factory, workshop or mercantile establishment, and any other person who shall employ any child contrary to the provisions of this act or who shall in any manner violate the provisions thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less

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than twenty dollars nor more than fifty dollars and costs. Each person authorized to sign a certificate as prescribed in the preceding section who certifies to any material false statement therein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty dollars nor more than fifty dollars and costs.

ACTS OF 1913.

CHAPTER 230.—*Railroads—Safe clearance along roadway.*

Scope of law.

SECTION 1. The provisions of this act shall apply to any railroad corporation or to any person or persons while engaged as common carriers in the transportation by railroad of passengers or property within the State, to which the regulative power of this State extends.

Clearance for large engines and cars.

SEC. 2. On and after the first day of January, 1915, it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its lines, any engine, motor or car used in commerce to which this act applies or to which the regulative power of this State extends, which shall exceed a maximum width of ten feet and six inches over all its widest outside dimension, or which shall exceed a maximum height of fourteen feet and two inches, measured from the top of the track rail to the top of the car loaded or empty without extending the clearance as provided for in Section 3 of this act in the same proportion, unless authorized by the railroad commissioners; and the provisions of this section shall not apply to the loaded contents of open flat cars and cars without roofs and foreign cars, wrecking cars, snow plows, pile drivers and caboose cupolas: *Provided, however,* This shall not apply to rolling stock now in service.

Distance of structures from tracks.

SEC. 3. On or after the first day of January, 1915, it shall be unlawful for any such common carrier to erect or maintain on any standard gauge road on its line or on any standard gauge sidetrack used in connection therewith, for use in any traffic mentioned in Section 1 of this act, any coal chute, stock pen, pole, mail crane, standpipe, hog drencher, embankment of earth or natural rock, or any fixed or permanent structure or obstruction upon its line of railroad, or on any sidetrack used in connection therewith at a distance less than eight feet, measured from the center line of track, which said structure or obstruction adjoins on standard gauge roads; nor shall any overhead wires, bridges, viaducts or other obstructions passing over and above its tracks, as aforesaid, be maintained at a less height than twenty-one feet, measured from the top of the track rail: *Provided,* That station freight-house platforms which have a vertical height of not more than four feet, measured from the top of the track rail, may be erected and maintained at a less distance from the center of the track which they adjoin than herein specified: *Provided, further,* That this act shall not apply to any warehouse, storehouse, elevator or other permanent structure now situated or located upon the right of way of any railroad in this State, which is leased, owned or used by any person or corporation doing business with any railroad, or any railroad terminal or yard now established: *And provided, further,* That this act shall not apply to loading platforms erected at sidings or stations between terminals now in use.

Overhead structures.

Structures already erected.

SEC. 4. On or before the first day of January, 1914, every common carrier subject to the provisions of this act, shall report to said railroad commission the number of coal chutes, bins, stock chutes, standpipes, hog drenchers, embankments of earth or natural rock or other fixed and permanent structure or obstruction overhead or otherwise upon its line of railroad that do not conform with the minimum clearance line specified in sections 2 and 3 of this act, giving exact location and kind of such structures and the material used in their construction; also the

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reason, if any, why such structures, or any of them, should not be made to conform to the clearance established by this act; and the said railroad commission is hereby authorized, after a thorough investigation, to exempt from the provisions of this act any warehouse, storehouse, permanent structure, elevator, loading or unloading platform, bridge, tunnel, retaining wall of masonry, embankment of earth, natural rock or permanent overhead structure or any obstruction erected or established prior to the passage of this act, that is in closer proximity to the tracks of such carrier than minimum side and top clearance specified by this act.

Distance between tracks.

SEC. 5. On and after the first day of January, 1915, it shall be unlawful for any such common carrier to construct any track used for the purpose of switching or moving any cars engaged in the movement of traffic within the regulative power of this State, where the center line of such track is at a distance of less than 13 feet from the center line of any other parallel track which it adjoins: *Provided*, That the distance between said tracks specified in this section may be diminished or closed up a necessary distance from track intersections, turnouts and switch points.

Obstructions between tracks.

SEC. 6. It shall be unlawful for any such common carrier to permit the space between such of its tracks as are ordinarily used by yardmen and their employees in the discharge of their duties, to become or remain obstructed by any obstacle that will interfere with the work of said employees or subject such employees to unnecessary hazard. Such space between said tracks as aforesaid, and between the rails of said track must be kept in such condition as to permit said employees to pass safely over and between said tracks or to use the same day or night and under all weather conditions, without unnecessary hazard.

Violations.

SEC. 7. Any common carrier subject to the provisions of this act violating any of the provisions thereof, shall be liable to a penalty of $100.00 for each and any such violation; and each day that any locomotive engine or car is operated or used, or structure or obstruction is maintained in violation of this act, shall constitute a separate offense; such penalty to be recovered in a suit or suits to be brought by the State's attorney in the district court having jurisdiction in the locality where such violation shall have been committed, and it shall be the duty of said State's attorney under the direction of the railroad commission to bring such suits upon duly verified information being lodged with him by any person of such violation being committed, and it shall also be the duty of such railroad commission to lodge with such State's attorney information of any such violation as may come to its knowledge.

Assumption of risk and contributory negligence.

SEC. 8. Any employee of such common carrier who, while in the performance of his duty and while engaged in any commerce mentioned, subject to the regulative power of this act in section one, may be injured or killed by any locomotive, car, structure or obstruction used or retained contrary to the provisions of this act, shall not be deemed to have assumed the risk thereby occasioned or to have been guilty of contributory negligence, although the employee continued in the employ of such common carrier after the unlawful use of such locomotive, car, permanent overhead structure, or obstruction, of any kind or character mentioned in this act shall have been brought to his knowledge; and the retention under the exemption authorized in section four of this act shall be at the sole risk of the carrier, and the permission granted in this act to the carrier to construct station or freight-house platforms four feet high measured from the top of the track rail and near to the center line of the track or tracks as provided in section three of this act, shall be at the sole risk of carrier, as aforesaid in this section.

CHAPTER 233.—*Railroads—Headlights on locomotives.*

Scope of law.

SECTION 1. The provisions of this act shall apply to any common carrier or carriers, their officers, agents and employees engaged

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in the transportation of passengers or property by a railroad in the State of North Dakota. The term "railroad" as used in this act shall include all roads in use by common carriers operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this act, shall be held to mean persons who are engaged in, or connected with the movement of any trains. * * *

Headlights required.

SEC. 2. From and after the first day of July, 1914, it shall be unlawful for a common carrier, its officers and agents subject to this act, to use any locomotive engine propelled by steam in moving traffic, or in the transportation of passengers or property within this State in main-line service, between the hours of sunset and sunrise, unless said locomotive engine shall be equipped with a headlight or [of] at least 1,200 candlepower of light, when measured without the aid of a reflector: *Provided, however,* That in passing through or working within the yard limits of any station or terminal a light of lesser candlepower may be used: *Provided, however,* That said common carrier may use its switch engines, for switching purposes only, without having provided the same with a headlight as herein required, if said carrier shall so determine: *Provided,* That this act shall not apply to any engine, the 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.

Violation.

SEC. 3. Any common carrier or carriers violating this act, or any provision thereof, shall be liable to a penalty of $100.00 for each and every such violation, to be recovered in a suit to be brought by the attorney general of the State of North Dakota; and it shall be the duty of such attorney general to bring suit upon duly verified information being lodged with him that such violation have occurred.

Statute cumulative.

SEC. 4. Nothing in this chapter contained shall in any manner be construed as repealing, on (or) in any manner altering any other act or part of acts heretofore adopted by the legislature of this State; by [but] the remedies herein provided shall be cumulative and in addition to all other requirements now existing in relation thereto.

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OHIO.

CONSTITUTION—AMENDMENTS OF 1912.

ARTICLE II.—*Labor legislation.*

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. Wage and safety laws.

ARTICLE II.—*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.

GENERAL CODE—1910.[1]

Hours of labor on public works.

SECTION 17–1 (added by act, page 854, Acts of 1913). Except in cases of extraordinary emergency, 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; and it shall be unlawful for any person, corporation or association, whose duty it shall be to employ or to direct and control the services of such workmen to require or permit any of them to labor more than eight hours in any calendar day or more than forty-eight hours in any week, except in cases of extraordinary emergency. This section shall not be construed to include policemen or firemen. Eight-hour day.

SEC. 17–2 (added by act, page 854, Acts of 1913). Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction be fined not to exceed five hundred dollars or be imprisoned not more than six months or both. Violation.

SEC. 17–3 (added by act, page 854, Acts of 1913). This act shall be in force and applicable to all contracts let on and after July 1, 1915. In effect, when.

Labor organizations—Incorporation—Fees.

SECTION 176. The secretary of state shall charge and collect the following fees for official services: Filing fee.

* * * * *

5. For filing articles of incorporation * * * [of] societies or associations composed exclusively of any class of mechanics, express, telegraph, railroad or other employees, and formed exclusively for the mutual protection and relief of members thereof and their families, two dollars.

* * * * *

[1] All statutes amended or created by the acts of 1910, 1911, and 1913 have been numbered and given their proper places in the Code, as provided by law.

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Civil service—Labor service.

Scope. SECTION 486–1 (added by act, page 698, Acts of 1913). 1. The term "civil service" includes all officers and positions of trust or employment, including mechanics, artisans and laborers in the service of the State and the counties, cities and city school districts thereof.

* * * * *

Merit system. SEC. 486–2 (added by act, page 698, Acts of 1913). On and after January 1, 1914, appointments to and promotions in the civil service of this State and the counties, cities and city school districts thereof shall be made only according to merit and fitness to be ascertained as far as practicable by examination which, as far as practicable, shall be competitive; and on and after January 1, 1914, no person shall be appointed, removed, transferred, laid off, suspended, reinstated, promoted or reduced as an officer or employee in the civil service under the government of this State, the counties, cities and city school districts thereof, in any manner or by any means other than those prescribed in this act.

Accidents on railroads—Reports and investigations.

Reports required. SECTION 573. Whenever an accident attended with loss of human life occurs within this State upon the line of any railroad or on the depot grounds or yards thereof, such railroad shall give immediate notice thereof to the commission.

Investigation. SEC. 574. In case of such accident, the commission, if it deems the public interest requires it, shall cause an investigation to be made forthwith, which shall be held in the locality of the accident, unless, for greater convenience of those concerned, it shall order it held at some other place. Such investigation may be adjourned from place to place as it may be found necessary and convenient. The commission shall give reasonable notice to an officer or station agent of the company of the time and place of the investigation.

Expense. SEC. 575. The cost of such investigation shall be certified by the chairman of the commission, and audited and paid by the State as other expenses. A record or file of the proceedings and evidence shall be kept by the commission.

Industrial commission.

(Page 95, Acts of 1913.)

Appointment. SECTION 871–1. There is hereby created the industrial commission of Ohio, to be composed of three members to be appointed by the governor within thirty days after this act goes into effect, one of the members of such commission shall be appointed for the term of two years, one member for four years, and one member for six years, and thereafter each member shall be appointed for the term of six years. Not more than one of the appointees to such commission shall be a person who, on account of his previous vocation, employment or affiliations, can be classed as a representative of employers, and not more than one of such appointees shall be a person who, on account of his previous vocation, employment or affiliations, can be classed as a representative of employees; not more than two of the members of the said commission shall belong to the same political party.

Removal. SEC. 871–2. The governor at any time shall remove any member of the industrial commission of Ohio for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office.

To have no business inconsistent with duties. SEC. 871–3. No commissioner shall hold any position of trust or profit, or engage in any occupation or business, interfering or inconsistent with his duties as such commissioner, and no commissioner shall serve on any committee of any political party.

Salary. SEC. 871–4. Each of said commissioners shall receive an annual salary of five thousand dollars, payable in the same manner as

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the salaries of other State officers are paid. Before entering upon the duties of his office, each commissioner shall take and subscribe the constitutional oath of office and shall swear or affirm that he holds no position under any committee of a political party, which oath or affirmation shall be filed in the office of the governor. Each member of the commission shall give a bond in the sum of ten thousand dollars, which bond shall be approved by the governor and filed with the treasurer of state. All employees or deputies of the commission receiving or disbursing funds of the State shall give bond to the State in amounts and with surety to be approved by the commission. **Bond.**

SEC. 871–5. Within thirty days after this act goes into effect, such commission shall meet at the seat of government and organize by choosing one of its members as chairman; a majority of such commission shall constitute a quorum to transact business. No vacancy shall impair the rights of the remaining commissioners to exercise all the powers of the commission; and in case a vacancy occur, the remaining members of the commission shall exercise all of the powers and authorities of the commission until such vacancy is filled. **Organization.**

SEC. 871–6. The commission shall keep and maintain its office in the city of Columbus, Ohio, and shall provide suitable room or rooms, necessary office furniture, supplies, books, periodicals, maps and appliances as they deem necessary, the expense thereof to be audited and paid in the same manner as other State expenses. The commission may hold sessions in any place within the State of Ohio. **Office.**

SEC. 871–7. The commissioners, employees and deputies of the commission shall be entitled to receive from the State their necessary and actual expenses while traveling on business of the commission, either within or without the State of Ohio. Such expenses shall be presented in an account verified by the person who incurred the expense, approved by the chairman of the commission, and shall be audited and paid as other similar expenses are audited and paid. **Expenses.**

SEC. 871–8. The commission shall have an official seal, for the authentication of its orders and proceedings, upon which seal shall be engraved the words, "The Industrial Commission of Ohio," and such other design as the commission may prescribe; and the courts in this State shall take judicial notice of the seal of the said commission, and in all cases copies of orders, proceedings or records in the office of the industrial commission of Ohio, certified by the secretary of the said commission under its seal, shall be equal to the original as evidence. **Seal.**

SEC. 871–9. The commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions shall be open to the public and the sessions of the commission shall stand and be adjourned without further notice thereof on its record. All of the proceedings of the commission shall be shown on its record, which shall be a public record, and all voting shall be had by calling each member's name by the secretary, and each member's vote shall be recorded on the proceedings as cast. **Sessions and records.**

SEC. 871–10. Subject to the provisions of this act, the commission may adopt its own rules of procedure and may change the same from time to time in its discretion. **Rules of procedure.**

SEC. 871–11. On and after the first day of September, 1913, the following departments of the State of Ohio, to wit: Commissioner of labor statistics, chief inspector of mines, chief inspector of workshops and factories, chief examiner of steam engineers, board of boiler rules, and the State board of arbitration and conciliation, shall have no further legal existence, except that the heads of the said departments, and said boards, shall within ten days after the said date submit to the governor their reports of their respective departments for the portion of the year 1913 during which they were in existence, and on and after the first **Departments merged in commission.**

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day of September, 1913, the industrial commission of Ohio shall have all the powers and enter upon the performance of all the duties conferred by law upon the said departments.

Additional duties.

SEC. 871–12 (as amended by act, page 656, acts of 1913). The industrial commission shall supersede and perform all of the duties of the State liability board of awards, provided in and by the act of the General Assembly of the State of Ohio passed the thirty-first day of May, 1911 (102 O. L., 524) entitled, "An act to create a State insurance fund for the benefit of injured and the dependents of killed employees and to provide for the administration of such fund by a State liability board of awards," and all amendments to said act, and by the act of the general assembly passed February twenty-sixth, 1913, approved March 14, 1913 [103 O. L., 72] * * * entitled "An act to further define the powers, duties and jurisdiction of the State liability board of awards [etc.] * * *;

Definitions.

SEC. 871–13. The following terms as used in this act shall be construed as follows:

(1) The phrase "place of employment," shall mean and include every place, whether indoors or out, or under ground, and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business, is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is directly or indirectly, employed by another for direct or indirect gain or profit but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

(2) The term "employment," shall mean and include any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except in such private domestic service or agricultural pursuits as do not involve the use of mechanical power.

(3) The term "employer," shall mean and include every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment, place of employment or of any employee.

(4) The term "employee," shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment.

(5) The term "frequenter," shall mean and include every person, other than an employee, who may go in or be in a place of employment under circumstances which render him other than a trespasser.

(6) The term "deputy," shall mean and include any person employed by the industrial commission, designated as such deputy by the commission who shall possess special, technical, scientific, managerial, professional or personal abilities or qualities in matters within the jurisdiction of the industrial commission, and who may be engaged in the performance of duties under the direction of the commission, calling for the exercise of such abilities or qualities.

(7) The term "order," shall mean and include any decision, rule, regulation, direction, requirement, or standard of the commission, or any other determination arrived at or decision made by such commission.

(8) The term "general order," shall mean and include such order as applies generally throughout the State to all persons, employments, or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(9) The term "local order," shall mean and include any ordinance, order, rule, or determination of any city or village council, or any trustees, or board or officers of any city or village upon any matter over which the industrial commission has jurisdiction.

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(10) The term "welfare," shall mean and include comfort, decency and moral well-being.

(11) The terms "safe," and "safety," as applied to any employment or a place of employment shall mean such freedom from danger to the life, health, safety or welfare of employees or frequenters as the nature of the employment will reasonably permit, including requirements as to the hours of labor with relation to the health and welfare of employees.

Employment of assistants.

SEC. 871–14. The commission is authorized and empowered to employ, promote and remove a secretary, or secretaries, deputies, clerks, stenographers, and other assistants, as needed; to fix their compensation, and to assign to them their duties. Such employments and compensation to be first approved by the governor.

Provisions for safety.

SEC. 871–15. Every employer shall furnish employment which shall be safe for the employees therein, and shall furnish a place of employment which shall be safe for the employees therein, and for frequenters thereof, and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes, follow and obey orders and prescribe hours of labor reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees and frequenters.

Same subject.

SEC. 871–16. No employer shall require, permit or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards, or fail to obey and follow orders or to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees or frequenters; and no such employer or other person shall hereafter construct or occupy or maintain any place of employment that is not safe.

Employee's duty.

SEC. 871–17. No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished or provided for use in any employment or place of employment, nor interfere in any way with the use thereof by any other person, nor shall any such employee interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment, or frequenter of such place of employment, nor fail or neglect to follow and obey orders and to do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees and frequenters.

Employer to furnish information.

SEC. 871–18. Every employer shall furnish to the commission all information required by it to carry into effect the provisions of this act and shall make specific answers to all questions submitted by the commission relative thereto.

Blanks to be filled out.

SEC. 871–19. Any employer receiving from the commission any blanks calling for information required by it to carry into effect the provisions of this act, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case he is unable to answer any question, he shall give a good and sufficient reason for such failure; and said answers shall be verified under oath by the employer, or by the president, secretary, or other managing officer of the corporation, if the employer is a corporation, and returned to the commission at its office within the period fixed by the commission.

Access to premises.

SEC. 871–20. Any commissioner or deputy of the commission may enter any place of employment for the purpose of collecting facts and statistics, examining the provisions made for the health, safety, and welfare of the employees therein, and bring to the attention of every employer any law, or any order of the commission, and any failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner or deputy of the commission to his place of employment.

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Commissioners may issue orders.

SEC. 871–21. The industrial commission of Ohio is vested with the power and jurisdiction on and after the first day of September, 1913, to have such supervision of every employment and place of employment and of every other building and establishment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment or building or establishment, to be safe, and requiring the protection of the life, health, safety and welfare of every employee in such employment or place of employment, and every frequenter of such place of employment, including the power to regulate the hours of labor of employees in such employments and places of employment, with regard to the health and welfare of such employees to such extent as the nature of the employment will reasonably permit, not inconsistent with law.

Duties of commission.

SEC. 871–22. It shall also be the duty of the industrial commission, and it shall have full power, jurisdiction and authority—

Appointment of advisers and assistants.

(1) To appoint advisers, who shall without compensation, assist the industrial commission in the execution of its duties; to retain and assign to their duties any or all officers, subordinates and clerks of the commissioner of labor statistics, the chief inspector of mines, the chief inspector of workshops and factories, the chief examiner of steam engineers, the board of boiler rules, chief inspector of steam boilers, the State board of arbitration and conciliation, and the State liability board of awards:

Enforcement of certain laws.

(2) On and after the first day of September, 1913, to administer and enforce the general laws of this State relating to mines, manufacturing, mechanical, electrical, art and laundering establishments, child labor, employment of minors, explosives, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and apartment houses, schoolhouses, colleges, opera houses, halls, theaters, churches, infirmaries, children's homes, hospitals, medical institutes, asylums, and other buildings used for the assemblage or betterment of people in the State, bakeries, employment offices, stores, intelligence offices and bureaus, manufacturers of cigars, sweatshops, fire escapes, and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, employment of females, hours of labor, licensed occupations and school attendance, and all other laws protecting the life, health, safety and welfare of employees in employments and places of employment, frequenters of places of employment or relating to the health and safety of persons occupying or assembled in the structures named above, on and after the first day of September, 1913.

Determination of hours of labor, means of safety, etc.

(3) To investigate, ascertain, and on and after the first day of September, 1913, to declare and prescribe what hours of labor, safety devices, safeguards, or other means or methods of protection are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment, safe, and to protect their welfare as required by law or lawful orders, and to establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of life, health, safety and welfare of employees;

Standards of safety devices.

(4) To ascertain and on and after the first day of September, 1913, to fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employments and places of employment or frequenters of places of employment;

Standards for construction of buildings.

(5) To ascertain, and on and after the first day of September, 1913, fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe;

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(6) To investigate, ascertain and determine such reasonable classifications of persons, employments and places of employment as shall be necessary to carry out the purposes of this act. Classification.

(7) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings; such rules and regulations shall not be effective until ten days after their publication. A copy of such rules and regulations shall be delivered to every citizen making application therefor, and a copy delivered with every notice of hearing; Regulations.

(8) To do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees and to avoid the necessity of resorting to lockouts, boycotts, black lists, discriminations and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration, provide the necessary expenses of such boards, order reasonable compensation not exceeding five dollars per day for each member engaged in such arbitration, prescribe rules of procedure for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed in this act. The commission shall designate a deputy to be known as chief mediator and may detail other deputies from time to time to act as assistants for the purpose of executing these provisions. The deputies may act on temporary boards without extra compensation. Promotion of arbitration.

(9) To establish and conduct free employment agencies, and on and after the first day of September, 1913, to license and supervise the work of private employment offices to do all in its power to bring together employers seeking employees and working people seeking employment, to make known the opportunities for self-employment in this State, to aid in inducing minors to undertake promising skilled employments, and to encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in the State of Ohio and the remedies therefor in this and other States and countries, and it shall devise and adopt the most efficient means in its power to avoid unemployment, to provide employment and to prevent distress from involuntary idleness. Free employment agencies.

(10) To collect, collate and publish all statistical and other information relating to employees, employers, employments and places of employment and such other statistics as may be necessary, and to make public reports in its judgment necessary. Statistics.

(11) On and after September 1, 1913, to examine and license persons who desire to act as steam engineers, and persons who desire to operate steam boilers and persons who desire to act as inspectors of steam boilers; to provide for the scope, conduct, and time of such examinations, to provide for, regulate and enforce the renewal and revocation of such licenses, to inspect and examine steam boilers and to make, publish and enforce rules and regulations and orders for the construction, installation, inspection and operation of steam boilers and all appliances connected with steam boilers and to do and require and enforce all things necessary to make such examination, inspection and requirement efficient. Licensing of engineers, etc.

(12) To rent and furnish offices as needed in cities in this State for the conduct of its affairs. Rental of offices.

SEC. 871-23. (1) Upon petition after the first day of September, 1913, by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee or frequenter, the commission shall proceed with or without notice to make such investigation as may be necessary to determine the matter complained of. Investigation of alleged unsafe place of employment.

(2) After such hearing as may be necessary, the commission may enter such order relative thereto as may be necessary to Orders.

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render such employment or place of employment safe and not injurious to the welfare of the employees therein or frequenters thereof.

Investigation on own initiative.

(3) Whenever the commission shall learn that any employment or place of employment is not safe or is injurious to the welfare of any employee or frequenter, it may of its own motion summarily investigate the same, with or without notice and issue such order as may be necessary thereto.

Duties of other officers imposed on commission.

SEC. 871–24. All duties, liabilities, authority, powers and privileges conferred and imposed by law upon the commissioner of labor statistics, special agents for the commissioner of labor statistics, chief inspector of mines, district inspectors of mines, chief inspector of workshops and factories, first assistant chief inspector of workshops and factories, second assistant chief inspector of workshops and factories, district inspectors of workshops and factories, chief examiner of steam engineers, assistant chief examiner of steam engineers, district examiners of steam engineers, the board of boiler rules, head of the department of the board of boiler rules and chief inspector of steam boilers, assistant chief inspector of steam boilers, general inspectors of steam boilers, special inspector of steam boilers, State board of arbitration and conciliation, are hereby imposed upon the industrial commission of Ohio and its deputies on and after the first day of September, 1913.

Laws applicable.

All laws relating to the commissioner of labor statistics, special agents of the commissioner of labor statistics, chief inspector of mines, district inspectors of mines, chief inspector of workshops and factories, first assistant chief inspector of workshops and factories, second assistant chief inspector of workshops and factories, district inspectors of workshops and factories, chief examiner of steam engineers, assistant chief examiner of steam engineers, district examiners of steam engineers, the board of boiler rules, head of the department of the board of boiler rules and chief inspector of steam boilers, assistant chief inspector of steam boilers, general inspectors of steam boilers, special inspectors of steam boilers, State board of arbitration and conciliation, on and after the first day of September, 1913, shall apply to, relate and refer to the industrial commission of Ohio, and its deputies. Qualifications prescribed by law for said officers and their assistants and employees shall be held to apply, wherever applicable, to the qualifications of the deputies of the commission assigned to the performance of the duties now cast upon such officers, assistants and employees.

Orders valid;

SEC. 871–25. All orders of the industrial commission of Ohio in conformity with law shall be in force and shall be prima facie reasonable and lawful; and all such orders shall be valid and in force and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose pursuant to the provisions of section 41 of this act, or until altered or revoked by the commission.

Take effect, when.

SEC. 871–26. (1) All general orders shall take effect within thirty days after their publication. Special orders shall take effect as therein directed.

(2) The commission shall, upon application of any employer grant such time as may be reasonably necessary for compliance with any order.

(3) Any person may petition the commission for an extension of time which the commission shall grant if it finds such extension of time necessary.

Petition for hearing.

SEC. 871–27. (1) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness and lawfulness of any order of the commission in the manner provided in this act.

(2) Such petition for hearing shall be by verified petition filed with the commission, setting out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable or unlawful, and every issue to be con-

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sidered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objection to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition. All hearings of the commission shall be open to the public.

Decision.

(3) Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the commission shall determine the same by confirming, without hearing, its previous determination, or if such hearing is necessary to determine the issues raised, the commission shall order a hearing thereon and consider and determine the matter or matters in question at such time as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the commission may find directly interested in such decision.

Issuance of substitute order.

(4) Upon such investigation, if it shall be found that the order complained of is unlawful or unreasonable, the commission shall substitute therefor such other order as shall be lawful and reasonable.

Extension of time.

(5) Whenever at the time of final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the order of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

Effect on powers of local officers.

SEC. 871–28. (1) Nothing contained in this act shall be construed to deprive the council of any city or village or any board of trustees or officer of any city or village of any power or jurisdiction over or relative to any place of employment: *Provided*, That whenever the industrial commission of Ohio shall, by an order fix a standard of safety or any hygienic condition for employments or places of employment, such order shall, upon the filing by the commission of a copy thereof with the clerk of the village or city to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by said order. Thereafter no local officer shall make or enforce any order contrary thereto.

Hearing on local orders.

(2) Any person affected by any local order in conflict with an order of the commission may, in the manner provided in this act, petition the industrial commission for a hearing on the ground that such local order is unreasonable and in conflict with the order of the commission. The petition for such hearing shall conform to the requirements set forth for a petition in section 27 of this act.

Procedure.

(3) Upon receipt of such petition the commission shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village or city where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the commission may find directly interested in such decision, including the clerk of the village, or the mayor of the village or city from which such appeal came. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the commission, the commission may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.

Actions to set aside orders.

SEC. 871–29. No action, proceeding or suit to set aside, vacate or amend any order of the commission, or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have applied to the commission for a hearing thereon at the time and as provided in section 27 of this act, and in the petition therefor shall have raised every issue raised in such action.

Every order of the commission shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable and lawful, unless prior to the institution of the prosecution for such violation an action shall have been brought to vacate and set aside such order, as provided in section 41 of this act.

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Oaths and witnesses. SEC. 871–30. Each of the commissioners and the secretary of the commission for the purposes mentioned in this act shall have power to administer oaths, certify to official acts, issue subpœnas, compel attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of the failure of any person to comply with any order of the commission or any subpœna lawfully issued, or upon the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the common pleas judge of any county in this State on the application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein.

Witness fees. SEC. 871–31. Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the court of common pleas, which shall be audited and paid by the State out of the State treasury in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers approved by the chairman of the commission. But no witness subpœnaed at the instance of the parties other than the commission shall be entitled to compensation from the State for attendance or travel, unless the commission shall certify that his testimony was material to the matter investigated.

Depositions. SEC. 871–32. The commission or any party may in any investigation cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions.

Records. SEC. 871–33. A full and complete record shall be kept of all proceedings had before the commission on any investigation, and all testimony shall be taken down by a stenographer appointed by the commission.

Publication of orders. SEC. 871–34. Publication of rules and orders of the commission shall be made by the commission in pamphlet form to be furnished on demand at the office of the commission. The expenses of publications shall be audited and paid as are other expenses of the commission.

Agents for investigations. SEC. 871–35. (1) For the purpose of making any investigation with regard to any employment or place of employment, the commission shall have power to appoint, by an order in writing, any member of the commission, any deputy, who is a citizen of the State, or any other competent person who is a resident of the State as an agent whose duty shall be prescribed in such order.

(2) In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission, and the same powers as a master commissioner appointed by a court of common pleas with regard to taking testimony.

(3) The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so orders, nor further investigation.

Special prosecutor. SEC. 871–36. The commission shall have the authority to direct any deputy who is a citizen to act as special prosecutor in any action, proceeding, investigation, hearing or trial relating to matters within its jurisdiction.

Attorney general to assist. Upon the request of the commission, the attorney general or the prosecuting attorney of the county in which any investigation, hearing or trial had under the provisions of this act is pending, shall aid therein and prosecute under the supervision of the commission, all necessary actions or proceedings for the enforcement of this act and all other laws of this State relating to the protection of life, health, safety and welfare, and for the punishment of all violations thereof.

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Effect of technical omissions.

SEC. 871-37. A substantial compliance with the requirements of this act shall be sufficient to give effect to the orders of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

Actions to set aside orders.

SEC. 871-38. Any employer or other person in interest being dissatisfied with any order of the commission may commence an action in the Supreme Court of Ohio, against the commission as defendant to set aside, vacate or amend any such order on the ground that the order is unreasonable or unlawful and the supreme court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The commission shall be served with summons as in other civil cases. The answer of the commission shall be filed within ten days after service of summons upon it and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer said action shall be at issue and shall be advanced and assigned for trial by the court, upon the application of either party, at the earliest possible date.

Procedure.

SEC. 871-39. (1) If upon the trial of such action it shall appear that all issues arising in such action have not theretofore been presented to the commission in the petition filed as provided in section 27 of this act, or that the commission has not theretofore had ample opportunity to hear and determine any of the issues raised in said act, or has for any reason not in fact heard and determined the issues raised, the court shall, before proceeding to render judgment, unless the parties to such action stipulate to the contrary, transmit to the commission a full statement of such issue or issues not adequately considered and shall stay further proceedings in such action for fifteen days from the date of such transmission and may thereafter grant such further stay as may be necessary.

(2) Upon the receipt of such statement, the commission shall consider the issues not theretofore considered, and may alter, modify, amend, or rescind its order complained of in said action, and shall report its order thereon to said court within ten days from the receipt of the statement from the court for further hearing and consideration.

(3) The court shall thereupon order such amendment or other proceeding as may be necessary to raise the issues as changed by such modification of order as may have been made by the commission upon the hearing, if any such modification has in fact been made, and shall thereupon proceed with such action in the manner provided by law for other civil actions.

What court has jurisdiction.

SEC. 871-40. No court of this State except the supreme court to the extent specified by this act, shall have jurisdiction to review, vacate, set aside, reverse, revise, correct, amend or annul any order of the industrial commission of Ohio, or to suspend o delay the execution or operation thereof or to enjoin, restrain or interfere with the commission in the performance of its official duties: *Provided*, That the writ of mandamus shall lie from the said supreme court to the commission in all proper cases.

Suspension of orders.

SEC. 871-41. The pendency of an action to set aside, vacate or amend an order of the commission shall not of itself stay or suspend the operation of an order of the commission; but, during the pendency of said action the said supreme court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order. But no order so staying or suspending an order of the commission shall be made by the said court otherwise than upon three days' notice and after hearing. In case the order is stayed or suspended the order of the court shall not become effective until a suspending bond first shall have been executed, filed with and approved by the commission, or by the said court or the clerk thereof, payable to the State of Ohio, and sufficient in amount and security to insure the prompt payment by the party petitioning to set aside, vacate or amend such order of all damages caused by the delay in the enforcement of the order of the commission.

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Preference of actions.

SEC. 871–42. All actions and proceedings under this act, and all actions or proceedings to which the industrial commission of Ohio or the State of Ohio may be parties, and in which any question arises under this act, or under or concerning any order of the industrial commission, shall be preferred over all other civil cases, except election causes and causes involving or affecting the public utilities commission of Ohio, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the industrial commission in any action or proceeding in which he may be allowed to intervene.

Violation.

SEC. 871–43. If any employer, employee or other person shall violate any provision of this act or shall do any act prohibited by this act or shall fail or refuse to perform any duty lawfully enjoined, within the time prescribed by the commission, for which no penalty has been specifically provided, or fail, neglect or refuse to obey any lawful order given or made by the commission, or any judgment or decree made by any court in connection with the provisions of this act, for each such violation, failure or refusal such employer or other person shall be fined not less than fifty dollars nor more than one thousand dollars for the first offense and not less than one hundred nor more than five thousand dollars for each subsequent offense.

Continued violation.

SEC. 871–44. Every day during which any person, persons or corporations, or any officer, agent or employee thereof shall fail to observe and comply with any order of the commission, or to perform any duty enjoined by this act shall constitute a separate and distinct violation of such order or said section as the case may be.

Sections independent.

SEC. 871–45. The sections of this act, and every part of such sections, are hereby declared to be independent sections, and parts of sections and the holding of any section or part thereof to be void or ineffective shall not affect any other section or part thereof.

Reports by employers of females.

SEC. 871–53a (added by act, page 654, Acts of 1913). Every person, partnership or corporation engaged in the operation of any mercantile establishment within the State of Ohio and employing five or more female employees in or about said establishment shall make a report in writing to the industrial commission of Ohio within thirty days after the taking effect of this act, which report shall contain the following information with reference to female employees on the date of the taking effect of this act, viz:

(1) The total number of female employees employed in or about said mercantile establishment.

(2) The number of such female employees under the age of eighteen years.

(3) The name of each female employed in or about such mercantile establishment.

(4) The age of each female employed in or about such mercantile establishment.

(5) The number of hours per day each female is employed in or about such mercantile establishment.

(6) The number of hours per week each female is employed in or about such mercantile establishment.

(7) The wages per week paid to each female employed in or about such mercantile establishment.

(8) The class or kind of employment in or at which each female is employed in or about such mercantile establishment.

(9) Such other information relative to the hours of employment and wages paid to such female employees as may be required by the industrial commission of Ohio.

Blanks.

SEC. 871–53b (added by act, page 654, Acts of 1913). It shall be the duty of the industrial commission of Ohio to prepare and furnish free of charge to all employers described in section one [Sec. 871–53a] hereof, who make application therefor, forms and blanks suitable for making the reports required herein.

Violation.

SEC. 871–53c (added by act, page 654, Acts of 1913). Any employer mentioned in section one [Sec. 871–53a] hereof, who fails or

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neglects to make the report required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than fifty dollars; and each day of the failure of such person, partnership or corporation to make such report as herein required shall constitute a separate and distinct offense and shall be punished accordingly.

False statements.

SEC. 871–53d (added by act, page 654, Acts of 1913). Any person, partnership or corporation required by this act to make a report provided for in section one [Sec. 871–53a] hereof, who shall knowingly make a false statement with reference to any of the matters or things required by this act to be included in said report, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars.

Bureau of labor statistics—Powers of commissioner.

Summoning witnesses, etc.

SECTION 875. In the performance of his duties, the commissioner of labor statistics may send for persons and papers, examine witnesses under oath and take depositions. The commissioner may deputize any disinterested person to serve subpœnas upon witnesses, who shall be summoned in the same manner and paid the same fees as witnesses before a court of common pleas; but no witness shall be required to leave the vicinity of his residence or place of business.

Free public employment offices.

Bond.

SECTION 881 (added by act, page 528, Acts of 1913). Each special agent and district superintendent may be required by the commissioner of labor statistics to give a bond to the State in such an amount not exceeding two thousand dollars with such sureties as the commissioner approves. Said bond shall be deposited with the secretary of state and kept in his office.

No fee to be charged.

SEC. 882. No compensation or fee either directly or indirectly shall be charged or received from any person seeking employment or any person desiring to employ labor through a free public employment office. A superintendent of such office or the clerk therein who violates the provisions of this section shall be fined not exceeding fifty dollars and imprisoned in the county jail or workhouse not exceeding thirty days.

Penalty.

Inspection and regulation of factories, etc.—Refusing inspection or information.

Penalty for refusal.

SECTION 885. An owner, operator, manager or lessee of a mine, factory, workshop, warehouse, elevator, foundry, machine shop, manufacturing or other industrial establishment, his agent or employee or any other person who refuses to permit the commissioner of labor statistics or his agents to enter and inspect a building or establishment, or, willfully neglects or refuses to furnish the commissioner statistics or other information in his possession or under his control, which he is authorized by law to collect, or who willfully neglects or refuses for thirty days to answer questions submitted on circulars, or who knowingly answers any such questions untruthfully or who refuses to obey the subpœnas and give testimony as required by law shall be fined not less than fifty dollars nor more than five hundred dollars for each willful neglect or refusal.

Private employment offices.

License fees.

SECTION 886. No person, firm or corporation shall open, operate or maintain a private employment agency for hire, or in which a fee is charged an applicant for employment or an applicant for help, without obtaining a license from the commissioner of labor statistics, and paying to him a fee according to the popula-

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tion of the municipality as shown by the last preceding Federal census, viz:

In cities of 50,000, and upward	$100.00
In cities of 16,000 to 50,000	75.00
In cities of less than 16,000	50.00
In villages	25.00

The commissioner may refuse to issue or renew a license to an applicant if, in his judgment, such applicant has violated the law relating to private employment agencies, or is not of good moral character.

Contents of license. SEC. 887. Each license to conduct a private employment agency shall contain the name of the city or village, the name of the street and the number of the building in which such licensed person, firm or corporation may conduct a private employment agency. The license together with a copy of the laws relating to private employment agencies shall be posted in a conspicuous place in such agency. No agency shall print, publish or paint a name similar to that of a free public employment office on a sign or window, or insert it in a newspaper or other publication.

Posting.

Bond. SEC. 888. The commissioner of labor statistics shall require from each applicant for a license a bond to the State in the sum of five hundred dollars, with one or more sureties approved by the commissioner and conditioned for the compliance of such applicant with the provisions of the laws relating to private employment agencies. For a violation of its conditions, the commissioner shall cause a proper action to be brought for the forfeiture of such bond, and upon full hearing may revoke a license if in his judgment the person licensed has violated the laws relating to private employment agencies.

Register. SEC. 889. The person in charge of each licensed agency shall keep a register in which shall be entered the name and address of each person applying for employment or help and the name and nature of the employment desired or help wanted. Such register shall be open to the inspection and examination of the commissioner of labor statistics or his agents at all reasonable hours.

Receipts. SEC. 890. When a registration fee is charged for receiving or filing applications for employment or help, it shall not exceed two dollars, for which a receipt shall be given containing the date, name of applicant, amount of fee and character of employment or help desired. If the applicant does not obtain a situation or employment through the agency within one month after registration, and makes a demand therefor within thirty days after the expiration of such period, the fee paid by him shall be returned to the applicant by the person in charge of the employment agency.

Immoral resorts, etc. SEC. 891. No person connected with a private employment agency shall send a female or cause her to be sent to a place of bad repute, house of ill fame or assignation house, or a house or place of amusement kept for immoral purposes.

False statements. SEC. 892. No licensed agency shall publish or cause to be published a false or fraudulent notice or advertisement, or give false information or make a false promise relating to work or employment, to a person applying for employment or help, or make false entries in the register required by law to be kept in such agency. No person, firm or corporation shall conduct the business of an employment agency in or in connection with a place where intoxicating liquors are sold.

Scope of law. SEC. 893. Except an employment agency of a charitable organization, a person, firm or corporation furnishing or agreeing to furnish employment or help, or displaying a sign or bulletin, or offering to furnish employment or help through the medium of a circular, card or pamphlet, shall be deemed a private employment agency, and subject to the laws governing such agencies.

Definitions. SEC. 894. The term "applicant for employment," as used in the laws governing private employment agencies, shall mean any person seeking work of a lawful character, and "applicant for help"

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shall mean any person seeking help in any legitimate enterprise. Nothing in such laws shall limit the meaning of the term "work" to manual labor, but it shall include professional service and all other legitimate service. All moneys received from fees and fines as provided by the laws governing private employment agencies, shall be paid into the State treasury by the commissioner of labor statistics in the manner provided by law. Disposal of fees.

SEC. 895. Whoever violates any provision of law relating to private employment agencies shall be fined not less than fifty dollars nor more than one hundred dollars for each offense. Violation.

SEC. 896. The commissioner of labor statistics shall enforce the laws relating to private employment agencies, and when informed of a violation of such laws, institute proceedings in a court of competent jurisdiction to enforce their penalties. Enforcement.

Mine regulations.

SECTION 899 (as amended by act, page 52, Acts of 1910). No person shall be appointed chief inspector of mines unless he has a competent knowledge, in so far as such sciences relate to mining, of chemistry, the mineralogy and geology of this State, a practical knowledge of the different systems of working and ventilating mines, the nature and properties of the noxious and poisonous gases in mines, particularly fire damp, the best means of preventing the accumulation of such gases, and the best means of removing the same. He shall also have had at least five years' actual practical experience in mining in this State, shall have a knowledge of mine engineering, and shall have a practical knowledge of the uses and dangers of electricity as applied at, in, and around mines. Qualifications of chief inspector.

SEC. 901 (as amended by act, page 52, Acts of 1910). No person shall be appointed district inspector of mines unless he has been a resident of the district for which he is appointed, for at least two years, has had at least five years' actual practical experience in mining in this State, has a practical knowledge of the best methods of working and ventilating mines, of the nature and properties of noxious and poisonous gases, particularly fire damp, of the best means of detecting the presence of and preventing accumulations of such gases and the best means of removing the same, and has a practical knowledge of the uses and dangers of electricity as applied at, in, and around mines. Qualifications of district inspector.

SEC. 904 (as amended by act, page 168, Acts of 1913). The chief inspector of mines shall have an office at the seat of government, in which he shall keep the maps and plans of all mines in the State, and all records, correspondence, papers, apparatus, and other property belonging to the State, pertaining to his office, in accessible and convenient form for reference by persons entitled to examine them, all of which he shall deliver to his successor in office. The persons entitled to examine maps, plans, records and papers of a mine, shall be the owner, lessee or agent of such mine; the persons financially interested in such mine; the owner, or owners, of land adjoining such mine; the owner, or owners, of land adjacent to such mine; the owner, lessee or agent of a mine adjacent to such mine; and the authorized representatives of the employees of such mine. The chief inspector of mines shall not permit such maps, plans, records and papers to be removed from his office, and shall not furnish copies thereof to any persons, except by request of the owner, lessee or agent of the mine to which such maps, plans, records and papers pertain. Each district inspector shall keep his office in such place in his district as is central and convenient. Offices. Records to be open.

SEC. 905 (as amended by act, page 52, Acts of 1910). The present incumbents of the office of district inspector of mines shall receive a salary of twelve hundred dollars per annum, but any district inspector of mines appointed after the passage and approval of this act shall receive a salary of eighteen hundred dollars per annum. The present incumbent of the office of chief Salaries and expenses.

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inspector of mines shall receive the salary as provided for in section 2250 of the General Code, but any chief inspector of mines appointed after the passage and approval of this act shall receive a salary of three thousand dollars per annum. The chief inspector of mines, and each district inspector of mines, shall receive, in addition to the salaries herein provided for, all necessary and legitimate expenses incurred by them in the discharge of their duties, to be approved by the chief inspector of mines, itemized statements of which expenses shall be filed with the auditor of state: *Provided, however,* That any public officer who knowingly accepts any payment from any mine inspector for political purposes shall forfeit his office, and any person who accepts any contribution of money or anything of value from any mine inspector for use in any political campaign, or for any campaign purpose, shall be guilty of a misdemeanor.

Duties of chief inspector.

SEC. 906 (as amended by act, page 52, Acts of 1910). The chief inspector of mines shall designate the counties, or portions thereof, which shall compose the different districts, and may change such districts whenever in his judgment the best interests of the service so require. He shall issue such instructions, and make such rules and regulations for the government of the district inspectors of mines consistent with the powers and duties vested in them by law, as will secure uniformity of action and proceedings throughout all the districts. The chief inspector of mines may order one district inspector of mines to the assistance of any other, or may make temporary transfers of district inspectors of mines, when, in his judgment, the efficiency of the service demands or permits, and with the consent of the governor, may remove any district inspector of mines for reasonable cause. The chief inspector of mines shall give such personal assistance to the district inspectors of mines as they may need, and make such personal inspection of the mines as he deems necessary and his other duties permit. He shall keep in his office and carefully preserve all maps, surveys, reports and other papers, required by law to be filed with him, and arrange and preserve them as a permanent record of ready, convenient and connected reference. He shall, upon receipt of a report of the district inspector of mines, or of a committee of miners, covering the conditions of a mine, promptly mail a copy thereof to the general office of the owner, lessee or agent of such mine.

Fatal accidents.

SEC. 907 (as amended by act, page 52, Act of 1910). Upon receiving notice from the owner, lessee or agent that a fatal accident has occurred at a mine, the chief inspector of mines shall go, or order one of the district inspectors of mines to go, at once, to the mine at which such accident occurred, inquire into its cause, and make a written report setting forth fully the condition of that part of the mine wherein the accident occurred, and the cause thereof. Such report shall be filed by the chief inspector of mines in his office, and a copy mailed to the general office of the owner, lessee or agent of such mine.

Duties of district inspectors.

SEC. 909 (as amended by act, page 52, Acts of 1910). Each district inspector of mines shall examine each mine in his district, in which men are employed, as often as practicable, and mines employing more than ten persons, at intervals not exceeding three months between examinations, noting particularly the condition of the boilers and machinery, the location and condition of the buildings, the condition of the workings of the mine, the condition of the traveling and haulways, the circulation and condition of the air and the drainage, and shall see that the provisions of this act are complied with. Upon the completion of the examination of a mine, he shall within a reasonable time thereafter, report in writing to the chief inspector of mines, the conditions of the mine, showing the extent to which the provisions of this act are complied with or violated.

Weights and measures.

SEC. 910 (as amended by act, page 52, Acts of 1910). The district inspectors of mines are hereby vested with all the powers and authority of county auditors as sealers of weights and meas-

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ures in the different counties of this State, but shall exercise such authority in connection with weights and measures at mines, only. Each district inspector of mines may upon his regular examination of a mine, and shall, upon the written request of the duly authorized representatives of the miners, the owner, lessee, or agent, or the interested landowner, test the accuracy of the scales at any time, and post in the weigh-house a certificate provided by the chief inspector of mines, certifying the condition of the scales: *Provided*, That such tests be made at a reasonable time without unnecessary interference with the use of such scales.

Disagreements.

In case of a controversy or disagreement between the district inspector of mines, and the owner, lessee or agent of a mine, or persons working therein, or in case of emergency requiring counsel, the district inspector of mines may call upon the chief inspector of mines for such assistance and counsel as is necessary.

Enforcement of statute.

SEC. 911 (as amended by act, page 52, Acts of 1910). Each inspector shall exercise discretion in the enforcement of the provisions of this act. If he finds that any matter, thing or practice, connected with any mine, and not prohibited by law, is dangerous or defective, (or that from a rigid enforcement of any of the express provisions of this act, such matter, thing or practice would become dangerous or defective), so as in his opinion to tend to the bodily injury of any person, such inspector shall give notice in writing to the owner, lessee, or agent of the mine, of the particulars in which such mine or any matter, thing, or practice connected therewith is dangerous or defective, and require it to be remedied by making such changes as the conditions may require: *Provided, however*, That in the exercise of the foregoing provisions relating to the application of electricity or electric wires, the judgment of the chief inspector of mines and the district inspector of mines, jointly, shall be required.

Access to mines.

SEC. 912 (as amended by act, page 52, Acts of 1910). For the purpose of making the examinations provided for in this act, the chief inspector of mines, and each district inspector of mines, may enter any mine at reasonable times, by day or night, but in such manner as will not unnecessarily impede the working of the mine, and the owner, lessee or agent thereof shall furnish the means necessary for such entry and examination.

Minor employees.

The district inspector of mines shall examine the record kept by the mine foreman, of boys under sixteen years of age employed in each mine, and report to the chief inspector of mines, the number of such persons employed in and about each mine, and enforce the provisions of this act relative to their employment.

Weekly reports.

SEC. 913 (as amended by act, page 52, Acts of 1910). On or before each Monday, each district inspector of mines shall make and file in the office of the chief inspector of mines, a record showing the number of mines in the district examined by him during the preceding week, the number of persons employed in and about such mines, the date of each examination, condition of each mine examined, whether the laws relating to mines and mining are being observed or violated, and, if violated, the nature and extent of such violations, progress made in safeguarding the lives and protecting the health of the employees in and about the mines, number of fatal accidents in and about the mines, together with such other facts of public interest concerning the condition of mines, and the development and progress in mining, as he deems proper.

Oil and gas wells.

SEC. 914 (as amended by act, page 52, Acts of 1910). The chief inspector of mines, upon receiving notice from a person, firm or corporation of the intention to drill an oil or gas well which will likely penetrate a workable seam of coal, shall make a record thereof, and if such well is to be drilled so as to comply with the provisions of this act relating thereto, he shall give his permission to the parties to proceed. He shall keep on file in his office all the papers and maps pertaining to oil and gas wells, and see that

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the provisions relating to the drilling, operating and abandonment of such wells are complied with.

Rescue cars.

SEC. 915 (as amended by act, page 467, Acts of 1913). The chief inspector of mines shall provide and maintain, at the expense of the State, one rescue car fully equipped with not less than twelve approved oxygen breathing devices complete, one recharging equipment for recharging oxygen cylinders, twelve extra oxygen cylinders, two resuscitating outfits complete, forty approved safety lamps, one naphtha tank, twenty portable electric lamps complete, with storage batteries, and all necessary instruments and chemical tests, together with all necessary supplies and appliances therefor. The rescue car with its equipment, shall be stationed at such point as may be designated by the chief inspector of mines, and may be transferred, by his direction, at any time to any point within the State for the purpose of facilitating the efficient inspection of mines and conducting rescue work, and to demonstrate the various appliances and instruct persons in their use in first aid and rescue work.

The rescue car with its equipment shall be continuously in charge of one person who shall be appointed by the chief inspector of mines, with the approval of the governor, and who shall receive a salary of twelve hundred dollars per annum, together with all necessary expenses incurred in the discharge of his duties.

The person in charge of said rescue car shall, before entering upon the discharge of the duties connected therewith, give a bond to the State in the sum of two thousand dollars with two or more sureties approved by the governor conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the governor and the oath of office endorsed thereon shall be deposited with the secretary of state and kept in his office.

Injunctions.

SEC. 916 (as amended by act, page 52, Acts of 1910). If the appliances of a mine for the safety of the persons working therein do not conform to the provisions of this act, or if the owner, lessee or agent disregards the requirements thereof, on application by the chief inspector of mines in the name of the State, any court of competent jurisdiction may enjoin or restrain the owner, lessee or agent from operating such mine, until it is made to conform to the provisions of this act. Such remedy shall be cumulative, and shall not affect any other proceedings authorized by law against such owner, lessee or agent for the matter complained of in the action.

Failure to furnish map.

SEC. 917 (as amended by act, page 52, Acts of 1910). Upon the refusal or neglect of the owner, lessee or agent of a mine to make and file a map, or any addition thereto, within sixty days after being directed to do so by the chief inspector of mines, as provided for in this act, the chief inspector of mines may cause such map or addition thereto to be made in duplicate at the expense of such owner, lessee or agent, the cost of which shall be recoverable against such owner, lessee or agent, in the name of the chief inspector of mines in any court of competent jurisdiction in the county in which such mine is located, or in Franklin County.

Complaints against inspectors.

SEC. 918 (as amended by act, page 52, Acts of 1910). When written charges of neglect of duty, incompetency, or malfeasance in office against any district inspector of mines, are made and filed with the chief inspector of mines, signed by not less than fifteen employees, or an owner, lessee or agent of a mine, the chief inspector of mines shall promptly investigate such charges, and advise in writing, addressed to the complainant whose name appears first in the charges, the result of such investigation.

When written charges of neglect of duty, incompetency or malfeasance in office against the chief inspector of mines, are made and filed with the governor, signed by not less than fifteen employees, or the owner, lessee or agent of a mine, or if not less than fifteen employees, or the owner, lessee or agent of a mine,

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having filed charges against a district inspector of mines with the chief inspector of mines, are dissatisfied with the result of the investigation made by him, and appeal to the governor by filing the same charges against such district inspector of mines with the governor, he shall make, or cause to be made, an investigation of such charges, and advise in writing, addressed to the complainant whose name appears first in the charges, the result of such investigation.

Appeals.

SEC. 919 (as amended by act, page 52, Acts of 1910). After such appeal from the decision of the chief inspector of mines, or after charges have been filed against the chief inspector of mines with the governor, and the result of the investigation made by him, or at his instance, is unsatisfactory to the complainant, and notice thereof is given to the governor in writing by said complainant, accompanied with a bond in the sum of five hundred dollars, payable to the State, conditioned for the payment of all costs and expenses of the investigation of such charges, in the event such charges are not sustained, and signed by two or more responsible freeholders, the governor shall convene a board of examiners, consisting of two practical miners, one chemist, one mining engineer, and one mine operator, at such time and place as he directs, giving ten days' notice thereof to the inspector against whom the charges are made, and also to the person whose name appears first in the charges.

Boards of examiners.

When so convened, and being duly sworn truly to try and decide the charges made, the board of examiners shall summon any witnesses desired by either party, and examine them, on oath, administered by a member of the board. Depositions may be read on such examination as in other cases. The board shall examine fully into the truth of such charges and report the result of its investigation to the governor; and, according to its finding, award the costs and expenses of such investigation against the inspector or the persons signing the bond. The costs and expenses of such investigation shall include a compensation of five dollars per day for each member of the board, for the time occupied in the trial, and in traveling to and from his home, together with all legitimate expenses, which shall be paid from the State treasury on the certificate of the president of such board. The attorney general shall proceed to collect such costs and expenses, and pay them into the State treasury.

Existing offices.

SEC. 920 (as amended by act, page 52, Acts of 1910). No change herein made in the name of an office existing when this act takes effect shall create a new office. The incumbents of offices when this act takes effect, the duties of which are herein defined, or the filling of which is herein provided for, shall hold their respective offices for the full term for which they were severally elected or appointed, the same as if this act had not been passed.

Abandoned mines.

SEC. 921 (as amended by act, page 52, Acts of 1910). The recorder of the county, when presented with a map of an abandoned mine, by the owner, lessee or agent thereof, as provided for in this act, shall properly label, file and preserve the same as a part of the records of the land upon which said mine is located.

Accidents causing death.

Upon receiving notice of a death occurring at a mine, as provided for in this act, the coroner shall hold an inquest forthwith upon the body of such person, inquire carefully into the cause of his death, and within ten days after such inquest, return a copy of his findings, with a description of the body, and all the testimony before him, to the chief inspector of mines. Upon request of the owner, lessee or agent of the mine where such person was employed, shall furnish a copy thereof to such owner, lessee or agent, for which such coroner shall be entitled to a fee of ten cents per legal-cap page, but in no case more than five dollars for any one inquest, for copy furnished owner or lessee.

Ventilation.

SEC. 922 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine, shall provide and maintain the necessary artificial means of capacity and power capable of supplying the required ventilation, and shall maintain a sufficient

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volume of air, not less per minute than one hundred and fifty cubic feet for each person, and five hundred cubic feet for each animal working therein, measured at the intake, and distributed so as to expel or dilute and render harmless, explosive, poisonous and noxious gases.

The owner, lessee or agent of a mine generating fire damp, so as to be detected by a safety lamp, shall, in addition to the foregoing, provide and maintain not less than fifty cubic feet of air per minute for each person working therein.

Automatic doors.

SEC. 923 (as amended by act, page 52, Acts of 1910). In each mine, the doors used in assisting or directing the ventilation thereof, shall be hung so that they will close themselves, and shall be kept closed except while persons or cars are passing through same. Each door, not operated automatically, through which cars are required to pass, shall have an attendant, whose first duty shall be to open it for transportation, and prevent it from standing open longer than necessary for cars to pass through, and, persons in charge of cars passing through automatic doors shall be required to keep a close watch over such doors, and if any such door fails to close, they shall promptly close same and report such fact to the mine foreman. This shall not prevent the attendant from performing other duties, provided the door is not kept open longer than is necessary for cars to pass through. Where necessary, a refuge place shall be provided at each door for the safety of the attendant.

Gases to be driven out.

SEC. 924 (as amended by act, page 52, Acts of 1910). At each mine where the ventilation is not continuous, it shall be started a sufficient length of time prior to the appointed time for any person, or persons, working therein to enter, to clear the mine of explosive, poisonous and noxious gases, and shall be kept in operation a sufficient length of time after the appointed time for such employees to leave their working places, for all persons to be out of the mine.

Pressure gauges.

At each mine generating fire damp so as to be detected by a safety lamp, and wherein twenty or more persons are employed, a recording pressure gauge for the purpose of recording the pressure or vacuum of the main air current shall be provided and maintained, which shall be kept in constant use, and the records preserved for ninety days, subject to the inspection of the chief inspector of mines and the district inspector of mines.

Fire boss.

SEC. 925 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine generating fire damp so as to be detected by a safety lamp, shall designate a competent person or persons as fire boss or fire bosses, who shall make a thorough examination of each working place in the mine every morning with a standard safety lamp, not more than three hours prior to the appointed time for the employees to enter the mine. As evidence of such examination, the fire boss shall mark with chalk upon the face of the coal, or in some other conspicuous place, his initials and date of the month upon which the examination is made. If there is any standing gas discovered, he must leave a danger signal across every entrance to such place.

Each mine generating fire damp so as to be detected by a safety lamp, shall be kept free from standing gas. All traveling ways, entrances to old workings, and places not in the actual course of working, shall be carefully examined with a safety lamp by the fire boss not more than three hours before the appointed time for persons employed therein to enter. Parts of the mine not in the actual course of working and available, shall be examined not less than once each three days, and shall be so fenced as to prevent persons from inadvertently entering therein.

Break throughs and brattices.

SEC. 926 (as amended by act, page 52, Acts of 1910). From a point where the seam is reached in the opening of a mine, to a point not exceeding a distance of four hundred feet therefrom, break throughs shall be made between main entries, where there are no rooms worked, not more than one hundred feet apart: *Provided,* Such entries are not advanced beyond the point where

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the break through will be made until the break through is complete. Break throughs between entries, except as hereinbefore provided, shall be made not exceeding sixty feet apart. Where there is a solid block on one side of a room, break throughs shall be made between such room and the adjacent room not to exceed sixty feet apart; where there is a breast or group of rooms, a break through shall be made on one side or the other of each room, except the room adjoining said block, not to exceed forty feet from the outside corner of the break through to the nearest corner of the entrance to the room, and on the opposite side of the same room a break through shall be made, not to exceed eighty feet from the outside corner of the break through to the nearest corner of the entrance to the room, and thereafter break throughs shall be made not to exceed eighty feet apart on each side of the room. No working place, except those provided for within a distance of four hundred feet of the principal openings of a mine, shall be driven more than eighty feet in advance of a break through or airway. The required air current shall be conducted to the break through nearest the face of such entry or room. All break throughs between entries, and when necessary between rooms, except the one nearest the working face, shall be closed and made air-tight by brattice, trapdoors or other means, so that the current of air in circulation may sweep to the interior of the mine. Brattices between permanent inlet and outlet airways shall be constructed in a substantial manner of brick, masonry, concrete, or nonperishable material. In mines generating fire damp, so as to be detected by a safety lamp, the air current shall be conducted by brattice, or other means, near enough to the working face to expel the fire damp, and prevent an accumulation of the same.

Hoists.

SEC. 927 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine shall provide and maintain safe appliances, approved by the district inspector of mines, for the ingress and egress of persons in each shaft, designated by such owner, lessee or agent as a means of ingress and egress for persons employed therein. When there is but one shaft available for ingress and egress from any unavoidable cause, the appliances therein shall be kept available to persons therein employed at all times. When such appliances in any shaft are rendered unavailable from any cause, the same shall be restored without delay.

When the only means of egress is by vertical shaft, in which cages or elevators are used as a means of hoisting persons therein employed, and the power for operating same is derived from but one source, the owner, lessee or agent shall provide and keep on hand for use in the event of an accident to the hoisting apparatus or the power by which same is operated, a suitable windlass, capable of hoisting the persons from the mine.

The owner, lessee or agent of a mine worked by a shaft or slope, shall put in charge of an engine used for lowering into or hoisting out of such mine persons employed therein, only experienced, competent and sober engineers.

Speaking tubes.

SEC. 928 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine operated by shaft, shall provide and maintain a metal tube suitable for conversation between persons, connecting the engine room with the top and bottom of such shaft; an approved safety catch, a sufficient cover, and rings or other adequate handholds for ten persons, on all cages used for lowering and hoisting persons: Such cages to be protected on each side by a boiler plate not less than one-fourth inch in thickness, and not less than three feet high, and shall provide an approved safety gate at the top of each shaft, an adequate brake to control the drum used for lowering or hoisting persons in shafts or slopes, and an indicator on all machines used for such purpose, to show the location of cages in shaft or slope. No cage having an unstable or self-dumping platform shall be used for the carriage of persons unless such platform is securely locked.

Safety cages.

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Lowering and hoisting workmen.

SEC. 929 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine, at which the only means of ingress and egress for the persons employed therein is by a vertical shaft, or shafts, of one hundred feet or more in depth, shall designate one or more persons whose duty shall be to attend to the lowering and hoisting of persons into and out of such mine, and give and receive the proper signals, governing the movement of the cage while engaged in handling men. Not more than ten persons shall be lowered or hoisted at any one time. The lowering of persons shall begin in time for persons to reach their working places by hour appointed for mine to commence work and continue until starting time. Hoisting of persons shall commence at time for mine to cease work, and continue until all have had time to be hoisted. Persons may be hoisted at such other times as will not interfere with the hoisting of coal, or other products. No person shall be lowered into or hoisted out of a mine, with powder, explosives, tools or material on any cage, in the same shaft, and no person shall be lowered or hoisted in a vertical shaft in a mine car. When the vertical shaft is less than one hundred feet in depth, and a stairway approved by the district inspector of mines is not provided, the owner, lessee or agent shall be required to lower or hoist persons, as above prescribed, but when such stairway is provided, the hoisting of persons shall not be required.

Escape shafts.

SEC. 930 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine shall not employ or permit any person to work therein except as hereinafter provided, unless to every seam worked in such mine there are at least two openings, separated by natural strata of not less than one hundred feet in breadth at any point, by which distinct means of ingress and egress are always available to the persons therein employed. Such openings need not belong to the same mine so long as the persons employed therein have safe, ready and available means of ingress and egress, by not less than two openings: *Provided, however,* That no air shaft with a ventilating furnace at the bottom be designated or used as a means of ingress or egress. The provisions of this section shall not apply to opening a new mine while being worked for the purpose of making the second opening and the communication therewith, and the making of the landing or bottom and extending of the main entries one hundred feet while such communication is being made; to a mine in which the second opening has become unavailable from any cause while said second opening is being restored or another is being made; nor to a mine in which the second opening has become unavailable by reason of the final robbing of the pillars previous to abandonment, so long as not more than twenty persons in either case are employed therein at one time.

At each mine at which the only means of egress is by vertical shaft, the owner, lessee or agent shall provide adequate fire protection to secure the safety of such shaft, or shafts, and, when but one shaft is the only available means of egress, shall keep in attendance a competent person at all times while persons are inside of such mine.

Traveling ways.

SEC. 931 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine shall provide and maintain, in safe condition for the purpose provided, two separate and distinct traveling ways from the interior workings of the mine, each of which shall be available to not less than one opening to the surface. One of such traveling ways may be designated by such owner, lessee or agent as the principal traveling way. One of such traveling ways may be designated as the escapement way. The provisions of this section shall not prohibit such owner, lessee or agent from designating more than one principal traveling way, or more than one escapement way, so long as the provisions hereof are complied with.

The owner, lessee or agent of a mine worked by shaft, shall provide and keep free from obstruction, a traveling or passage way from one side of the shaft bottom to the other. Slopes and

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mechanical haulage ways used as traveling ways by persons employed in a mine shall be made of a sufficient width to give not less than three feet of space between the rib and adjacent rail of track to permit persons to pass moving cars with safety. If found impracticable to make such slopes or mechanical haulage ways of sufficient width as provided, refuge holes not less than six feet in width and clearing the adjacent rail of the track not less than four feet, and not more than sixty feet apart, shall be made on one side of the slope or mechanical haulage way and whitewashed. The refuge holes shall be kept free from obstruction, and the roof and sides made secure.

Switches.

SEC. 932 (as amended by act, page 52, Acts of 1910). At a mine, or in any part thereof, where a locomotive is detached from a moving train of cars for the purpose of dropping such cars past the locomotive, and the haulage way at such point is designated as the principal traveling way, a traveling way, not less than three feet wide and separated from the track by a pillar of coal or substantial fence, shall be provided at one side of that portion of the track from where the locomotive will be detached to the switch of the siding. Such traveling way shall be made on the same side of the track as the refuge holes. In no case shall a locomotive be detached from a train of moving cars, for the purpose of making a drop thereof, more than one hundred feet from the switch of the siding.

Escape from inundation.

At any mine where there is a stream or body of water on the surface, or in the workings of a mine, at a higher level, which is likely to break through into such mine and inundate either the traveling or escapement way of such mine, so as to prevent the egress of persons employed therein, the owner, lessee or agent, shall, upon the written order of the chief inspector of mines, provide and maintain an additional opening by means of which such persons may escape without using the traveling or escapement way likely to be inundated.

Timbers.

SEC. 933 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine shall keep an adequate supply of suitable timber constantly on hand, and deliver to the working place of each miner, the props of approximate length, caps and other timbers necessary to securely prop the roof thereof: Such props, caps, and other timbers, shall be delivered in mine cars at point where the miner receives his empty cars, or unloaded at the entrance to the room.

Provisions for accidents.

SEC. 934 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine, at, in, or around which more than ten persons are employed, shall keep at the mine in a convenient place, a stretcher, properly constructed, a woolen blanket, and a waterproof blanket, in good condition for use in carrying an injured person: When more than two hundred persons are employed, two stretchers, two woolen blankets, and two waterproof blankets shall be kept. A sufficient quantity of bandages and linen shall be kept on hand at all times.

At mines generating fire damp so as to be detected by a safety lamp, a sufficient quantity of olive or linseed oil shall be kept stored, at the mine, for use in an emergency.

Maps.

SEC. 935 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine having an excavation of fifteen thousand cubic yards, or more, shall cause to be made, on a scale of not less than two hundred feet per inch, an accurate map thereof, which shall show the following: The boundary lines and names of the owners of the surface of each tract under which excavation is made, and for not less than five hundred feet contiguous thereto, and under which excavations are likely to be made during the ensuing year, together with all streams and bodies of standing water; the township and county lines coming within the limits of such map, with the name of each plainly marked close to and parallel with such lines; the title, the name or number of the mine, or both, the township and county in which located; the section lines, with the number of each, marked plainly within

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the sections; the location of the mine openings, railroad tracks, public highways, oil and gas wells, magazines and buildings, and plainly marked with the name of each; the location and extent of the excavations and connection with the surface survey; the direction of the air current, or air currents by arrows; the location and extent, so far as known or obtainable, of the excavation of any other mine or mines within the limits of the map; the boundary lines of the tracts of coal owned or leased within the limits of the map; the elevation of the floor of the excavation, above mean tide at Sandy Hook, at or near the boundary line or lines of the coal owned or leased where the coal is adjacent to coal owned by a person, firm or corporation, other than the owner or lessee of such mine, and where the excavations of such mine cease or may be approached by another mine, at points not exceeding three hundred feet apart, and referenced to some permanent monument near the main opening of such mine, and shown on the map and plainly marked bench mark, with the elevation of same.

Same subject.

SEC. 936 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine shall cause to be made a map or an addition to the next previous map thereof, annually, and semi-annually if so directed in writing by the chief inspector of mines, showing the excavations and the information required by the preceding section, to date of survey. The map, or maps, required by this and the preceding section, and any addition thereto, shall have the certificate of the engineer making same, and of the mine foreman in charge of the mine at the time of the survey, acknowledged before a notary public or justice of the peace, thereon in the following form:

I, the undersigned, hereby certify that this map is correct, and shows all the information required by section nine hundred and thirty-five of the General Code, and covers the period ending ——— ——.

———— ————,
Engineer.

Acknowledged before me a ——— ——— this —— day of ———, ——.
———— ————.

I, the undersigned, hereby certify that I am a mine foreman at the mine represented by this map, and to the best of my knowledge and belief the same correctly represents the excavations of the mine for the period ending ——— ——.

———— ————,
Mine Foreman.

Acknowledged before me a ——— ——— this —— day of ———, ——.
———— ————.

SEC. 937 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine, before the pillars are drawn previous to the abandonment of a mine, or any part thereof, shall cause to be made a correct map of such mine, or part thereof, showing its area and workings to the day of the abandonment; the pillars drawn previous to abandonment; and file such map within ninety days after the abandonment of such mine, in the office of the recorder of the county where such mine is located, and with the chief inspector of mines at his office. Such map shall have attached thereto the usual certificate of the mining engineer making it, and the mine foreman in charge of the underground workings of the mine, and such owner, lessee or agent, shall pay to the recorder for filing such map, a fee of fifty cents.

The owner, lessee or agent of a mine shall keep at the office thereof, open to the inspection of the chief inspector of mines, and the district inspector of mines, a copy of the latest map of such mine, with any addition thereto, and shall furnish a copy thereof to the chief inspector of mines at his office.

Approach to abandoned mines.

SEC. 938 (as amended by act, page 500, Acts of 1913). Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine, as indi-

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cated by an accurate survey, or while driving any working place parallel with the workings of such abandoned mine within a distance of one hundred feet thereof, and such abandoned mine can not be explored, or when the same contains fire damp, or water which may inundate such working place, the mine foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the center of such working place, and a flank hole not less than twelve feet extended on each rib, starting at the working place after taking out each cut or crossing. Whenever the limits of the workings of an abandoned mine are not known by actual survey, the above rule shall apply whenever any working place approaches within one hundred and fifty feet of the supposed limits of such abandoned mine.

Shot firing.

In addition to the precautions provided for in this act when approaching or working parallel with such an abandoned mine, the owner, lessee or agent shall, upon the demand of the chief inspector or district inspector of mines, provide competent shot firers to do the shot firing in all the working places advancing or running parallel with such abandoned mine; the shot firing to be done when all other workmen are out of the mine. The chief inspector or district inspector of mines shall order shot firers at any mine when in their judgment the safety of property or employees require same.

Inspector to have notice, when.

SEC. 939 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine shall give notice to the chief inspector of mines in the following cases: When a change occurs in the name of the mine, in the name of the owner, lessee or agent thereof, or in the officers of an incorporated company owning or operating such mine; when a working is commenced for the opening of a new shaft, slope or mine; when a mine is abandoned, or the working thereof discontinued; when the working of a mine is commenced, after an abandonment of discontinuance thereof for a period of more than three months; when the pillars of a mine are about to be removed or robbed; when a squeeze, crush, or fire occurs, or a dangerous body of gas is found, or any cause or change that may seem to affect the safety of persons employed therein.

Notice of accidents.

SEC. 940 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine at which loss of life occurs by accident, shall give notice thereof, by telegram, forthwith, to the office of the chief inspector of mines, and to the coroner of the county in which such accident occurs; and, within twenty-four hours next after loss of life or personal injury has occurred, the owner, lessee or agent of the mine shall send to the chief inspector of mines a report in writing, of the accident, specifying the character and cause thereof, the names of the persons killed or injured, and the nature of the injuries. If a personal injury thereafter results in the death of the person injured, as soon as such death comes to his knowledge, the owner, lessee or agent shall give notice thereof forthwith, in writing, to the chief inspector of mines, and to the coroner of the county in which such accident occurred.

Annual reports.

The owner, lessee or agent of a mine, shall, on or before the thirty-first day of January of each year, send to the office of the chief inspector of mines, upon blanks furnished by him, a correct return, specifying with respect to the year ending on the preceding thirty-first of December, the quantity of coal mined, and the number of persons ordinarily employed at, in, and around such mine, distinguishing the persons below and above ground, and give such other information as required by such blanks.

Test weights.

SEC. 941 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a coal mine, at which the earnings of ten or more persons depend upon the weights of coal mined, shall provide and keep accessible for the purpose of testing the weigh scales as provided elsewhere in this act, the following

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standard test weights, properly sealed: Where the coal mined is weighed upon hopper or pan scales, two standard test weights of fifty pounds each; where the coal mined is weighed upon railroad track scales, ten standard test weights of fifty pounds each.

Safety lamps. The owner, lessee or agent of a mine generating fire damp, so as to be detected by a safety lamp, shall keep on hand in proper condition for use, not less than four approved safety lamps, and upon request of the district inspector of mines, shall provide such additional safety lamps as in his judgment may be required to meet any probable emergency.

Shields. The owner, lessee or agent of a mine, shall provide and maintain a sufficient shield on each mining machine used in such mine, as may be authorized by the chief inspector of mines, or the district inspector of mines, for the protection of those employed in operating same.

Signals. SEC. 942 (as amended by act, page 52, Acts of 1910). At each mine operated by shaft, the means of signaling to and from the bottom man, the top man, and the engineer shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air, or other devices. The following signals are provided for use at mines where signals are required:

One ring or whistle from the bottom to the top shall signify to hoist coal or the empty cage, and also to stop either when in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that men are coming up; when return signal is received from the engineer, men will get on the cage, and cager shall ring or whistle one to start.

Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles shall signify accident in the mine and a call for a stretcher.

One ring or whistle from the top to the bottom shall signify: All ready, get on cage.

Two rings or whistles shall signify: Send away empty cage: *Provided*, That the management of any mine, may, with the consent of the district inspector of mines, add to this code of signals in his discretion, for the purpose of increasing its efficiency, or of promoting the safety of the men in said mine, but whatever code may be established and in use at any mine must be furnished by the mining department, conspicuously posted at the top and at the bottom and in the engine room for the information and instruction of all persons concerned.

At each mine where persons are hoisted in a vertical shaft, an emergency signal shall be provided in such manner that persons can give signals from the cage, in the event the cage is stopped between the top and bottom landings.

Lights. SEC. 943 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of each mine shall provide an enclosed lard or signal-oil lamp or lantern or incandescent electric light at such point or points in the mine as may be necessary for the proper safety of persons, especially at the top of extreme grades. No open light shall be used for fixed or stationary purposes; no open torches or lamps larger than the lamps provided for in this act for use as open lights, and no coal oil or kerosene lamp or lanterns, shall be used in a mine. This, however, shall not prevent the use of a torch or blow-torch for mechanical purposes other than illumination.

The owner, lessee or agent of a mine at which locomotives are used for hauling the coal, shall keep a light on the front end of the locomotive when it is in use, and when the locomotive is run ahead of the trip, and the trip rider is not required to ride the rear car of the trip, a signal, light or marker, approved by the district inspector of mines, shall be carried on the rear end of the trip to indicate when the trip has passed. Cars shall not be

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pushed ahead of the locomotive where it can be avoided, and when cars are run ahead of the locomotive a light shall be carried on the front end of the trip and the cars shall not be moved at a speed greater than four miles per hour. When rope haulage is used, an enclosed light shall be carried on the front end of each train so hauled. When a mechanical haulage trip passes through an automatic door having no attendant other than persons in charge of such trip, the trip rider shall be required to ride the rear car of the trip while passing through such door, and see that it closes after the trip passes through.

Employment of children.

SEC. 944 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine shall not employ, or permit to work therein, any boy under fourteen years of age; nor employ, or permit to work therein, any boy under fifteen years of age during a term of the public schools, in the district in which he resides.

Dust.

Whenever an entry or airway becomes so dry that the air becomes charged with dust, the owner, lessee or agent shall cause such entry or airway to be sprinkled, and all accumulated matter, explosive in its nature, shall be removed from the mine.

Supply of oil.

No oil shall be taken into or stored in a mine except as may be required to be opened for use within two days thereafter; and in no case shall more than two barrels of oil be kept at any one place, and not more than ten barrels of oil shall be had in a mine at any one time. All waste oil and empty barrels shall be promptly removed from the mine.

Location of boilers.

The permanent boilers used for generating steam, and the buildings containing the boilers, shall not be nearer than sixty feet to any mine opening or to a building or inflammable structure connected with or surrounding such opening.

Stables.

SEC. 945 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a coal mine at which the live stock is kept underground, shall observe the following: The stable or stalls shall be separated from the main inlet and main outlet air courses by not less than twenty feet of solid strata or a solid wall of brick or masonry not less than twelve inches in thickness, except at two doors not more than five feet wide, which shall be made of steel plate not less than one-quarter inch in thickness and hinged to the solid strata or masonry without the use of wood; the ventilation for the stable shall be taken from main inlet air course by a by-pass or separate split and returned to the main outlet air course so that the air passing the stables will not enter the inward working places of the mine, and arranged so that the by-pass or split can readily be closed at both inlet and outlet sides of the stable by steel doors hinged to the solid strata or masonry without the use of wood; the construction of the stable inside shall be free from pine or light lumber; shall be of brick or masonry as much as practicable, and any timber used shall be of hardwood of a cross section not less than three by six inches; no hay or straw shall be taken into the mine or stable unless same be compressed into compact bales, and then only from time to time in such quantities as will be required for two days' use; no greater quantity of hay or straw shall be stored in the mine or stable, and when such is taken into the mine it shall be taken inside the stable at once; the lights used in the stable shall be incandescent electric lamps, placed so that same will not be injured by the stock or by persons required to enter the stable, or lanterns of railroad type suitable for using lard or signal oil, and only such oil shall be used therein; all refuse and waste shall be promptly removed from the stable and the mine, and shall not be allowed to accumulate. Stables constructed underground after the passage and approval of this act, shall be located not nearer than one hundred and fifty feet of any opening to the mine used as a means of ingress or egress.

Use of gasoline, etc.

SEC. 946 (as amended by act, page 52, Acts of 1910). No gasoline, naphtha or kerosene engine shall be used in a mine, except for operating pumping machinery where electric, compressed air or steam power is not available or can not be transmitted to

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the pump, and then the owner, lessee or agent shall observe the following: Notice shall be made to the chief inspector of mines before installing, and the installation and operation shall be subject to his approval: No wood or inflammable material shall be permitted nearer than twenty-five feet of the engine: The supply tank from which the gasoline, naphtha or kerosene is fed to the engine, shall be of metal, with a suitable screw-cap opening, fitted with a gasket, so as to make the tank air-tight and prevent the escape of gas into the atmosphere, and the tank kept free from leaks: The gasoline, naphtha or kerosene shall be fed from a tank to the carburetor or mixer by metal tubes securely connected so as to reduce the possibility of leaks to a minimum: The exhaust from the engine shall be conducted by means of metal pipes into the return air current, so that the fumes of combustion will not enter the workings of the mine where the men are required to work, or be conducted in an upcast shaft or slope not used as a means of ingress or egress, or through metal pipes to the surface: At no time shall there be more than five gallons of gasoline, naphtha or kerosene in the supply tank; at no time shall more than five gallons of same be taken into the mine at any one time, and at no time shall there be more than ten gallons in the mine, including that in the supply tank: No gasoline, naphtha or kerosene shall be taken into the mine except in metallic cans, with a screw cap opening at the top, fitted with a suitable gasket: No package or can, or the supply tank of an engine, containing gasoline, naphtha or kerosene, shall be opened until ready to make the transfer from the package or can to the supply tank, and in transferring, a funnel shall be used so as to avoid spilling the gasoline, naphtha or kerosene, and the cap on the supply tank shall be immediately closed: In no case shall the package, can, or the supply tank, be opened, with any open light or other thing containing fire within twenty-five feet of same.

Electric wiring.

SEC. 947 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine in which electricity is used as a means of power, shall observe the following in the application thereof:

All trolley wires shall be carried at least six inches outside of and parallel with the track rail on the side the trolley wire is located. When regular height is less than six feet six inches from top of rail, the lower side of trolley wire must not exceed six inches from the roof or cross timber with hangers now in use, with hangers not to exceed twenty-five feet between centers, and the tension sufficient to keep all wires from sagging and to prevent trolley wheel from coming in contact with roof or cross timbers. All new hangers hereafter installed shall not exceed five inches in depth from lower side of the trolley wire to the roof or cross timbers.

All trolley and positive feed wires crossing places where persons or animals are required to travel, shall be safely guarded or protected from such persons or animals coming in contact therewith.

All trolley and positive feed wires shall be placed on opposite side of track from refuge holes or necks of rooms.

No trolley wire shall be extended into or maintained in any room while being used as a working place; no trolley or feed wire shall be extended into any entry beyond the outside corner of the last break through.

Switches or circuit breakers shall be provided to control the current at the mine, and at all important points in the mine.

All machine feed wires shall be placed as near the rib and roof or cross timbers as practicable; the positive wire to be carried not to exceed three inches from the rib and roof or cross timbers, measured at the insulators, which shall be so placed as to keep the wire at least six inches outside of the track rail on the side the wire is located. Insulators shall be placed not exceeding fifty feet apart, and all wires shall be carried so that same will be not less than six inches outside of the track rail at any point on the side the wire is located. All positive wires shall be carried on glass or porcelain insulators, or insulators equally effi-

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cient. All negative wires shall be carried on suitable fixtures, and when carried in same entry as the positive wire, shall be carried on the same side of the entry as the positive wire, and as close to it as practicable. When machine or feed wires are carried in same entry as trolley wire, they shall be placed on the same side as the trolley wire, between trolley wire and rib. Nothing in the foregoing shall require negative wires being carried in same entry with positive wire.

When necessary to carry wires down shafts or slopes used as traveling ways, the wires must be thoroughly cased or protected, so that persons cannot be shocked therefrom.

Positive machine feed wires, when extended into rooms, shall be placed not nearer than four feet of the track, where the room is of sufficient width, and the same shall only be connected to the positive wire or wires on the entry while in actual use. The material used for making such connection shall be of sufficient length to reach across the entry, and when same is disconnected, it shall be kept with the machine operating at such point or working place. No electric wires shall be extended into any room unless a one-hundred-and-fifty-foot cable will not reach the face of the room, and then not beyond the outside corner of the last break through.

All terminal ends of positive wires shall be guarded so as to prevent persons inadvertently coming in contact therewith.

The bonded track, the negative wires and metallic pipe lines, when coming near each other, may be connected together at intervals not exceeding five hundred feet, and any track used as the return or earth system shall be properly bonded. In no case shall a pipe line, or any part thereof, be used exclusively as the return, and when connected to the earth system, the negative wire or bonded track shall be of ample capacity, exclusive of the pipe line, to carry the current.

Contact devices.

The trolley wire shall be carried upon hangers or other fixtures which will properly insulate it from contact with the roof or other substances, and so the trolley wheel can trail without the necessity of being constantly attended for that purpose, and no trolley shall be run on any wire not so carried. No locomotive shall be operated by means of a person holding and sliding upon or frequently making contact with the positive wire with any device attached to the cable as a substitute for a trolley, but these provisions shall not prohibit the operation of a locomotive by means of a cable without the use of the trolley: *Provided*, The cable be connected to and disconnected from the positive wire when the locomotive is not in motion. Means shall be provided by which machine runners may readily carry the machine cable from the machine to the feed wires on one side of the entry, either under or over the track rails, in the entry where such wires are located, and so the cable will not come in contact with such track rails, thereby reducing the danger of shock to persons or animals required to travel such entry, to the minimum.

Crossings.

Voltage.

SEC. 948 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a mine at which electricity with a pressure or potential of more than three hundred and twenty-five volts, or alternating current, is used, shall, in addition to the provisions of the preceding section, observe the following:

At each mine equipped with electric power after the passage and approval of this act, the current used to operate gathering locomotives, mining machines, shearing machines, drills and other machinery, used in or about the working places of the mine, shall not exceed in pressure or potential, three hundred and twenty-five volts, direct current, as shown at the nearest switchboard, and the wires conducting the power from the nearest switchboard shall not carry a higher pressure or potential.

At each mine equipped with electric power after the passage and approval of this act, no alternating current shall be used underground to operate any machinery other than that necessary to convert the alternating current to direct current, and no wires

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carrying alternating current shall be used underground except same be carried in an entry or passageway where persons and animals are not permitted to travel.

At each mine equipped with electric power after the passage and approval of this act, when the current used to operate haulage locomotives, pumps and other machinery not located in or about the working places of the mine, is of a pressure or potential in excess of three hundred and twenty-five volts, direct current, the entry or passageway where such wires are carried shall not be designated or permitted to be used as the principal traveling way, and when designated or used as the escapement way, the wires shall be protected so that persons required to travel near same in emergencies will not inadvertently come in contact therewith. No pressure in excess of six hundred and fifty volts at the switchboard shall be used underground.

At each mine equipped with electric power prior to the passage and approval of this act, where the pressure or potential is in excess of three hundred and twenty-five volts, direct current, or where alternating current is used, and the conditions surrounding the use of same are such, in the opinion of the chief inspector of mines, that the provisions of the preceding section do not provide the required protection from shock to persons employed therein, such additional safeguards shall be employed as may be required by the chief inspector of mines, and the district inspector of mines, jointly.

Opening new mines.

SEC. 949 (as amended by act, page 52, Acts of 1910). Any person, firm or corporation beginning the opening of a mine, whether such person, firm or corporation be the owner, lessee or agent of the property upon which such mine is located, or not, shall observe the following in the construction of such mine: If the opening be a

Firing shots.

slope or vertical shaft, no explosive used therein shall be fired by means of a squib or fuse after the same is extended more than twenty-five feet from the surface, and thereafter and until the slope or shaft reaches the seam, and the entry or landing be extended beyond a break through or other place driven at right angles thereto, no explosive shall be fired except by means of an electric battery operated from the surface after all persons are on

Hoisting apparatus.

the surface. A substantial structure to sustain sheave wheels or pulleys, ropes and loads, shall be provided, and if the opening be a shaft, the same shall be placed at a height of not less than twenty feet above the tipping place. A landing platform shall be arranged in such manner that no material can fall into the shaft while the bucket is being emptied, and in no case shall the shaft be sunk to a depth of more than thirty feet without such structures. If the bucket used for hoisting material is to land on a truck, the track on which said truck is operated, and the platform, shall be so constructed that material can not fall into the shaft. Rock and coal shall not be hoisted from a shaft or slope except in a bucket or cage attached to the rope by a safety hook, clevis, or other safe attachment, and the bucket or cage securely locked so that same can not tip or empty while being hoisted. The rope shall be fastened to the side of the drum, and not less than three coils of rope shall always remain on the drum. After the shaft reaches a depth of one hundred feet, the same shall be provided with guides and guide attachments, applied in such a manner as to prevent the bucket from swinging while being lowered or hoisted, and said guides and guide attachments shall be maintained at a distance of not more than seventy-five feet from the

Provisions for safety.

bottom of the shaft. The sides of all shafts shall be properly secured for safety, and no loose rock or material shall be allowed to remain on any timber in the shaft after each blast. All loose timber, tools, and materials, shall be kept away from the top of the shaft, so as to reduce the danger of same falling down the shaft. Where explosive gas is encountered, the person in charge shall see that the shaft or slope is examined before each shift of men enter to work, and before the men descend after each blast. Provision shall be made for the proper ventilation of the slope,

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or shaft, so that persons working therein will have the necessary air. An efficient brake shall be attached to each drum of an engine used in hoisting material and persons, and all machinery, ropes and chains connected therewith shall be carefully examined once each twelve hours. Not more than four persons shall be lowered or hoisted in or on a bucket at one time, and no person shall be permitted to ride on a loaded bucket. The bucket used in lowering or hoisting persons shall be equipped with proper safety devices, so that same can not become detached from the rope or cable, and can not tip or turn upside down while being so used. The chief inspector of mines, and the district inspector of mines, shall have jurisdiction over such mine when the shaft or slope reaches a depth of twenty-five feet, and such person, firm or corporation shall comply with any order issued by either or both of them with respect to the safety of persons employed. Other than the provisions herein, the provisions of this act shall not apply to the opening of a mine until such opening reaches the seam, and the entry or landing be extended beyond a break through, or other place driven at right angles thereto.

Escape shafts.

SEC. 950 (as amended by act, page 52, Acts of 1910). When, in the opinion of the district inspector of mines, together with the chief inspector of mines, the ways and means of egress in any mine under their jurisdiction, from the interior working places to the surface, as provided for in this act, are inadequate as a safe and ready means of escape in case of probable emergency, and there are extra hazards of a permanent nature that can not be removed either from long distance from the interior working places to the exterior openings for egress, from danger of fire at any point, or any other cause that probably will result in the entombment of persons working therein, they shall jointly give notice in writing to the owner, lessee or agent of such mine, and require an additional opening by shaft, slope, or drift, from the surface; the location of the interior end of such shaft, slope or drift, to be sufficiently near the interior working places in that part of the mine where such persons are endangered, to afford such persons safe and ready means of escape, free from such hazards. If the owner, lessee or agent of such mine on the one part, and the district inspector of mines together with the chief inspector of mines on the other part, fail to agree as to the location of such additional opening, or, if the owner, lessee or agent of such mine considers that the conditions and hazards enumerated in such notice do not justify the requirement of such additional opening, such owner, lessee or agent, may, within five days after receiving such notice, appeal against such requirement on the part of the district inspector of mines and the chief inspector of mines, to any court of competent jurisdiction within the State.

Duties of superintendents.

SEC. 951 (as amended by act, page 52, Acts of 1910). The superintendent in charge of a mine shall see that the provisions of this act are carried out, and shall, in case of an accident resulting in the death of or injury to persons, carefully investigate such accident, and report to the chief inspector of mines, as provided for in this act, and to the owner, lessee or agent of the mine. He shall give such other notice to the chief inspector of mines as required by the provisions of this act, and shall cooperate with the mine foreman and direct him as may be necessary in securing a compliance with the provisions of this act, and the safety of the persons employed in the mine. Nothing herein shall prohibit the superintendent from fulfilling the duties of mine foreman.

Duties of mine foremen.

SEC. 952 (as amended by act, page 52, Acts of 1910). The mine foreman shall attend personally to his duties in the mine, carry out the provisions set forth in this act, see that the regulations prescribed for each class of workmen under his charge are carried out in the strictest manner possible, and see that any deviations from any of them are promptly adjusted.

In case of accident to a ventilating fan, or its machinery, whereby the ventilation of the mine would be seriously interrupted, he shall promptly order the men to immediately withdraw from the

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mine and not return to their work until the ventilation has been restored, and his permission to enter is given; if at a mine which generates fire damp, he shall not order them to return until the mine has been thoroughly examined by him, or his assistant, and reported to be safe.

He shall see that all dangerous places are properly fenced off, and proper danger-signal boards are hung on such fencing that they may be plainly seen; he shall also travel all airways, and examine all the accessible openings to old workings as often as is necessary to insure their safety.

He shall examine each working place, or have it examined by his assistant, at least once each alternate day that persons are or should be at work therein, and oftener, when, in his judgment, the circumstances require. He shall instruct pick miners and machine runners regarding the width of working places.

Same subject. SEC. 953 (as amended by act, page 52, Acts of 1910). When a working place becomes unsafe from any cause, he shall order the person or persons working therein, to cease mining or loading, and not to remain in such working place, except as may be necessary to make it safe, until it is made safe.

He shall see that the working place of each miner is kept supplied with props of approximate length, caps, and other timbers necessary to securely prop the roof thereof. When he examines a working place, he shall observe the condition of the roof and timbering, and instruct the workmen therein as to the proper method of timbering for the security of the roof. He shall give such instructions to drivers, motormen, trip riders, and other persons, as may be necessary to keep a supply of timber in each working place.

When he finds a miner in a working place without the necessary props, caps or timbers to securely prop the roof thereof, he shall order such miner to leave such working place until the required timber is supplied, which he shall attend to promptly, and shall order that no cars be delivered to such miner, until timber is supplied.

He shall keep a careful watch over the ventilating apparatus and airways, and measure the ventilation at least once each week, at the inlet and outlet, and at or near the face of all entries; which measurement shall be noted on blanks furnished by the chief inspector of mines. On the first day of each month, he shall sign such blanks, properly filled with the actual measurements, and forward them to the chief inspector of mines.

He shall keep a record of the boys under sixteen years of age employed by him, or by any other person, giving the name, age, place of birth, name and residence of parents, and character of employment. He shall require written evidence from the parent or guardian of each of said minors, that the requirements of the school laws of this State have been complied with.

The duties of mine foreman shall apply to assistant mine foreman, when acting for the mine foreman, or in discharging the duties thereof.

Duties of overseers. SEC. 954 (as amended by act, page 52, Acts of 1910). The overseer shall visit the working place of each inexperienced person engaged at mining or loading, at such intervals as provided for in this act, and instruct them as to their work and safety and assist them in caring for their safety. He shall instruct such persons not to handle or use any explosives except in his presence, until they have been employed in a mine not less than three months, and not then until he is satisfied that such persons are fully competent to handle and use same with safety. When, in his judgment, such persons require more frequent supervision than provided for in this act, he shall visit their working places as frequently as in his judgment the circumstances require. The foregoing shall not prohibit the mine foreman from fulfilling the duties of overseer, so long as all the provisions of this act are complied with.

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Duties of stablemen.

SEC. 955 (as amended by act, page 52, Acts of 1910). The stableman shall see that the provisions of this act relating to stables are carried out, and shall forbid persons not required by duty, to enter the stable or loiter in or about same, whether the stable be inside of the mine or on the surface.

Duties of fire bosses.

The fire boss shall examine with a safety lamp each working place, whether same is in the actual course of working or not, the traveling ways and entrances to old workings in the mine every morning, not more than three hours prior to the appointed time for the employees to enter the mine. As evidence of such examination, he shall mark with chalk upon the face of the coal, or in some other conspicuous place, his initials and date of the month. If there is any standing gas discovered, he shall leave a danger signal across every entrance to such place.

He shall make a report on a blackboard provided on the outside of the mine for that purpose, and arranged so the men can conveniently inspect it, showing the condition of the mine as to the presence of fire damp, and indicating the place, or places, where present, if any is present, before he permits any person to enter the mine. He shall examine parts of the mine not in the actual course of working and available, not less than once each three days.

The fire boss shall make a written report, which shall be kept in the office, or some place at the mine where it can be seen by the mine inspector when called for. He shall see that every part of the mine is kept free from standing gas, and that all old workings are properly fenced off, as provided for in this act. He shall return to the mine with the miners and remain there at least one hour, attending to the removal of any standing gas. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and if more than three hours elapse between the day turn leaving and night turn starting, the places to be worked by night turn must be examined by him with a safety lamp, and reported safe before persons go to them.

Duties of miners.

SEC. 956 (as amended by act, page 52, Acts of 1910). Each miner shall examine his working place upon entering same, and shall not commence to mine or load until it is made safe. He shall be very careful to keep his working place in a safe conditon at all times.

Should he at any time find his place becoming dangerous from any cause or condition, he shall at once cease work, and notify the mine foreman, or assistant mine foreman, of such danger, and, upon leaving such place, he shall place some plain warning at the entrance thereto, to warn others from entering into the danger, and shall not return until ordered to do so by the mine foreman, or assistant mine foreman.

Each miner, or other person employed in a mine, shall securely prop the roof of the working place therein under his control, and shall obey any order, or orders, given by the superintendent or mine foreman relating to the width of working places, and to the security of the mine in the part thereof where he is at work, and for fifteen feet back from the face of his working place. Such miner, or other person, shall not be held to have violated the provisions of this clause if the owner, lessee or agent fails to supply the necessary props, caps, and timbers, as provided for in this act.

Each miner, or other person, shall avoid waste of props, caps, timber, or other material. When he has props, caps, timber, or other material unsuited for his purpose, he shall not cover up or destroy same, but shall place it near the track where it can be readily seen.

He shall not fire a blast in any working place which is likely to generate sudden volumes of fire damp, or where locked safety lamps are used, except with the consent of the mine foreman, or other competent person designated by the mine foreman for that purpose.

At a mine where the firing of shots is restricted to specific times, no miner shall fire a shot until the time appointed for him to do so, and then only in such rotation as designated.

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After each blast, he shall exercise great care in examining the roof and coal, and shall secure them safely before beginning to load coal.

After the coal is undermined, he shall, before shooting the coal, properly post the roof of his working place.

When draw slate is over the coal, he shall not go underneath the draw slate until it is made safe from falling, by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the draw slate.

He shall not place in the gob or refuse pile, or cover up, any fine coal or coal dust, but shall load same into cars.

Duties of machine men.

SEC. 957 (as amended by act, page 52, Acts of 1910). Machine runners and helpers shall use care while operating mining machines. They shall not operate a machine unless the shields are in place, and shall warn persons not engaged in the operating of a machine of the danger in going near the machine while it is in operation, and shall not permit such persons to remain near the machine while it is in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machine. They shall not move the machine while the cutter chain is in motion. When connecting the power cable to the electric wires, they shall make the negative or grounded connections before connecting to the positive, and when disconnecting the power cable, shall disconnect from the positive line before disconnecting the negative or grounded. When positive feed wires extend into rooms, they shall connect such wires to the positive wire on the entry before connecting the power cable, and as soon as the power cable is disconnected, shall disconnect such wire from the wire on the entry. They shall use care that the cable does not make contact with metallic rails of the track, and shall avoid, where possible, leaving the cable in water. If they remove props which have been placed by the miner for the security of the roof, they shall reset such props as promptly as possible.

Duties of motormen and trip riders.

SEC. 958 (as amended by act, page 52, Acts of 1910). Motormen and trip riders shall use care in handling the locomotive and cars, and shall see that the signal or marker, as provided for, is used as provided, and shall be governed by the speed provided for in this act in handling cars.

They shall not run the locomotive with the trolley ahead of the locomotive, except in cases where they can not do otherwise, and then only at a speed of two miles per hour.

They shall warn persons forbidden to ride on the locomotive or cars, and shall not permit such persons to ride on locomotive or cars contrary to the provisions of this act.

The trip rider in charge of rope-haulage trips shall see that the signal light, as provided for in this act, is in place and in proper condition before starting trip.

Drivers shall use care in handling cars, especially going down extreme grades, and at junction points.

Motormen, trip riders and drivers in charge of haulage trips passing through doors used as a means of directing the ventilation, shall see that such doors are closed promptly after the trip passes through.

Entering mines.

SEC. 959 (as amended by act, page 52, Acts of 1910). No person shall enter a mine generating fire damp so as to be detected by a safety lamp, until the fire boss makes a report outside the mine on a blackboard provided for that purpose, and arranged where the men can conveniently inspect it. No person shall go beyond a danger signal, until all standing gas discovered has been removed or diluted and rendered harmless by a current of air.

Any person being ordered by the mine foreman to withdraw from the mine on account of the interruption of the ventilation shall not reenter the mine until given permission to do so by the mine foreman.

Number to be hoisted.

When more than ten persons get on a cage or elevator to be lowered into a mine, or to be hoisted out of a mine, the person in charge of the lowering and hoisting of such persons shall order a

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sufficient number to get off to reduce the number to ten persons, and the persons so ordered shall immediately comply.

Loitering.

Each employee of a mine shall go to and from his place of duty by the traveling ways provided; shall not travel around the mine, or the buildings, tracks or machinery connected therewith, where duty does not require, and when not on duty, shall not loiter at, in, or around the mine, the buildings, tracks or machinery connected therewith.

Intoxicants.

No person shall go into, at, or around a mine, or the buildings, tracks or machinery connected therewith, while under the influence of intoxicants. No person shall use, carry, or have in his possession, at, in, or around a mine, or the buildings, tracks or machinery connected therewith, any intoxicants.

Going beyond danger marks.

No person other than the fire boss shall remove or go beyond any caution board or danger signal placed at the entrance to any working place, or to the entrance to any old workings in a mine.

Changing marks.

SEC. 960 (as amended by act, page 52, Acts of 1910). No person shall erase or change a mark of reference or monument made in connection with measurements; change the checks on cars; wrongfully check a car, or do any act with intent to defraud.

Fire in stables.

No person shall take a lighted pipe, or other thing containing fire, except lanterns as provided for, into any stable or barn.

Obstructions and injuries.

No person shall place refuse in, or obstruct any airway or break through used as an airway.

No workman, or other person, shall knowingly injure a water gauge, barometer, air course, brattice, equipment, machinery, or live stock; obstruct or throw open an airway; handle or disturb any part of the machinery of the hoisting engine of a mine; open a 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 and health of persons working therein, or the security of a mine, or the machinery connected therewith may be endangered.

Riding on haulage trips.

SEC. 961 (as amended by act, page 52, Acts of 1910). No person or persons except those in charge of trips, superintendents, mine foremen, electricians, machinists and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing, between the owner, lessee or agent, and the employees, a special trip of empty cars is run for the purpose of taking employees into and out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding eight miles per hour. No person except a trip rider shall ride on loaded car or cars, and he shall ride only the front or rear end of the trip.

Open lights.

No person, except as hereinafter provided for, shall use in any coal mine, any oil lamp for the purpose of maintaining an open light, more than two and one-half inches in height, with spout not more than three inches long, with opening not more than three-eighths inch in diameter: *Provided, however,* That mine foremen, electricians, machinists, motormen, trip riders, drivers, and other persons whose duties require them to ride on moving trips, work in main air current, or travel frequently from place to place, may use lamps not exceeding three and one-half inches in height, with spout not more than four and one-half inches long, with opening not more than five-eighths of an inch in diameter.

Explosives.

SEC. 962 (as amended by act, page 52, Acts of 1910). No workman shall have at any one time more than one twenty-five pound keg of blasting powder in the mine, nor more than three pounds of high explosives, and no person shall keep blasting powder or explosives dangerously near the electric wire or power cable in any part of the mine where electric wires are in use. No blasting powder, or other explosive, shall be stored in any mine except as above provided.

Every person who has powder or other explosives in a mine shall keep same in a wooden box, or boxes, securely locked, and said boxes shall be kept at least five feet from the track, and no two powder boxes shall be kept within twenty-five feet of each

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other, nor shall blasting powder and high explosives be kept in the same box, and in no case shall detonating caps be kept in a box with blasting powder or high explosives.

Whenever a workman is about to open a box, package or keg containing powder or other explosives, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current can not convey sparks to it; and no person shall approach nearer than five feet to any open box, keg or package containing powder or other explosives, or within five feet of another person handling such explosives, with a lighted lamp, lighted pipe, or other thing containing fire.

Blasting powder or explosives must not be taken into or out of a mine, or moved from place to place in a mine along any entry or haulway where there are electric wires, while the power is on such wires, except when such powder or explosive is conveyed in insulated cars or packages.

Powder, explosives and working tools shall not be taken down or up a hoisting shaft in a cage when men are going down or up; nor shall they be taken down or up a stairway used for ingress and egress of persons.

Firing shots. SEC. 963 (as amended by act, page 52, Acts of 1910). Any workman who is about to fire a shot with a squib, shall not shorten the fuse, saturate it with oil, nor ignite it except at the extreme end; he shall see that all persons are out of danger from the probable effects of such shot, and if it be a rib shot, he shall notify the person or persons working next to him on said rib before firing said shot, and shall take measures to prevent any one approaching by shouting "fire" immediately before lighting the fuse.

When a squib is used and a shot misses fire, no person shall return until five minutes shall have elapsed.

When a fuse is used and a shot misses fire, no person shall return until one hour for each foot of fuse used shall have elapsed.

Tamping. The needle used in preparing a blast shall be made of copper, and the tamping bar shall be made of wood, or shall be tipped with at least five inches of solid copper.

No inflammable material, or any material that may create a spark, shall be used for tamping, and some soft material must always be placed next to the cartridge or explosive. When it is necessary to tamp dynamite, nothing but a wooden tamper shall be used.

Who may enter mines. SEC. 964 (as amended by act, page 52, Acts of 1910). Persons not employees of a mine, except those permitted by law, shall not enter such mine or go upon the property connected therewith, unless consent of the owner, lessee or agent has been secured, and then only when accompanied by a guide furnished by such owner, lessee or agent. This, however, shall not prohibit persons seeking employment at such mine, or the duly authorized representatives of the employees, from entering upon the property as may be necessary to make such application to the proper authority or to transact business: *Provided*, Such persons do not enter the mine until given permission to do so, and do not stand on the tracks, go near the machinery, or other place of danger.

Qualifications of miners. SEC. 965 (as amended by act, page 52, Acts of 1910). Each person desiring to work by himself at mining or loading, shall first produce satisfactory evidence, in writing, to the mine foreman of the mine in which he is employed, or to be employed, that he has worked at least nine months with, under the direction of, or as a practical miner: *Provided, however*, If the mine in which such person is to be employed generates explosive gas, or fire damp, he shall have worked not less than twelve months with, under the direction of, or as a practical miner. Except as hereinafter provided, until a person has so satisfied the mine foreman of his competency, he shall not work, or be permitted to work at mining or loading unless accompanied by a competent miner. The provisions of this section shall not prohibit a person not so quali-

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fied from working in a mine by himself, or with another inexperienced person, when such person or persons work under the direction of a competent overseer, as hereinafter prescribed. Until such person or persons have been employed in a mine for a period of not less than three months, the overseer shall visit the working place of such persons not less frequently than once in each four hours that such persons are in the mine, and instruct them as to their work and safety, and assist them in caring for their safety. After such persons have been employed in a mine for a period of three months, and until they have been employed not less than six months, the overseer shall examine the working place not less frequently than once during each six hours that such persons are in the mine, and shall instruct them as to their work and safety, and assist them in caring for their safety. After such persons have been employed in a mine for a period of not less than six months, the overseer shall examine the working place not less than once each day until such persons become qualified by having worked the period of time hereinbefore provided. The overseer shall instruct such persons not to handle or use any explosives, except in his presence, until they have been employed in a mine not less than three months, and not then until he is satisfied that such persons are fully competent to handle and use same with safety. The overseer shall visit the working place of such persons oftener than required herein, when, in his judgment, it is necessary to do so for the proper safety of such persons.

Weigh masters.

SEC. 966 (as amended by act, page 52, Acts of 1910). Any person employed to weigh coal at a mine in which ten or more miners are employed, and upon the weight of which the earnings of the miners depend, shall take and subscribe to an oath before an officer authorized to administer the same, that he will correctly weigh all coal taken from such mine under existing contracts between the owner, lessee or agent, and the miners, and give due credit for same; and when required by existing contracts between the lessor and lessee, he shall give due credit to such lessor. He shall also give a bond in the sum of three hundred dollars, with two sureties approved by the clerk of the township in which such mine is situated, conditioned for the faithful discharge of his duties, and payable to the State, with the oath indorsed thereon, which shall be deposited with such township clerk.

Inspections by miners.

SEC. 967 (as amended by act, page 52, Acts of 1910). The miners employed in a mine may appoint two of their number to act as a committee to inspect, not oftener than once in every month, the mine and the machinery connected therewith, and to measure the ventilating current. If the owner, lessee or agent so desires, he may accompany such committee or appoint two or more persons for that purpose. The owner, lessee or agent shall afford every necessary facility for making such inspection and measurement, but the committee shall not in any way interrupt or impede the work in the mine at the time of such inspection and measurement. Within ten days after the inspection and measurement, such committee shall make a correct report thereof to the chief inspector of mines, on blanks furnished by him.

Use of adjoining land.

SEC. 968 (as amended by act, page 52, Acts of 1910). The owner, lessee or agent of a coal mine, may, when such owner, lessee or agent does not own or control suitable surface ground for openings for the ingress and egress of persons employed therein, for the means of ventilation as provided for in this act, for the means of draining said mine as may best protect the lives and health of the persons employed therein, for the protection of the employees and property, for conducting the water from the mine to any natural water course, or for a suitable roadway from any opening to a public highway, appropriate as hereinafter provided, for any one or more of such purposes any required intervening or adjoining lands, and make openings, lay pipe for conducting water, and maintain roadways into, upon, over, under or through same: *Provided*, That no land shall be appropriated for a roadway more than twenty feet in width, and no land for any other one of such

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purposes in excess of one-quarter of an acre. Such owner, lessee or agent, whether a corporation, firm or individual, shall be governed in proceedings to appropriate such land by the laws relating to the appropriation of private property by corporations; but no land shall be so appropriated unless the court is satisfied that suitable land cannot be obtained upon reasonable terms.

Checkweighman.

SEC. 970 (as amended by act, page 52, Acts of 1910). The miners employed at a mine where the earnings of such miners depend upon the weight of coal mined, may, at their own cost, designate or appoint a competent person as checkweighman, who, at all proper times, shall have full right of access to and examination of the scales, machinery or apparatus used at such mine to determine the correct weight of coal mined, and whose duty shall be to see the coal weighed and to make a correct record of such weights. Not more than one person, however, on behalf of the miners collectively shall have such right at the same time.

* * * Checkweighmen shall not interfere with the use of or tamper with such scales, machinery or apparatus, nor make any false entry of any weight, or in any manner exceed the duties prescribed herein.

Check measurer.

The miners employed at a mine where the earnings of such miners depend upon measurements, may, at their own cost, designate or employ, not more than one of their number as check measurer to accompany each mine foreman or other person making the measurements and see them make such measurements, and make a correct record of same. Each mine foreman or other person making measurements may have a helper, but such helper shall not be regarded as a person making measurements. The person or persons designated as check measurer shall not in any manner interfere with or interrupt the work of the mine foreman or other person, while making such measurements.

Right of action.

SEC. 972 (as amended by act, page 67, Acts of 1913). In case of an injury to persons or property, occasioned by a violation of any of the provisions of this act or any willful failure to comply with any provisions of this act by any owner, lessee or agent of a mine, a right of action shall accrue to the person injured, for any direct damage he may have sustained thereby. In case of loss of life, by reason of such failure or willful neglect, a right of action shall accrue to the widow, and children, or if there be none such, then to the parents and next of kin, of the person whose death was so caused, for like recovery of damages for the injury they shall have sustained.

Liens.

Each person who performs labor in opening or developing any coal mine, mining coal, and labor connected therewith, shall have a lien upon all the property of the person, firm or corporation owning, constructing or operating such mine, for the value of such labor for the full amount thereof, upon the same terms, as mechanic's liens are secured and enforced.

Notice.

SEC. 973 (as amended by act, page 457, Acts of 1911). Any person, firm or corporation causing to be drilled any well for oil or gas or elevator well or any test well within the limits of any coal-producing county of this State, must give notice, in writing, of such fact to the chief inspector of mines, stating the location of the land upon which such well is to be drilled.

* * * * *

Proximity to mines.

No oil or gas well shall be drilled nearer than three hundred feet to any opening to a mine used as a means of ingress or egress for the persons employed therein, nor nearer than one hundred feet to any building or inflammable structure connected therewith and actually used as a part of the operating equipment of said mine.

Penetrating excavations.

In the event that a well being drilled for oil or gas penetrates the excavations of any mine, it must be cased with casing of approximately the same diameter as the diameter of the hole, the hole to be drilled thirty feet or to solid slate or rock and not less than ten feet below the floor of such mine, and the casing shall be placed in the following manner: One string of casing shall be

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placed at a point above the roof of said mine so as to shut off all of the surface water and then the hole drilled through said mine and another string of casing put in and the bottom of the second string of casing, or the one passing through said mine shall not be nearer than ten feet nor more than thirty feet from the floor of the mine where it passes through the same.

Abandoning wells.

When any well which has been drilled for oil or gas is to be abandoned and has passed through the excavations of any coal mine from which the mineral coal has not all been removed the person, firm or corporation owning said well shall leave in said well the casing passing through said mine from a point not less than ten feet or more than thirty feet below the floor of said mine and extending above the roof of said mine five feet and a seasoned wooden plug or iron ball shall be driven to a point forty feet below the floor of the mine and shall then fill the hole and the casing left in with the cement or a seasoned wooden plug or iron ball shall be driven on top of the same, and the hole shall then be filled for a distance of not less than twenty feet with cement. If any oil or gas well has passed through a workable vein or seam of coal it shall when it is abandoned be plugged in the following manner; a seasoned wooden plug or iron ball shall be driven to a point thirty feet below the lowest workable seam of coal and the hole filled with cement to a point twenty feet above the first seam of coal and another wooden plug or iron ball driven and the hole filled for a distance of twenty feet with cement.

* * * * *

Illuminating oil.

SEC. 974 (as amended by act, page 25, Acts of 1913). No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any mine any oil other than oil composed of not less than eight-two per cent of pure animal or vegetable oil, or both, and not more than eighteen per cent pure mineral oil. The gravity of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit, and the gravity of the mixture shall not exceed twenty-five degrees Baume scale measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit. Each person, firm or corporation compounding oil for illuminating purposes in any mine or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation, having purchased the same, the date of shipment, the percentage and the gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale at a temperature sixty degrees Fahrenheit of the mixture. Each label shall have printed thereon, over the facsimile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in mines in the State of Ohio, and the composition thereof as shown hereon is correct." Each person, firm or corporation, manufacturing paraffine wax for illuminating purposes in any mine, or mines, shall, before shipment thereof is made, securely brand, stencil, or paste, upon the head of each barrel, box, or case, containing small packages, the name and address of the person, firm or corporation, manufacturing paraffine wax therein contained, the name and address of the person, firm or corporation, having purchased the same, and the date of shipment. And each individual package contained within each barrel, box or case, shall have plainly printed thereon the name of the product, the name and address of the manufacturer thereof, together with the melting point, fire test, and the

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percentage of oil and moisture of the paraffine wax therein contained. But nothing herein contained shall prohibit the manufacture, sale or use for illuminating purposes in mines in this State, of paraffine wax with melting point at from one hundred five to one hundred twenty-four degrees of heat and minimum fire test not less than three hundred degrees Fahrenheit, with not over four per cent oil and moisture.

Acetylene gas. SEC. 974–1 (added by act, page 25, Acts of 1913). It shall be lawful to use acetylene gas in lamps in mines subject to the following conditions and restrictions: First, no person, or persons shall take into a mine a greater quantity of calcium carbide than will be a reasonable supply for his own lamp for one day's work. Second, no person shall deposit, or keep in his possession in a mine any calcium carbide, or refuse from calcium carbide, in anything except air-tight containers, and these containers with their contents must be taken out of the mine at the end of each day's work, or sooner, if possible. Third, no person or persons, shall be allowed to use acetylene gas in lamps where there are old or abandoned workings where large quantities of black damp or other poisonous gases are liable to accumulate until such places have been examined by a competent person and pronounced to be free from foul or poisonous atmosphere.

Other illuminants. SEC. 974–2 (added by act, page 25, Acts of 1913). No person shall use in any mine any other illuminant than those provided for in sections 974 and 974–1 of the General Code, unless with the consent of the chief inspector of mines.

Violation. SEC. 974–3 (added by act, page 25, Acts of 1913). Any person who knowingly uses, or any owner, lessee or agent, who permits the use of any illuminant contrary to the provisions of sections 974, 974–1 and 974–2, or any owner, lessee or agent who permits any person to deposit, or keep in his possession, in a mine any calcium carbide, or refuse from calcium carbide, except as provided in said sections 974 and 974–1, upon conviction, shall be fined not less than five nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Restrictions on sale and use of oil. SEC. 975 (as amended by act, page 52, Acts of 1910). No person, firm or corporation shall sell or offer for sale, any oil for illuminating purposes in any coal mine unless the barrel or package in which such oil was received bears the label of the compounder as provided for in this act. Each person, firm or corporation selling or offering for sale any oil for illuminating purposes in any coal mine, shall, upon request of any district inspector of mines, or of any officer or duly authorized agent of any owner or lessee of a coal mine located within two miles of the point where such oil is offered for sale, submit such oil and the original containers for examination, and upon request, give a sample of such oil from one or more original containers selected by such inspector, officer or agent, for the purpose of making a test thereof.

No person shall adulterate any oil either before or after taking same from the original containers, and shall not alter, transfer, or reuse any label placed upon any container.

No person shall use for illuminating purposes in any coal mine, any oil other than the oil specifically provided for in this act. Each person, while in a coal mine, shall, upon request of any district inspector of mines, or any officer or duly authorized agent of the owner or lessee, submit his lamp and supply of oil for examination, and upon request, give sample of oil for purpose of making test thereof, and state from whom purchased.

The provisions of this act relating to the compounding, sale and use of oil for illuminating purposes in coal mines, shall apply to oil used in lamps for open lights. The oil used in safety lamps may be of such composition as will best serve the purpose.

Violation by coroner. SEC. 976 (as amended by act, page 149, Acts of 1911). Any county coroner who, after receiving notice of a fatal accident, or of an accident which has resulted in the death of a person, at, in, or around a mine, from the owner, lessee or agent of such mine,

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or the chief inspector of mines, willfully refuses or neglects to comply, so far as such provisions relate to him, with the provisions of section nine hundred and twenty-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

Violation by owners, etc.

Any owner, lessee or agent of a mine, or any person, firm or corporation opening a new mine, having written knowledge of a violation of this act, who willfully refuses or neglects to comply with the provisions of section nine hundred and twenty-two, * * * [to] nine hundred and thirty-four, nine hundred and thirty-seven, * * * [to] nine hundred and fifty, or nine hundred and seventy-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars, at the discretion of the court.

Violation by superintendents, etc.

Any superintendent, mine foreman or overseer, who willfully refuses or neglects to comply, so far as such provisions relate to each of them with the provisions of section nine hundred and fifty-one, * * * [to] nine hundred and fifty-four of the General Code, shall, upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars, and for a second or subsequent offense, shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Violation of various provisions.

Any person or persons who willfully refuses or neglects to comply with the provisions of section nine hundred and fifty-five of the General Code, or enters a mine generating fire damp before it is reported by the fire boss that it is safe for persons to enter, or goes beyond a danger signal indicating an accumulation of fire damp, as forbidden by the provisions of section nine hundred and fifty-nine of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Any person, or persons, who violates the provisions of sections nine hundred and fifty-six, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and sixty, nine hundred and sixty-one, or nine hundred and sixty-two of the General Code, or violates the provisions of section nine hundred and fifty-nine of the General Code other than to enter a mine generating fire damp before the fire boss reports it safe, or to go beyond a danger signal indicating an accumulation of fire damp, shall, upon conviction thereof, be fined not less than five dollars, nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Any person who willfully violates the provisions of sections nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven, or nine hundred and seventy of the General Code, or violates the provisions of section nine hundred and fifty-nine of the General Code relating to loitering and intoxicants, at, in or around a mine, shall, upon conviction thereof, be fined not less than five dollars, nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Any person, firm or corporation who violates or willfully refuses or neglects to comply with the provisions of section nine hundred and seventy-three of the General Code, shall upon conviction thereof, be fined not less than one hundred dollars and not

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more than five hundred dollars, and for a second or any subsequent offense shall be fined not less than two hundred dollars and not more than one thousand dollars, or imprisoned not less than thirty days nor more than six months, at the discretion of the court.

Violation by unlawful sale of oil, etc.

Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil or paraffine wax; fish oil or any other illuminant whatever, other than those specifically provided for in section 974 General Code unless with the consent and approval of the chief inspector of mines, for illuminating purposes in any mine in this State contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars and for a second or any subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than sixty days, or both, at the discretion of the court.

Any person, firm or corporation who sells, or offers for sale to any employee of a mine for illuminating purposes in a mine any oil or paraffine wax, fish oil or any other illuminant, other than those specifically provided for in section nine hundred and seventy-four of the General Code unless with the consent and approval of the chief inspector of mines contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Violation by unlawful use.

Any person who knowingly uses for illuminating purposes in a mine, any oil or paraffine wax, fish oil or any other illuminant whatever other than those specifically provided for in section nine hundred and seventy-four of the General Code, unless with the consent and approval of the chief inspector of mines, contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Inspection and regulation of factories, etc.

Qualifications and duties of chief inspector.

SECTION 980. The chief inspector of workshops and factories shall be a competent and practical mechanic, and shall give his whole time and attention to the duties of his office. He shall enforce the provisions of this chapter and the laws relating to workshops, factories and public buildings, prosecute violations thereof and perform such other duties as are required of him by law.

Assistant inspectors.

SEC. 982 (as amended by act, page 456, Acts of 1911). With the approval of the governor, the chief inspector of workshops and factories shall appoint a first assistant chief inspector of workshops and factories, and a second assistant chief inspector of workshops and factories, each of whom shall give his whole time and attention to the duties of his office. The first assistant chief inspector of workshops and factories shall be a competent and practical architect, and the second assistant chief inspector of workshops and factories shall have a practical knowledge of architecture and of heating and ventilating. Such first and second assistant chief inspectors of workshops and factories shall carefully examine the plans and specifications, for the construction, addition or alteration of buildings named in section one thousand and thirty-one of this chapter, and perform such other duties as the chief inspector directs. In addition to their respec-

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tive salaries, the first and second assistant chief inspectors of workshops and factories shall each be allowed his necessary traveling expenses incurred in the discharge of his official duties.

Qualifications of district inspectors.

SEC. 985. Each district inspector of workshops and factories shall be a competent and practical mechanic, and must devote his whole time and attention to the duties of his office. Ten of such inspectors shall have knowledge of building construction, and one shall be a skilled and experienced person who is thoroughly conversant with the manufacture and use of powder, dynamite, nitroglycerine, fuses and other explosives and their compounds.

Duties of district inspectors.

SEC. 989. Each district inspector of workshops and factories assigned to a district for the inspection of shops and factories therein, shall carefully inspect the sanitary conditions, system of sewerage, situation and condition of water-closets, system of heating, lighting and ventilating rooms where persons are employed at labor, and the means of exit in case of fire or other disaster, within or connected with such shops and factories. He shall examine the belting, shafting, gearing, elevators, drums and machinery in and about such shops and factories, and see that they are not so located as to be dangerous to employees when engaged in their ordinary duties, and, so far as practicable, securely guarded. He shall see that each vat, pan or structure filled with molten metal or hot liquid is surrounded by proper safeguards for preventing accident or injury to persons employed at or near them.

Bakeries.

SEC. 990. Each inspector of workshops and factories assigned to a district for the inspection of bakeries therein, shall visit each bakery in his district as often as practicable, see that the laws relating to workshops and factories and the laws relating to bakeries are strictly enforced, and perform such other duties pertaining to the department of workshops and factories as the chief inspector directs.

Manufacture of explosives.

SEC. 991. The district inspector of workshops and factories assigned to the inspection of buildings wherein explosives are manufactured or stored, shall inspect all manufacturing establishments in the State wherein powder, dynamite, nitroglycerin, compounds, fuses or other explosives are manufactured, all magazines or storehouses wherein such explosives are stored, and perform such other duties connected with the department of workshops and factories as the chief inspector of workshops and factories directs.

Same subject.

SEC. 992. The district inspector of workshops and factories assigned to the inspection of buildings in which explosives are manufactured or stored shall inspect the process of manufacture and the handling and storing of such explosives, and may order such changes or additions in or about such manufactories, magazines or storehouses, as he deems necessary for the safety of the employees and the public. If such manufactory, magazine or storehouse is in such close proximity to a residence or dwelling as to cause accident in case of explosion, he may cause the explosives to be removed to a place of safety. With the advice of the chief inspector, the inspector of explosives may provide such rules and regulations as he deems necessary, which, with the laws relating thereto, and to the duties of the inspector of workshops and factories and district inspectors, shall be applicable to the places of manufacturing, sale and storage of such explosives.

Entering factories, etc.

SEC. 994. For the purpose of an inspection or examination required of him by law, the chief inspector of workshops and factories, and each district inspector at reasonable hours may enter a shop or factory, a State institution having a shop or factory, a bakery, or a building in which powder or other explosives are manufactured or stored.

Power as to oaths.

SEC. 995. In the performance of his duties pertaining to his office, the chief inspector of workshops and factories and each district inspector shall have the authority of a notary public to administer oaths and take affidavits.

Notice of alterations.

SEC. 996 (as amended by act, page 360, Acts of 1911). If the chief inspector of workshops and factories or a district inspector finds that the heating, lighting, ventilation or sanitary arrange-

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ments of a shop or factory are injurious to the health of persons employed or residing therein, that the means of egress therefrom in case of fire or other disaster is not sufficient, that efficient means for extinguishing fires is not provided on each floor, that the belting, shafting, gearing, elevators, drums and machinery therein are so located as to be dangerous to employees and not safely guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded by proper safeguards for preventing accident or injury to persons employed at or near them, or that there is danger from explosives in a building in which explosives are manufactured or stored, he shall notify the owner, proprietor or agent of such shop or factory or building by personally serving a notice in writing, or mailing it to his last known address, to make the necessary alterations or additions. Said notice shall describe the alterations and additions which shall be installed therein and the time in which each alteration or addition therein required shall be made and each appliance installed.

Changes to be made.

SEC. 997 (as amended by act, page 360, Acts of 1911). Upon receipt of the notice provided in the next preceding section, the owner, proprietor, or agent of a shop or factory shall make the necessary alterations or additions to such shop or factory or install the appliances therein required within the time designated therein.

Failure to comply.

SEC. 998 (as amended by act, page 360, Acts of 1911). Whoever being notified by the chief inspector of workshops and factories or a district inspector to make alterations or additions to a shop or factory or to install appliances therein fails or refuses to comply with any requirement of such notice within the time therein designated as provided in the preceding two sections or the provisions of section 1000 of the General Code shall be fined not less than fifty ($50) dollars nor more than one hundred ($100) dollars for each day after the expiration of the time so designated until such alterations and additions have been made. Such failure or refusal shall constitute a single offense and the amount of the fine imposed under these sections shall be dependent upon the number of days as herein provided.

Continuing offenses.

Any person who has been convicted and fined under the provisions of the next two preceding sections or the provisions of section 1000 of the General Code may be prosecuted and convicted from time to time under these sections until the alterations and additions have been made or the appliances installed as required in such order; if convicted in such subsequent prosecution, the amount of the fine shall be computed upon the number of days intervening between the date of the former conviction and the filing of the subsequent affidavit.

Failure to obey orders.

SEC. 999. Proof of the failure of the proprietor of a shop or factory to make alterations or furnish the safeguards ordered by the chief inspector of workshops and factories or a district inspector within the time designated shall be deemed prima facie evidence of negligence and render such proprietor liable for injury sustained by reason of a failure to make such alterations or furnish such safeguards.

Ordering changes.

SEC. 1000. Upon an examination as provided by law, if it is found necessary to cut through the walls or floors of a shop or factory to provide stairways on the inside or outside for additional exits in case of fire or other disaster; if found necessary to make changes in or additions to a shop or factory for ventilation, sewerage, water-closets or plumbing, for additional means of lighting by windows or skylights, for efficient safety guards at elevator openings, for the guarding of hatchways, for hoisting apparatus in floors or outside, for the repair of elevators or gearing, for the repair of walls, roofs, ceilings, stairways or doors, or, if found necessary to make any other improvement needful for the health or safety of the employees or persons occupying a shop or factory, the chief inspector of workshops and factories shall require the owner or agent of the building in which such shop or

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factory is situated, to provide the necessary fire escapes, changes, additions or improvements, if they are of permanent character and will become the property of the owner of the building in which such shop or factory is located. Notice thereof must be given in writing to such owner or agent, which may be mailed to his last known address. Such time may be allowed for compliance therewith as the chief inspector of workshops and factories deems necessary.

Definition.

SEC. 1002. The term "shops and factories" as used in this chapter shall include the following: manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and department houses.

Operation may be enjoined.

SEC. 1002-1 (added by act, page 360, Acts of 1911). If the alterations and additions required in the notice provided for in sections 996 and 1000 are not made within the time therein designated or if the appliances that are required are not installed with in the time designated, the use of the building within which the shop or factory is located for shop and factory purposes as defined in section 1002, shall be deemed a public nuisance. After the expiration of the time prescribed in such notice the chief inspector of workshops and factories may in writing inform the attorney general of the fact that such notice has been given and that the person to whom it was directed has not complied therewith. On receipt thereof, the attorney general shall bring suit in the name of the State in the court of common pleas of the county where such shop or factory is located to enjoin the continued operation of such shop or factory until the requirements of such notice are complied with. In such action it shall be sufficient to serve the summons upon the person to whom the notice prescribed in sections 996 or 1000 was sent, and such summons may be served in any county of the State. The court may issue a temporary restraining order without notice to the defendant in such action. Upon final hearing thereof, if the court is satisfied that the requirements of the notice by the chief inspec[t]or of workshops and factories or the district inspector to the defendant was not unreasonable or arbitrary, it shall issue an order enjoining the defendant from the continued operation of such shop or factory or from permitting the use of such building for shop or factory purposes until compliance therewith. Such injunction shall continue operative until the court is satisfied that the requirements of such notice have been substantially complied with and the court shall have and exercise with respect to the enforcement of such injunctions all the powers vested in it in other similar cases. Both the plaintiff and defendant in such action shall have the same rights of appeal and error as are provided by law in other injunction cases.

Accidents to be reported.

SEC. 1003 (as amended by act, page 53, Acts of 1911). Every manufacturer of the State shall within three days after the happening of any accident in his establishment resulting in death, or bodily injury of such a nature that the person injured does not return to his or her employment in said establishment within two or more days after the occurrence of the accident, shall forward by mail to the chief inspector of workshops and factories a report containing the following particulars in full:

1. Name and address of manufacturer, (person, firm or corporation).

2. Nature of business in which manufacturer is engaged and place where accident occurred.

3. Name, address, sex, age and kind of employment of person killed or injured and whether such person is married or single.

4. The time of day deceased began work on day of accident, time of day accident occurred, and date of accident or death.

5. At what employed when killed or injured, whether such person was familiar with the work at which engaged or the machinery which he was operating and whether such machinery was in good order and guarded so as to prevent accident under ordinary

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circumstances. If such machinery was not guarded, reasons for not guarding the same.

6. Description of manner in which such person was killed or injured.

7. Description of nature and extent of injury.

8. Number of persons deprived of support in consequence of such death or injury.

Death or return to work.

Such manufacturer shall, in all cases of death within six months after the accident, or in case the person injured returns to work in his establishment within six months after the accident, forward by mail to the chief inspector of workshops and factories within five days after such death or such return to work, or in case of no death or return to work within six months, then within five days after the expiration of such six months, a supplemental report which shall contain the following particulars in full:

1. Name and address of manufacturer.

2. Name, sex and age of person injured and date and place where accident occurred.

3. A correct statement of the amount of wages paid to such person at the time of such injury and the amount of wages lost during the period between the time of such accident and the time of forwarding such supplemental report.

4. The amount of compensation paid by such manufacturer by reason of such injury or death, the names of persons to whom such compensation was paid and a statement of reasons for paying such amounts to such persons.

Violations.

SEC. 1004 (as amended by act, page 53, Acts of 1911). Whoever violates or fails to comply with any requirement of the preceding section shall be fined not less than fifty dollars, nor more than one hundred dollars for the first offense, and not less than two hundred dollars nor more than five hundred dollars for each subsequent offense.

Definition.

SEC. 1005. The term "manufacturer" as used in the preceding two sections shall include a person who as owner, manager, lessee, assignee, receiver, contractor, or as agent makes or causes to be made, or deals in any kind of goods or merchandise or who controls or operates a street railway or laundering establishment, or who is engaged in the construction of buildings, bridges or other structures, or in loading or unloading vessels or cars, moving heavy materials, or operating dangerous machinery, or engaged in the manufacture or use of explosives.

Stairways.

SEC. 1006. In tenement houses, apartments, manufactories, mills, shops, stores, churches, hotels, halls for public meetings, lecture rooms, restaurants, public library rooms, business offices of professional men and others doing business for or with the public, all public buildings and other rooms or places of public resort or use, whether for the transaction of business or social enjoyment, the owners, directors, trustees, lessees, managers, controllers or proprietors thereof shall provide and maintain for all stairs or stairways for ingress or egress, a substantial handrail extending from the top to the bottom thereof, and firmly fastened to the wall or other support or partition at the side of such stairs. Such handrail shall be constructed of wood not less than one and one-half inches wide and two and one-half inches thick or of iron not less than one and one-half inches in diameter.

Violations.

SEC. 1007. Whoever owns or has in charge such stairs or stairways as directors, trustees, lessees, managers or proprietors and neglects or refuses to provide and maintain in good repair the handrail provided in the preceding section shall be fined not less than ten dollars nor more than one hundred dollars and be liable to any person injured because of the want of such rail and for any injury or damages to a person resulting from a defective rail.

Seats to be provided.

SEC. 1008 (as amended by act, page 555, Acts of 1913). Every person, partnership or corporation employing females in any factory, workshop, business office, telephone or telegraph office, restaurant, bakery, millinery or dressmaking establishment, mercantile or other establishments shall provide a suitable seat for the

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use of each female so employed, and shall permit the use of such seats when such female employees are not necessarily engaged in the active duties for which they are employed and when the use thereof will not actually and necessarily interfere with the proper discharge of the duties of such employees, such seat to be constructed, where practicable, with an automatic back support and so adjusted as to be a fixture but not obstruct employees in the performance of duty, and shall further provide a suitable lunch room, separate and apart from the workroom, and in establishments where lunch rooms are provided, female employees shall be entitled to no less than thirty minutes for mealtime: *Provided*, That in any establishment aforesaid in which it is found impracticable to provide a suitable lunch room, as aforesaid, female employees shall be entitled to not less than one hour for mealtime during which hour they shall be permitted to leave the establishment. Females over eighteen years of age shall not be employed or permitted or suffered to work in or in connection with any factory, workshop, telephone or telegraph office, millinery, or dressmaking establishment, restaurant or in the distributing or transmission of messages or in any mercantile establishment located in any city, more than ten hours in any one day, or more than fifty-four hours in any one week, but meal time shall not be included as a part of the work hours of the week or day: *Provided, however*, That no restriction as to the hours of labor shall apply to canneries or establishments engaged in preparing for use perishable goods.

Lunch rooms.

Time for meals.

Hours of labor.

Exception.

SEC. 1009 (as amended by act, page 488, Acts of 1911). The owner or person having charge of the building wherein any female is employed shall provide in each establishment on the same floor or the floor immediately above or immediately below the floor where such employee works, suitable and separate toilet and dressing rooms and water-closets, properly ventilated, for the exclusive use of such employees. Such toilet and dressing rooms and water-closets shall be situated together, with one water-closet for every twenty-five females or less, and where there are more than twenty-five females employed, additional water-closets shall be provided in the same ratio; no toilet or dressing room or water-closet shall be placed in the basement or cellar unless females are actually and regularly employed therein, and unless such basement or cellar is properly ventilated.

Toilet rooms.

SEC. 1010 (as amended by act, page 488, Acts of 1911). In cities, towns and villages not provided with waterworks and sewage, closets in the same ratio as above mentioned in section 1009 shall be placed on the outside of such building, at a distance not to exceed fifty and not less than twenty feet from such building, with suitable and separate toilet and dressing rooms in such building, or such building may be provided with a dry closet system at the same ratio provided in section 1009, all closets to be supplied with disinfectants and kept in good sanitary condition at all times.

Location of toilet rooms.

SEC. 1011 (as amended by act, page 488, Acts of 1911). Any person, partnership or corporation or agent thereof, who shall violate any of the provisions of this act, shall upon conviction be fined not less than twenty-five dollars, nor more than two hundred dollars. It shall be the duty of the chief inspector of workshops and factories to see that the provisions of this act are enforced. * * *

Violations.

SEC. 1012. All bakeries shall be drained and plumbed in a sanitary manner and provided with such air shafts, windows or ventilating pipes, as the chief inspector of workshops and factories or a district inspector directs. No cellar or basement shall be used as a bakery.

Sanitation of bakeries.

SEC. 1013. Each bakery shall be provided with a suitable wash room and water-closet apart from the bake room where manufacturing of food products is conducted. No water-closet, earth closet, privy or ash pit shall be in or communicate directly with a bakeshop or any bakery for a hotel or public restaurant.

Water-closets, etc.

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Construction, etc., of rooms. SEC. 1014. Each room used for the manufacture of flour and meal food products shall be at least eight feet in height. Side walls of such a room shall be plastered or wainscoted and the ceiling plastered or ceiled with lumber or metal. If required by the inspector of workshops and factories, such side walls and ceilings must be whitewashed or painted at least once in three months. The furniture, utensils and machinery of each room shall be so arranged as to be easily moved and the furniture and floor kept thoroughly cleaned and in a sanitary condition.

Sleeping places. SEC. 1016. The sleeping places for persons employed in a bakery shall be kept separate from a room in which flour and meal products are manufactured or stored. The chief inspector of workshops and factories or a district inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned and changed in compliance with sanitary principles.

Certificates. SEC. 1017. If, on inspection of a bakery, it is found that the provisions herein relating to bakeries have been complied with, the chief inspector of workshops and factories may issue a certificate to the owner or operator of such bakery that it is being conducted in accordance with such provisions.

Changes to be complied with. SEC. 1018. If an order has been issued by the inspector to improve the condition of a bakery, such certificate shall not be issued until such order has been complied with.

Violations. SEC. 1019. Whoever violates any provisions herein relating to bakeries or refuses to comply with a requirement of the chief inspector of workshops and factories or a district inspector made as provided herein shall be fined not less than twenty dollars nor more than fifty dollars, and not less than fifty dollars nor more than two hundred dollars, or imprisoned not more than ten days, for each succeeding offense.

Manufactures in tenements. SEC. 1020. No dwelling or building or room or apartment thereof in or connected with a tenement, dwelling or other building shall be used, except by the immediate members of the family living therein, for carrying on any process of making wearing apparel or goods for wear, use or adornment, or for manufacturing cigars, cigarettes or tobacco goods in any form, if such wearing apparel or other goods are to be exposed for sale or sold by a manufacturer, wholesaler or jobber or by a retailer, unless such room or apartment is made to conform to the requirements and regulations herein provided.

Workrooms. SEC. 1021. Each room or apartment used for the purposes named in the preceding section, except by the immediate members of the family living therein, shall be regarded as a shop or factory and shall be separate from and have no door, window or other opening into a living or sleeping room of a tenement or dwelling. No such shop or factory shall be used for living or sleeping purposes or contain any bed, bedding or cooking utensils, or other utensils, except those required to carry on the work therein. Each such shop or factory shall have a direct entrance from the outside, and, if above the first floor, have a separate and distinct stairway leading thereto, and be well and sufficiently lighted, heated and ventilated.

Water-closets. SEC. 1022. A shop or factory used for the purposes named in the preceding two sections shall have suitable closet arrangements for each sex employed therein. When there are ten or more persons and three or more to the number of twenty-five are of either sex, a separate and distinct water-closet, either inside the building with adequate plumbing and connections, or on the outside at least twenty feet from the building, shall be provided for each sex. When the number employed is more than twenty-five of either sex, there shall be provided an additional water-closet for each sex up to the number of fifty persons and above that number in the same ratio. Such closets shall be kept exclusively for the use of employees or employers in such shop or factory.

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SEC. 1023. If more than one room is used under the direction of one employer for the purposes named in the preceding three sections, such rooms shall be regarded as one shop or factory. Each shop or factory shall be kept in a clean and wholesome condition, stairways and premises within the radius of thirty feet shall be kept clean, and closets regularly disinfected and supplied with disinfectants. The chief inspector of workshops and factories or a district inspector may require necessary changes or the cleaning, painting or whitewashing necessary to insure absolute freedom from odor, filth, vermin, decaying matter or any other thing liable to impair health or breed infectious or contagious diseases. Such inspector shall prevent the operation of such shops and factories, if they do not conform to the provisions of the preceding sections, and cause the arrest and prosecution of the persons operating them. Cleanliness.

SEC. 1023-1 (added by act, page 491, Acts of 1913). Whoever violates any of the provisions of the four preceding sections, or whoever fails, refuses or neglects to comply with any order issued or requirement made under said sections by the chief inspector of workshops and factories shall, upon conviction, be fined not more than twenty-five dollars and not more than one hundred dollars for each succeeding offense. Violation.

SEC. 1024. No person, firm or corporation shall give work to or contract with a person to make goods used for wearing apparel or adornment or to manufacture tobacco, after receiving notice from the chief inspector of workshops and factories or a district inspector that such person has not complied with the provisions of law relating to rooms in which such goods are manufactured. The notice shall remain in force until such person has complied with the provisions of law. Each person, firm or corporation shall obtain and keep a record of all persons to whom work is given or with whom it is contracted for or from whom such goods or tobacco is purchased, which record must include their names and addresses, and be open to the inspection of the chief inspector of workshops and factories or a district inspector. Work not to be given out, when.

SEC. 1025. No person or corporation shall receive, handle or convey to others, or sell, hold in stock or expose for sale the goods named in the preceding section, unless such goods are made under the sanitary conditions prescribed herein, but this does not include the making of garments or other goods for another by personal order, which will be received for wear or use direct from the maker's hands. Sale, etc., of goods.

SEC. 1026. Whoever, being a person, firm or corporation, violates any provision of the preceding two sections shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than sixty days, or both, which fine shall be collected by the court and paid into the State treasury to the credit of the general revenue fund. Violations.

SEC. 1027 (as amended by act, page 428, Acts of 1911). The owners and operators of shops and factories shall make suitable provisions to prevent injury to persons who use or come in contact with machinery therein or any part thereof as follows: Guards for dangerous machinery, etc.

1. They shall case or box all shafting operating horizontally near floors, or perpendicularly or otherwise between, from or through floors or traversing near floors, or when operating near a passageway or directly over the heads of the employees.

2. They shall enclose with substantial railings or casing all exposed cogwheels, flywheels, band wheels, main belts, transmitting power from engine to dynamo, or other kind of machinery and all openings through floors, through or in which such wheels or belts may operate.

3. They shall cover, cut off or countersink keys, bolts, set screws and all parts of wheels, shafting or other revolving machinery projecting unevenly beyond the surface of such revolving machinery.

4. They shall case in all unused openings of elevators and elevator shafts and place automatic gates or floor doors on each floor where entrance to the elevator carriage is obtained. They

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shall keep such gates or doors in good repair and examine frequently and keep in sound condition the ropes, gearing and other parts of elevators.

5. They shall close stair openings on each floor, except where access to stairs is obtained, and rail such stairs between floors.

6. They shall light the hallways, rooms, approaches to rooms, basements and other places wherein sufficient daylight is not obtainable.

7. They shall guard all saws, wood-cutting, wood-shaping and all other dangerous machinery.

8. They shall provide shifters for shifting belts, and poles and other appliances for removing, replacing and repairing belts or single pulleys.

9. They shall adjust with handrailing, runways and staging used for oiling and other purposes when more than five feet from floors.

10. They shall provide countershafting in each room separate from the engine room, with tight and loose pulleys and other suitable appliances for disconnecting machinery when in operation.

Blowers for emery wheels, etc.

11. They shall provide emery wheels or belts of solid emery, leather, leather covered, felt, canvas, linen, paper, cotton or wheels or belts, rolled or coated with emery or corundum, or cotton wheels used as buffs, with blowers or similar apparatus placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using them from particles of dust produced and caused thereby.

12. They shall provide each emery wheel with a sheet or cast iron hood or hopper of such form and so applied to it that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to such hood or hopper.

13. They shall provide an emery wheel six inches or less in diameter with a three-inch suction pipe, and emery wheel six inches to twenty-four inches in diameter with a four-inch suction pipe; an emery wheel twenty-four inches to thirty-six inches in diameter with a five-inch suction pipe and every emery wheel larger than those provided for with a suction pipe not less than six inches in diameter. Such suction pipe shall be full-sized to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall be equal in its diameter and capacity to the combined area of the smaller pipes attached to it. The discharge pipe from the exhaust fan connected with pipe or pipes shall be as large or larger than the suction pipe.

14. They shall provide necessary fans or blowers connected with suction pipes, which shall be run at a rate of speed sufficient to produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a volume of water not less than five inches in a U-shaped tube. All branch suction pipes must enter the main pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels and as close to them as possible and be either upon the floor or beneath the floor on which the machinery to which such wheels are attached are placed. All bends, turns or elbows in such suction pipes must be made with easy smooth surfaces having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Use of water.

15. Nothing in this section regarding blowers, hoods, hoppers, or suction pipes shall apply to emery wheels upon which water is used at the point of grinding contact, small emery wheels used temporarily for tool grinding or small shops employing not more than one man at work upon an emery wheel, which does not create dust enough in the opinion of the chief inspector of workshops and factories or a district inspector to be injurious to its operator.

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No female shall be employed in operating, assisting to operate, or using any of the wheels or belts specified in the preceding four subdivisions of this section. Employment of females.

SEC. 1028 (as amended by act, page 427, Acts of 1911). Whoever, being a person, firm or corporation, fails to comply with any provision of the preceding section, or fails to comply with such orders for changes as are issued by the chief inspector, within thirty days thereafter shall be fined not less than one hundred dollars nor more than three hundred dollars for each offense. * * * In prosecutions for violations of this section, by or under the direction of the chief inspector, such inspector shall not be required to give security for costs or adjudged to pay any costs. In cases where the accused is acquitted, the costs shall be paid from the treasury of the county in which such proceedings were brought. Violations.

SEC. 1028-1 (added by act, page 360, Acts of 1911). The owners of buildings wherein shops or factories are operated shall make suitable provisions for the safe and speedy egress therefrom in case of fire or other disaster of persons employed in such shop or factory or residing therein or who may be invited any time thereinto as follows: Means of egress.

1. They shall provide on each floor or basement of each section of such building separated from other sections or parts thereof by fire walls, or not so separated, and in which a shop or factory is operated, excepting only rooms on such floors or basements used only for storage purposes, two separate and distinct means of egress placed at opposite ends of the section or building and located as far apart as possible. Such means of egress shall be either an inclosed fireproof stairway running continuously from each floor on which such shop or factory is operated to the grade line and opening directly to the outside of the building; or a standard fire escape leading from such floors to the grade line or a convenient and safe distance above grade line; or a self-closing door leading directly to the next adjoining section of the same building containing a stairway, or a door opening directly upon a street, alley or open court.

2. They shall provide substantial handrails on each side of all stairways.

3. They shall provide on each floor on which a shop or factory is operated doors or other means of egress therefrom to such fire escapes or inside stairways, which said doors or other means of egress must swing outward and toward the natural means of egress, and if capable of being locked or latched, the same must be operated from the inside.

4. They shall provide signs over all doors as exits and over all openings or passageways leading to exits which shall be clearly marked with the word "Exit" in plain block letters not less than six inches high; such signs shall be so placed that they may be seen from any part of the room, if possible.

5. They shall so arrange and hang doors and windows or other means of egress to fire escapes or fireproof stairways that when open they shall not obstruct or close off any of the passageway or in any way interfere with the use of fire escapes or other means of egress.

SEC. 1028-2 (added by act, page 360, Acts of 1911). The owners and operators of manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices, and railroad depots shall observe the following rules and regulations for the safety of persons employed or assembled therein: Rules for safety.

1. The number of persons at any time employed or permitted to work or to be assembled therein shall at no time be such as to provide fewer than the following number of square feet of floor space for each person:

If the establishment, office or depot is in a basement there shall be ten square feet to a person; if on the first or grade floor, eight square feet to a person; if on the second floor, ten square feet to

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a person; if on the third floor, fifteen square feet to a person; if on the fourth floor, twenty square feet to a person; if on the fifth floor, thirty square feet to a person; if on the sixth floor, forty square feet to a person; if on the seventh floor, sixty square feet to a person; if on the eighth floor, eighty square feet to a person; if on the ninth floor, one hundred square feet to a person; if on or above the tenth floor, one hundred and twenty-five square feet to a person.

2. The number of persons employed or permitted to work or assemble therein shall at no time be greater than one hundred persons for each three feet of exit space, but this ratio may be decreased where highly inflammable materials are manufactured, sold or stored, by order of the chief inspector of workshops and factories, a district inspector thereof, or the chief of any fire department having authority in the premises.

3. Each floor on which any establishment mentioned in this section is located shall be provided with standpipe with one and one-half inch hose not more than seventy-five feet in length so located that any part of the floor may be reached by a stream of water expelled therefrom, and where water supply is not available, fire extinguishers or barrels of salt water with round bottom buckets may be substituted.

4. The floors of all such establishments shall be swept at least once a day, and the sweepings therefrom removed from every room thereof.

5. No door or other means of egress shall be locked, barred or bolted during the time when such shop or factory is operated.

6. Such owners or operators shall provide passageways or aisles equal in width to such doors or exits and leading to the same from all parts of the floor on which the shop or factory is operated, and shall keep such passageways or aisles at all times clear of all obstructions.

In computing the number of persons who may be employed or assembled in any such establishment, the portion of the floor space occupied by counters, cases and fixtures, or from which the public is excluded, shall be deemed and regarded as floor space.

Violations. SEC. 1028–3 (added by act, page 360, Acts of 1911). Whoever violates any of the provisions of the preceding sections shall be fined not less than one hundred ($100) dollars nor more than one thousand ($1,000) dollars.

Notice as to dangerous machinery. SEC. 1029. The chief inspector of workshops and factories, or a district inspector, if he deems it advisable, may paste upon a machine, device, elevator, utensil, structure or machinery, or part thereof, a notice stating that it or a part thereof does not conform to the provisions of the second preceding section, and that operators or employees are liable to injury by operating it. Such notice shall designate and describe the alteration or other change necessary to be made in order to secure safety of operation, date of inspection, and time allowed for such alteration or change. After the pasting of such notice on a machine, it shall not be used or operated until the changes or alterations indicated in the notice have been made to the satisfaction of the chief inspector or district inspector.

Violations. SEC. 1030 (as amended by act, page 450, Acts of 1911). Whoever, being the owner or operator of a shop or factory, violates any provision of the preceding section shall be fined not less than one hundred dollars, nor more than two hundred dollars for the first offense, and not less than five hundred dollars nor more than one thousand dollars for each subsequent offense.

Inspection of steam boilers.

Inspection. SECTION 1058–7 (added by act, page 494, Acts of 1911; amended by act, page 649, Acts of 1913). All steam boilers and their appurtenances, except boilers of railroad locomotives subject to inspection under Federal laws, portable boilers used in pumping, heating, steaming and drilling, in the open field, for water, gas and

Exemptions.

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oil, and portable boilers used for agricultural purposes, and in construction of and repairs to public roads, railroads and bridges, boilers on automobiles, boilers of steam fire engines brought into the State for temporary use in times of emergency for the purpose of checking conflagrations, boilers carrying pressure of less than fifteen pounds per square inch, which are equipped with safety devices approved by the board of boiler rules, and boilers under the jurisdiction of the United States, shall be thoroughly inspected, internally and externally, and under operating conditions at intervals of not more than one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned. And shall be equipped with such appliances to insure safety of operation as shall be prescribed by the board of boiler rules.

Rules to be formulated.

SEC. 1058–8 (added by act, page 494, Acts of 1911). It shall be the duty of the board of boiler rules to formulate rules for the construction, installation, inspection and operation of steam boilers, and for ascertaining the safe working pressure to be carried on such boilers, to prescribe tests, if it is deemed necessary, to ascertain the qualities of materials used in the construction of boilers, to formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, for the construction, use, and location of fusible plugs, appliances for indicating the pressure of steam and level of water in the boiler, and such other appliances as the board may deem necessary to safety in operating steam boilers, to make a standard form of certificate of inspection, and to examine applicants for certificate as boiler inspectors as hereinafter provided.

Special hearings.

SEC. 1058–10 (added by act, page 494, Acts of 1911). If the board, after any hearings, shall deem it advisable to make changes in its rules, it shall appoint a day for a further hearing, and shall give notice thereof, and of the changes proposed, by advertisement in at least one newspaper in each of the cities of Cleveland, Cincinnati, Columbus, Toledo, Dayton, and Youngstown, at least ten days before such hearing. If the board, on its own initiative, contemplates changes in its rules, like notice and a hearing shall be given and held before the adoption thereof.

Changes take effect, when.

SEC. 1058–11 (added by act, page 494, Acts of 1911). Changes in the rules which affect the construction of new boilers shall take effect six months after the approval of the same by the governor: *Provided, however*, That the board may, upon request, permit the application of such changes in, or additions to, rules, to boilers manufactured or installed during the said six months.

Special type.

SEC. 1058–12 (added by act, page 494, Acts of 1911). When a person desires to manufacture a special type of boiler, the design of which is not covered by the rules formulated by the board of boiler rules, he shall submit drawings and specifications of such boiler to said board, who may permit the installation of the same in the State of Ohio.

Bonds.

SEC. 1058–15 (added by act, page 494, Acts of 1911; amended by act, page 528, Acts of 1913). The chief inspector of steam boilers shall give a bond payable to the State in the sum of five thousand dollars, with surety to be approved by the governor, conditioned upon the faithful performance of his duty. Like bonds shall be given in the sum of two thousand dollars to be approved in the same manner by the assistant chief inspector and by each general inspector. Such bonds, with the approval of each general inspector of steam boilers and of the assistant chief inspector of steam boilers, shall be deposited with the secretary of state and kept in his office.

Inspections.

SEC. 1058–17 (added by act, page 494, Acts of 1911). The chief inspector of steam boilers may, with the consent of the governor, appoint from the holders of certificates provided for in section 11 [sec. 1058–16, providing for examinations for applicants], not to exceed ten general inspectors.

Any company authorized to insure boilers against explosion in this State may designate from holders of such certificates persons

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to inspect the boilers covered by such company's policies, and the chief inspector of steam boilers shall issue to such persons commissions authorizing them to act as special inspectors. Such special inspectors shall be compensated by the company designating them, and the fee provided for in section 20 [sec. 1058–25] shall not be collected by such special inspectors.

The chief inspector of steam boilers shall issue to each of such appointees, a commission to the effect that the holder thereof is authorized to inspect steam boilers for the State of Ohio.

No person shall be authorized to act for the State, either as a general inspector or a special inspector, unless he holds a certificate of having passed the examination as herein provided, and also that he holds a commission from the chief inspector of steam boilers to represent the State in that capacity.

Revocation of certificate.

SEC. 1058–18 (added by act, page 494, Acts of 1911). A commission shall be revoked by the chief inspector of steam boilers for the incompetence or untrustworthiness of the holder thereof, or for willful falsification of any matter or statement contained in his application, or in a report of any inspection. A person whose commission is revoked may appeal from the revocation to the board of boiler rules which shall at its next regular meeting, hear the appeal and either set aside or affirm the revocation, and its decision shall be final. The person whose commission has been revoked shall be entitled to be present in person and by counsel on the hearing of the appeal. If a certificate or commission is lost or destroyed a new certificate or commission shall be issued in its place without another examination.

Inspection.

SEC. 1058–19 (added by act, page 494, Acts of 1911; amended by act, page 649, Acts of 1913). The owner or user of a boiler required to be inspected shall, after due notice, prepare the boiler for internal and external inspection at the appointed time, by drawing the water from the boiler and removing the manhole and handhole plates and thoroughly cleaning the boiler and its setting. The inspector of steam boilers shall give such owner or user at least fourteen days' notice to prepare the boiler for this inspection, but shall not be required to give notice for inspection under operating conditions. It shall be the duty of the inspector when making inspection under operating conditions to observe the pressure of steam carried, the general condition of each boiler, to ascertain if the safety valve and the appliances for indicating the pressure of steam and the level of water in the boiler are in proper working order. No person shall remove or tamper with any safety appliances prescribed by the board of boiler rules, and no person shall in any manner load the safety valve to a greater pressure than that allowed by the certificate of inspection. If in the judgment of the inspector it is advisable to apply a hydrostatic pressure test to the boiler, the owner or user shall prepare the boiler for such test, as directed by the inspector.

Certificate of inspection.

SEC. 1058–20 (added by act, page 494, Acts of 1911; amended by act, page 649, Acts of 1913). If, upon making the internal and external inspection, the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, upon his report to the chief inspector of steam boilers, the chief inspector 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 for one year from the date of inspection, unless such certificate shall be sooner withdrawn.

Defective boilers.

If an inspector at any inspection finds that the boiler is not in safe working condition, or is not provided with the fittings necessary to safety, or if the fittings are improperly arranged, he shall immediately notify the owner or user and person in charge of the boiler and shall report the same to the chief inspector of steam boilers, and shall withdraw or withhold such certificates until the boiler and its fittings are put in condition to insure safety of

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operation, and the owner or user shall not operate the boiler, or permit it to be operated until such certificate has been granted or restored.

Appeal.

If the owner or user of any boiler disagrees with the inspector as to the necessity for shutting down a boiler or making repairs or alterations in it, or taking any other measures for safety that may be requested by an inspector, the owner or user may appeal from the decision of the inspector to the chief inspector of steam boilers, who may, after such other inspection by a general inspector or special inspector, as the chief inspector may deem necessary, decide the issue and his decision shall be final.

Scope of law.

Nothing in the act and no inspection or report by any inspector shall relieve the owner or user of a steam boiler of the duty of using due care himself in the inspection, operation and repair of said boiler or of any liability for damages for his failure to inspect or repair or operate said boiler safely.

Contents of certificate.

SEC. 1058–21 (added by act, page 494, Acts of 1911; amended by act, page 649, Acts of 1913). The certificate of inspection shall state the name of the owner or user, the location, size and number of each boiler, the date of inspection, and the maximum pressure at which the boiler may be operated, the name of the person that made the inspection, and of the chief inspector of steam boilers, and shall also contain such quotations from the statutes as shall be deemed necessary by the board of boiler rules, and shall be so placed as to be easily read in the engine room or boiler room of the plant where the boiler is located, except that the certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times.

The owner or user of a steam boiler herein required to be inspected shall pay to the chief inspector of steam boilers the sum of one dollar for each certificate issued.

Boilers to be numbered.

SEC. 1058–22 (added by act, page 494, Acts of 1911). Each boiler which has been inspected shall be numbered either by stamping the number on the boiler or by attaching a numbered metal tag by a seal or otherwise to the boiler or its fittings. No person except an inspector shall deface or remove any such number or tag.

New boilers.

SEC. 1058–23 (added by act, page 494, Acts of 1911; amended by act, page 649, Acts of 1913). All boilers installed after January 1, 1912, shall be inspected when installed. A boiler installed in this State prior to July 1, 1912, which does not conform to the rules of construction formulated by the board of boiler rules, may be used after a thorough internal and external inspection, and if the inspector deems it necessary, a hydrostatic test, and after a certificate has been issued by the chief inspector. 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 July 1, 1912, which does not conform to the rules formulated by the board of boiler rules.

No certificate of inspection shall be granted on any boiler installed after July 1, 1913, which has not been thoroughly inspected during construction and upon completion, by either a general or special inspector, and which does not conform in every detail with the rules formulated by the board of boiler rules, and distinctly stamped, under such rules as may be formulated by the board of boiler rules, upon completion, with the words Ohio Standard, abbreviated to read "OHIO STD." by such inspector, who shall not be directly or indirectly interested in the manufacture or sale of steam boilers.

Moving boilers.

SEC. 1058–24 (added by act, page 494, Acts of 1911). The owner or user of any stationary boiler herein required to be inspected, who moves the same, shall report to the chief inspector of steam boilers the new location of said boiler, and the boiler shall be inspected before it is again operated. The owner or user of any boiler herein required to be inspected shall immediately notify the chief inspector of steam boilers in case a defect affecting the safety of the boiler is discovered.

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Fee.

SEC. 1058–25 (added by act, page 494, Acts of 1911; amended by act, page 649, Acts of 1913). The owner or user of a boiler herein required to be inspected shall pay to the chief inspector upon inspection five dollars for each boiler internally and externally inspected, and two dollars for each boiler inspected while in operation. When the fee is collected by a general inspector he shall give receipts for the same, and shall forward the fee with his report of the inspection, to the chief inspector of steam boilers: *Provided, however*, That not more than eight dollars shall be collected in any one year on each such boiler, unless additional inspections are required by the owner or user of same, or unless the boiler has been inspected and a certificate has been refused, withdrawn or withheld, or unless an additional inspection is required because of the change or location of a stationary boiler.

The fee for complete inspection during construction on boilers manufactured within the State of Ohio, shall be ten dollars. Boiler manufacturers other than those located in Ohio may secure inspection on work during construction, upon application to the chief inspector, and upon payment of a fee of ten dollars, plus the necessary traveling and hotel expenses incurred by the inspector.

Duty of chief inspector.

SEC. 1058–26 (added by act, page 494, Acts of 1911). The inspection of boilers and their appurtenances shall be made by the inspectors mentioned herein under the supervision of the chief inspector of steam boilers, and it shall be the duty of the chief inspector to enforce the provisions of this act and of such rules as shall be promulgated by the board of boiler rules that have been approved by the governor.

Violations.

SEC. 1058–28 (added by act, page 494, Acts of 1911; amended by act, page 649, Acts of 1913). Whoever being the owner, or operator of any steam boiler, herein required to be inspected, operated [operates] the same in violation of any provision of the law or of any rule promulgated by the board of boiler rules, and approved by the governor, or without having the same inspected and a certificate issued therefor as provided in this act, or who hinders or prevents a duly qualified inspector from entering any premises in or on which a steam boiler is situated for the purpose of inspection, shall be fined not less than twenty dollars nor more than five hundred dollars.

Sections independent.

SEC. 1058–29 (added by act, page 494, Acts of 1911). Each section of this act, and every part thereof, is hereby declared to be an independent section, and part of a section, and if any section or part of a section is void or ineffective for any cause, it shall not affect any other section or part of a section of this act.

Scope of law.

SEC. 1058–30 (added by act, page 494, Acts of 1911). * * * This act shall not affect the rights of municipalities under section 3650 of the General Code, in so far as such section provides for the regulation of the installation and inspection of steam boilers and steam boiler plants for the purpose of the prevention of the emission of smoke.

The board of boiler rules mentioned in this act is now superseded by the industrial commission, secs. 871–1, et seq.

Arbitration of labor disputes.

Duty to investigate controversies.

SECTION 1063. When a controversy or difference, not involving a question which may be the subject of an action or proceeding in a court of this State, exists between an employer and his employees, upon application as hereinafter provided, and as soon thereafter as practicable, the State board of arbitration and conciliation shall visit the locality of the dispute, make careful inquiry into the cause thereof, hear all persons interested therein who come or are subpœnaed before it, and advise the respective parties what, if anything, ought to be done or submitted to by either or both such parties to adjust the dispute.

Decisions.

SEC. 1064. If the State board of arbitration and conciliation fails to bring about an adjustment of such differences, it shall im-

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mediately make a written decision thereon. This decision shall at once be made public, be recorded in a proper book of record to be kept by the secretary of the board, and a short statement thereof published in its annual report. The board shall also cause a copy of the decision to be filed with the clerk of the county or city in which the business is carried on.

Applications.

SEC. 1065. An application to the State board of arbitration and conciliation may be made by one or both of the parties to a controversy. It must be signed by the employer or by a majority of his employees in the department of business in which the controversy or difference exists, or by the duly authorized agent of either or both parties. If an application is signed by an agent claiming to represent a majority of such employees, the board must be satisfied that the agent is duly authorized in writing to represent such employees, but the names of the employees giving the authority shall be kept secret by the board.

Contents of application.

SEC. 1066. The application shall contain a concise statement of the grievances complained of, and a promise to continue in business or at work, in the same manner as employed at the time of the application, until the decision of the board, in case such decision is rendered within ten days from the date of the application. A joint application may contain a stipulation that the decision of the board under it shall be binding upon the parties to the extent so stipulated, in which case the decision to such extent may be made and enforced in the court of common pleas of the county from which such joint application is presented in like manner as upon a statutory award.

Decision binding, when.

Hearings.

SEC. 1067. Upon the receipt of the application, the secretary of the State board of arbitration and conciliation shall give public notice of the time and place for the hearing thereof, unless both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board orders, and at any time during the proceedings the board may give public notice, notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further therein without the written consent of the adverse party.

Witnesses.

SEC. 1068. The State board of arbitration and conciliation may subpœna as a witness any operative in the department of business affected, a person shown by affidavit, on belief or otherwise, to have knowledge of matters in controversy or dispute, or a person who keeps the records of wages earned in a department, and examine him under oath concerning such matters. The board may require the production of books or papers containing the record of wages earned or paid in any department involved in a controversy or dispute. Subpœnas may be signed and oaths administered by any member of the board.

Service.

SEC. 1069. A subpœna or notice may be delivered or sent to a sheriff, constable or police officer, who shall forthwith serve or post it and make due return thereof. For such service the officer shall receive the fees allowed by law in similar cases, payable upon the certificate of the board, and warrant of the county auditor, from the treasury of the county wherein the controversy to be arbitrated exists. The board shall have such power and authority to maintain and enforce its orders at its hearings, and obedience to its writs of subpœna as are conferred by law on the court of common pleas for like purposes.

Powers of board.

Local boards.

SEC. 1070. The parties to any such controversy or difference may submit in writing the matters in dispute to a local board of arbitration and conciliation. Such board may be mutually agreed upon or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated a third, who shall be chairman of the board.

Powers of local boards.

SEC. 1071. In respect to matters referred to it, a local board of arbitration and conciliation shall have such powers as by law are

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conferred upon the State board, and the decision of such local board shall have such binding effect as is agreed upon by the parties to the controversy in the written submission. The local board shall have exclusive jurisdiction in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the State board. A decision of a local board upon a written submission shall be rendered within ten days after the close of the hearing thereon, and at once filed with the clerk of the county or city in which the controversy or difference arose. A copy of such decision shall be forwarded to the State board.

Compensation.

SEC. 1072. Each member of a local board of arbitration shall receive from the county or city in which the controversy or difference exists, the sum of three dollars for each day of actual service, not exceeding ten days for any arbitration, if such payment is approved in writing by the commissioners of the county or the council or the proper officer of the city.

Notice of strike to be given.

SEC. 1073. If it is made to appear to the mayor of a city or a probate judge of a county, that a strike or lockout is seriously threatened or has actually occurred in his vicinity, he shall immediately notify the State board of arbitration and conciliation of the fact, and state in the notice the name and location of the employer, the nature of the trouble and the number of employees involved, so far as such facts are known to him. If it comes to the knowledge of the State board by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred involving an employer and his present or past employees, the board as soon as practicable shall enter into communication with such employer and employees.

Conciliation.

SEC. 1074. In either case named in the preceding section, if practicable, the State board shall endeavor to affect an amicable settlement between the employer and his employees, otherwise it shall endeavor to persuade them to submit the matter in dispute to a local board of arbitration or to the State board. If it deems it advisable the State board may investigate the cause of such controversy and ascertain which party thereto is responsible for its existence or continuance. It may make and publish a report with a finding of the cause or causes, and the party or parties responsible therefor. If no settlement or arbitration is obtained because

Investigation.

of the opposition of one of the parties to the controversy, an investigation and publication shall be made if requested by the other party. For the purposes named in this section the board shall have the same powers as are conferred upon it when an application is made as provided in the preceding sections.

Witness fees.

SEC. 1075. Each witness summoned by the State board of arbitration and conciliation shall be allowed fifty cents for each attendance and twenty-five cents for every hour of attendance in excess of two hours, together with five cents a mile for traveling each way from his place of employment or business to the place of the meeting of the board. Such witness must make a statement in writing of the number of miles traveled and his attendance. The State board shall certify the amount due him, and the auditor of the county in which the controversy or difference exists shall issue his warrant upon the county treasurer for the amount so certified. The expense of a publication authorized by the provisions of this chapter shall be certified and paid as provided for the payment of fees.

Apportionment of costs.

SEC. 1076. If a strike or lockout extends to several counties, the expenses incurred under such provisions not payable from the State treasury shall be apportioned among and paid by the counties in such manner as the State board directs.

Definitions.

SEC. 1077. The term "employer," as used in the provisions of this chapter, shall mean an individual, a copartnership or corporation employing not less than twenty-five persons in the same general line of business in this State. The term "employees" shall mean not less than twenty-five persons directly involved in a controversy or difference. Several employers cooperating with respect to any controversy or difference shall be included in the

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term "employer," and the term "employee" shall include aggregations of employees of several employers so cooperating.

The State board of arbitration and conciliation mentioned in this act has been superseded by the industrial commission, secs. 871–1, et seq.

Occupational diseases—Reports.

Physicians to report.

SECTION 1243–1 (added by act, page 184, Acts of 1913). Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, 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 within forty-eight hours from the time of first attending such patient send to the State board of health a report stating:

(a) Name, address and occupation of patient.

(b) Name, address and business of employer.

(c) Nature of disease.

(d) Such other information as may be reasonably required by the State board of health.

The reports herein required shall be made on, or in conformity with, the standard schedule blanks hereinafter provided for. The mailing of the report, within the time required, in a stamped envelope addressed to the office of the State board of health, shall be a compliance with this section.

Blanks.

SEC. 1243–2 (added by act, page 184, Acts of 1913). The State board of health shall prepare and furnish, free of cost, to the physicians included in the preceding section, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the State board of health.

Reports not evidence.

SEC. 1243–3 (added by act, page 184, Acts of 1913). Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

Transmission of reports.

SEC. 1243–4 (added by act, page 184, Acts of 1913). It shall furthermore be the duty of the State board of health to transmit a copy of all such reports of occupational disease to the proper official having charge of factory inspection.

Mothers' pensions—Aid for dependent children.

Provision for support.

SECTION 1683–2 (added by act, page 864, Acts of 1913). For the partial support of women whose husbands are dead, or become permanently disabled for work by reasons of physical or mental infirmity, or whose husbands are prisoners or whose husbands have deserted, and such desertion has continued for a period of three years, when such women are poor, and are the mothers of children not entitled to receive an age and schooling certificate, and such mothers and children have been legal residents in any county of the State for two years, the juvenile court may make an allowance to each of such women, as follows: Not to exceed fifteen dollars a month, when she has but one child not entitled to an age and schooling certificate, and if she has more than one child not entitled to an age and schooling certificate, it shall not exceed fifteen dollars a month for the first child and seven dollars a month for each of the other children not entitled to an age and schooling certificate. The order making such allowance shall not be effective for a longer period than six months, but upon the expiration of such period, said court may from time to time, extend such allowance for a period of six months, or less. Such homes shall be visited from time to time by a probation officer, agent of an associated charities organization, a humane society, or such other agents as the court may direct: *Provided*, That the person who actually makes such visits shall be thoroughly trained in charitable relief work, and the report or reports of such visiting agent shall be considered by the court in making such order.

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Conditions.

SEC. 1683-3 (added by act, page 864, Acts of 1913). Such allowance may be made by the juvenile court, only upon the following conditions: First—the child or children for whose benefit the allowance is made, must be living with the mother of such child or children; Second—the allowance shall be made only when in the absence of such allowance, the mother would be required to work regularly away from her home and children, and when by means of such allowance she will be able to remain at home with her children, except that she may be absent for work for such time as the court deems advisable; Third—the mother must, in the judgment of the juvenile court, be a proper person, morally, physically and mentally, for the bringing up of her children; Fourth—such allowance shall in the judgment of the court be necessary to save the child or children from neglect and to avoid the breaking up of the home of such woman; Fifth—it must appear to be for the benefit of the child to remain with such mother; Sixth—a careful preliminary examination of the home of such mother must first have been made by the probation officer, an associated charities organization, humane society, or such other competent person or agency as the court may direct, and a written report of such examination filed.

Discontinuance.

SEC. 1683-4 (added by act, page 864, Acts of 1913). Whenever any child shall reach the age for legal employment, any allowance made to the mother of such child for the benefit of such child shall cease. The juvenile court may, in its discretion, at any time before such child reaches such age, discontinue or modify the allowance to any mother and for any child.

Selection.

SEC. 1683-5 (added by act, page 864, Acts of 1913). Should the fund at the disposal of the court for this purpose be sufficient to permit an allowance to only part of the persons coming within the provisions of this act, the juvenile court shall select those cases in most urgent need of such allowance.

Wives of prisoners.

SEC. 1683-6 (added by act, page 864, Acts of 1913). The provisions of this act shall not apply to any woman who, while her husband is imprisoned receives sufficient of his wages to support the child or children.

Fraud.

SEC. 1683-7 (added by act, page 864, Acts of 1913). Any person or persons fraudulently attempting to obtain any allowance for a person not entitled thereto, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than five nor more than fifty dollars, or imprisoned in the county jail, for a period of not less than two months, or both.

Records and procedure.

SEC. 1683-8 (added by act, page 864, Acts of 1913). In each case where an allowance is made to any woman under the provisions of this act, a record shall be kept of the proceedings, and any citizen of the county may, at any time, file a motion to set aside, or vacate or modify such judgment and on such motion said juvenile court shall hear evidence, and may make a new order sustaining the former allowance, modify or vacate the same, and from such order, error may be prosecuted, or an appeal may be taken as in civil actions. If the judgment be not appealed from, or error prosecuted, or if appealed or error prosecuted, and the judgment of the juvenile court be sustained or affirmed, the person filing such motion shall pay all the costs incident to the hearing of such motion.

Taxation to provide funds.

SEC. 1683-9 (added by act, page 864, Acts of 1913). It is hereby made the duty of the county commissioners to provide out of the money in the county treasury such sum each year thereafter as will meet the requirements of the court in these proceedings. To provide the same they shall levy a tax not to exceed one-tenth of a mill on the dollar valuation of the taxable property of the county. Such levy shall be subject to all the limitations provided by law upon the aggregate amount, rate, maximum rate and combined maximum rate of taxation. The county auditor shall issue a warrant upon the county treasurer for the payment of such allowance as may be ordered by the juvenile judge.

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Industrial statistics—Duty of assessors.

SECTION 3356. Annually, at the time of taking the lists of personal property for taxation, the assessor shall require and take for each person, company and corporation in his township or precinct verified by oath, the statements for the preceding year following: Information from manufacturers, etc.

* * * * *

The number of tons each of cold-blast pig iron manufactured from native ore smelted with charcoal, of hot-blast pig metal manufactured from the same material, and of pig metal made from native or foreign ore, smelted with stone coal; the number of tons each manufactured of bar and nail-rod iron, nails, hoop iron, sheet iron, stoves and hollow ware, all other castings, spikes and railroad chairs, car wheels, and of railroad iron; the number each of locomotives built, steam engines constructed, plantation sugar mills made, portable sawmills made, and the number in use; the number, each, of reaping and mowing machines, and of threshing machines. Iron.

The number of steamboats built upon the Ohio River and its navigable tributaries, and the number of barges, flatboats, and store boats, and the value of each; the number of steamboats and of sail vessels built upon Lake Erie and its tributaries within the borders of this State, and the value of each; the number of canal boats built and used in navigating the canals. Boats.

The number of bushels of stone coal mined; the number of persons engaged in mining stone coal, and the average rate of wages paid; the number of tons of iron ore mined; the number of persons engaged in mining iron ores, and the average rate of wages paid; the number of bushels of salt manufactured; the number of gallons of petroleum produced; the number of barrels of lime made; the number of barrels of water cement; the number of gallons of stone ware made. Coal, etc.

The number of adult male persons engaged in each of the mechanic arts, and the average monthly or daily wages of each; the number of common laborers, and the average daily wages of each; the number of common farm laborers, and the average monthly wages of each; the average monthly wages paid to clerks and salesmen and saleswomen; the average monthly wages paid to bookkeepers.

SEC. 3359. Any person, company or corporation, refusing to make out and deliver a statement of the facts, or any of them, herein required, shall forfeit and pay to the State not less than fifty nor more than one hundred dollars, * * * Penalty for refusal.

Fire escapes, etc., on factories, etc.

SECTION 4658. If a factory, workshop, tenement house, inn or public house is more than two stories high, the owner or agent of the owner shall provide convenient exits from the different upper stories thereof, which shall be easily accessible in case of fire, and the owner or person having control of an inn or public house where travelers or boarders are lodged above the second story thereof, shall also provide a good rope or other life line for each sleeping room for guests above such story. Exits required.

SEC. 4659. The owner or agent of the owner of a factory, workshop, tenement house, inn, or public house, if it is more than three stories high, in addition to the provisions governing three-story buildings, shall provide a life-saving device or net, which shall be approved by the fire chief of the city, or village in which such building is situated, or if such building is situated outside of the city or village, such life-saving device or net shall be approved by the State inspector of workshops and factories. Such life-saving device or net shall be kept on the first floor at or near the entrance of the building. Life-saving devices.

SEC. 4660. The mayor of each municipality shall require the owner or agent of the owner of such factory, workshop, tenement Enforcement.

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house, or inn or public house, within the meaning of the preceding two sections to comply with the requirements of such section within sixty days from the serving of a notice by the mayor so to do, unless such owner or agent for owner shall have previously complied with the requirements of such sections. Whoever being such owner or agent of owner fails to comply with the requirements of the preceding three sections within the time specified in such notice, shall forfeit not less than fifty nor more than three hundred dollars for each month he so fails, to be recovered in the name of and for the use of such municipality in an action in the police court or other competent tribunal. Such owner or agent for owner may also be held for civil damages to the party injured.

Inspections. SEC. 4661. The mayor or each municipality, personally, or by the marshal or chief of police thereof, or other proper person whom the mayor appoints acting under his direction, as inspector of fire escapes shall carefully examine such factories, workshops, tenement houses, inns or public houses once in each year, and report all violations of the preceding five sections to the council thereof, and thereupon proceedings shall be commenced against the person so offending. The mayor, marshal, or chief of police, or persons so appointed by the mayor to act as inspector of fire escapes, shall be entitled to receive for such notices and examination, such fees as the council may by ordinance provide.

Inspection and regulation of factories, etc.—Explosives.

Scope of law. SECTION 5903. A person, partnership or corporation manufacturing, handling, or storing gunpowder, blasting powder, dynamite, nyalite, jovite, masurite, fulminates, nitroglycerin, any nitroexplosive compound, chlorate of potash explosive compound, picric acid explosive compound, or other explosive substance, shall file with the chief inspector of workshops and factories, upon blanks furnished by him upon application, a complete statement of the location of such factory, storehouse or magazine owned or controlled by such person, partnership or corporation, together with the kind and character of the explosive substance or substances manufactured, handled or stored and intended to be manufactured, handled or stored thereat, the quantity stored or kept on hand, and the quantity intended to be stored or kept on hand, the number of persons employed at each factory, storehouse or magazine and the number of persons intended to be employed thereat, and the distance which such factory, storehouse or magazine is located or will be located from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, building in which people are accustomed to assemble, railroad or public highway.

Statements of manufacturers.

Certificates granted, when. SEC. 5904. Such statement, when filed, shall be submitted by the chief inspector of workshops and factories, for examination, correction and investigation, to the district inspector of explosives, who shall make a personal examination of each such factory, storehouse or magazine. If it is found to be located at a safe distance from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, building in which people are accustomed to assemble, railroad or public highway, and so planned and managed as to insure as great safety as is consistent with the nature of the business, and if the facts required in such statement are fully set out therein, and found to be true, such chief inspector shall grant a certificate approving the plans and location of such factory, storehouse or magazine as set forth in such statement.

Term of certificate. SEC. 5905. Such certificate shall remain good and in force from the date of issue, except when otherwise ordered for cause by the chief inspector of workshops and factories, and shall be void and a new statement and certificate shall be required of such person, partnership or corporation, whenever any change is made in the manufacture, handling or storing of such explo-

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sives as to the location of a factory, storehouse or magazine, or as to the kind or character of explosives manufactured, handled or stored, or whenever the number of men employed or the amount of explosives manufactured, handled or stored becomes greater than the number or amount designated in the last statement made to the chief inspector of workshops and factories.

Bonds.

SEC. 5906. A person, partnership or corporation shall not manufacture such explosives or store more than one hundred pounds thereof without giving bond in the sum of five thousand dollars in each county in which such explosives are manufactured or stored, to the county commissioners of such county, with such surety or sureties as is approved by the judge of the probate or common pleas court of such county, conditioned for the payment of all damages that may be caused to persons or property by reason of an explosion of any of such substances and without filing with the chief inspector of workshops and factories, a sworn statement that such bond has been approved and filed.

Exemptions.

SEC. 5907. This chapter shall not apply to persons, partnerships or corporations storing not more than twenty-five pounds of gunpowder or blasting powder in any one place at one time nor to the manufacturing or storing of drugs. The chief inspector of workshops and factories and the district inspector of explosives shall enforce the provisions of this chapter.

Enforcement.

Sale of intoxicants to employees.

Right of action.

SECTION 6203. A * * * employer or other person injured in person, property, * * * by an intoxicated person, or in consequence of the intoxication, habitual or otherwise, of a person, after the giving and during the existence of the notice provided in section sixty-two hundred and five, shall have a right of action in his or her own name, severally or jointly, against any person selling or giving intoxicating liquors which cause such intoxication, in whole or in part, of such person.

Liability of owner, etc.

SEC. 6204. The owner of a building or premises, and the person renting or leasing them having knowledge that intoxicating liquors are to be sold therein, in violation of law, or, having leased them for other purposes, knowingly permits intoxicating liquors to be sold therein and wherein was sold the liquor which caused the intoxication, in whole or in part, of a person described in the next preceding section, shall be liable severally or jointly with the person selling or giving such intoxicating liquors, for all damages sustained, as well as exemplary damages.

Notice.

SEC. 6205. A * * * person liable to be injured by a sale of intoxicating liquors to a person as provided in section sixty-two hundred and three, and desiring to prevent such sale to such person, shall give notice either verbally or in writing to the person selling or giving the intoxicating liouors, and to the owner or lessor of the premises wherein such intoxicating liquors are given or sold, not to sell to such person intoxicating liquor from and after five days from the date of such notice.

Hours of labor—General employment.

Eight hours a day's work.

SECTION 6241. A day's work in a mechanical, manufacturing or mining business shall consist of eight hours and be so enforced unless the contract therefor expressly provides otherwise.

Liability of employers for injuries to employees.

Who are fellow-servants.

SECTION 6242 (as amended by act, page 195, Acts of 1910). In all actions brought to recover from an employer for personal injuries suffered by his employee or for death resulting to such employee from such personal injuries, while in the employ of such employer, arising from the negligence of such employer or any of such employer's officers, agents, or employees, it shall be held

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in addition to the liability now existing by law that any person in the employ of such employer, in any way having power or authority in directing or controlling any other employee of such employer, is not the fellow servant, but superior to such other employee; any person in the employ of such employer in any way having charge or control of employees in any separate branch or department, shall be held to be the superior and not fellow servant of all employees in any other branch or department in which they are employed; any person in the employ of such employer whose duty it is to repair or inspect the ways, works, boats, wharves, plant, machinery, appliances or tools, in any way connected with or in any way used in the business of the employer or to receive, give or transmit any signal, instruction, or warning to or for such employees shall be held to be the superior and not fellow servant to such other employees of such employer.

Notice of defect.

SEC. 6243 (as amended by act, page 195, Acts of 1910). If the employee of any such employer shall receive any personal injury by reason of any defect or unsafe condition in any ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the business of the employer, such employer shall be deemed to have had knowledge of such defect, before and at the time such injury was so sustained, and when the fact of such defect shall be made to appear upon trial of an action brought by such employee or his personal or legal representatives, against any such employer for damages, on account of such injuries so received, the same shall be prima facie evidence of neglect on the part of such employer; but the employer may show by way of defense that such defect was not discoverable in the exercise of ordinary care.

Injuries due to defects.

SEC. 6244 (as amended by act, page 195, Acts of 1910). In all such actions the negligence of a fellow servant of the employee shall not be a defense where the injury or death was in any way caused or contributed to by any of the following causes, to wit: Any defect or unsafe condition in the ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the business of the employer; the negligence of any person engaged as superintendent, manager, foreman, inspector, repairman, signalman, or any person in any way having charge, care or control of such ways, works, boats, wharves, plant, machinery, appliances or tools; the negligence of any person in charge of or directing the particular work in which the employee was engaged at the time of the injury or death; the negligence of any person to whose orders the employee was bound to conform, and by reason of his having conformed thereto the injuries or death resulted; the negligent act of any fellow servant done in obedience to the immediate or peremptory instructions or orders given by the employer, or any person who has authority to direct the doing of said act; the want of necessary and sufficient rules and regulations for the government of such employees and the operation and maintenance of such ways, works, boats, wharves, plant, machinery, appliances or tools.

Assumption of risk.

SEC. 6245 (as amended by act, page 195, Acts of 1910). In any such action when it shall appear that the injury or death was caused in whole or in part by any of the following, to wit: The neglect of such employer in failing to properly furnish, maintain, construct, guard, repair, inspect, or protect any of the ways, works, boats, wharves, plant, machinery, appliances or tools, in any way connected with or in any way used in the business of the employer, in any manner required by statute or law of the State or United States; any defective or unsafe condition in the ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the business of the employer, the fact that such employee continued in said employment with knowledge of such negligent omission or want of care or such defective or unsafe

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condition shall not be a defense unless by the terms of his employment it was expressly made the duty of such employee to report such neglect or such defective or unsafe condition to the employer and the evidence discloses that such employee failed so to report, and that the employer was not otherwise possessed of knowledge of such negligent, unsafe or defective condition. Such employee shall not be held to have assumed the risk of the negligent act of any fellow servant or employee of such employer, done in obedience to the immediate or peremptory instructions or orders given by the employer, or any other person who has authority to direct the doing of said act; the want of necessary and sufficient rules and regulations or the lack of enforcement of same, for the government of such employees in the construction, operation and maintenance of such ways, works, boats, wharves, machinery, plant, appliances or tools, or the employing or retention of any incompetent servant.

Contributory negligence to be measured.

SEC. 6245–1 (added by act, page 195, Acts of 1910). In all such actions hereafter brought, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence is slight and the negligence of the employer is gross in comparison. But the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held in any degree to have been guilty of contributory negligence in any case where the violation of such employer of any statute or law of the State, or United States enacted for the safety of employees in any way contributed to the injury or death of such employee unless by the terms of his employment it was expressly made the duty of such employee to report such volation [violation] to the employer and the evidence shows that such employee failed so to report and that the employer was not possessed of knowledge of such violation. All questions of negligence, contributory negligence, and assumption of risk, shall be for the jury, under the instruction of the court.

Proviso.

Children unlawfully employed.

SEC. 6245–2 (added by act, page 195, Acts of 1910). In all such actions where a minor employee has been employed or retained in employment contrary to any statute or law of the State or United States, such employee shall not be deemed or held to have been guilty of contributory negligence, nor to have assumed any of the risks of such employment; but the employer may show by way of defense any fraud or misrepresentation made by such employee.

Waivers.

SEC. 6245–3 (added by act, page 195, Acts of 1910). In all such actions 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 employer under or by virtue of any other provisions of this act, such employer may set off therein, any sum he or it has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

Employment of women and children.

Power of inspectors.

SECTION 6246. A child working in or in connection with a factory, workshop, business office, telephone or telegraph office, restaurant, bakery, hotel, apartment house, mercantile or other establishment or in the distribution or transmission of merchandise or messages, who appears to the inspector of workshops and factories to be under the legal age, or refuses to give to such inspector his or her name, age and place of residence, shall be forthwith conducted by such inspector to the office of the judge of the juvenile or probate court for examination. If such inspector is in doubt as to the physical fitness of a boy under sixteen years of age, or a girl under eighteen years of age found working in or in con-

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nection with any of such establishments, or in the distribution or transmission of merchandise or messages, he shall require a certificate signed by a medical officer of the board of health certifying that such child is of sound health and physically able to perform the work or service such child is required to do. Such certificate shall be signed by the child in whose name it is issued in the presence of the officer issuing it, and such examination shall be made and certificate issued without expense to said child.

Female visitors.

SEC. 6247. The chief inspector of workshops and factories, with the approval of the governor, shall designate eight female visitors and make such rules and regulations for their direction and guidance as shall secure uniformity of action and proceedings throughout the State. Such visitors shall receive like compensation as the district inspectors of workshops and factories, payable in a like manner. The necessary traveling expenses incurred by such visitors shall be paid in a like manner and subject to like limitations as is provided by law for such district inspectors.

Duties of visitors.

SEC. 6248. Such visitors, as provided in the next preceding section, shall visit all shops and factories in their respective districts in which women or children are employed, including mercantile establishments, as often as possible, to see that the provisions and requirements of the laws relating to the employment of women and children are strictly observed and carried out. They shall carefully inspect the sanitary condition of and examine the system of sewage in connection with such shops, factories and establishments, the situations and conditions of water-closets or urinals in and about such shops, factories and establishments for the use of women or children and also the system of heating, lighting and ventilating all rooms therein, and the means of exit therefrom in case of fire or other disaster; and also all belting, shafting, gearing, elevators, drums and machinery in and about such shops, factories and establishments and see that they are not located so as to be dangerous to such women or children when engaged in their ordinary duties, and as far as practicable, are securely guarded and that every vat, pan or structure filled with molten metal or hot liquid is surrounded with proper safeguards for preventing accident or injury to women or children employed therein; and that such shops, factories and establishments are in proper sanitary condition and adequately provided with means of escape in case of fire or other disaster.

Same subject.

SEC. 6249. Such visitors may enter all shops, factories and mercantile establishments, including public institutions of the State which have shops and factories or either, at any reasonable time for the purpose of making the inspection provided in the next preceding section. If they find upon such inspection, that any of the provisions of law relating to buildings, factories or the employment of women or children are being violated or that the heating, lighting, ventilating or sanitary arrangements for women and children of a shop, factory or mercantile establishment are such as to be injurious to the health of such women or children employed or residing therein, they shall notify the chief inspector of workshops and factories, who may notify the owner, proprietor or agent of such shop, factory or mercantile establishment, as provided by law, and may proceed to prosecute such violation of law.

Occupational diseases—Sanitation of factories, etc.

Preventive methods.

SECTION 6330–1 (added by act, page 819, Acts of 1913). Every employer shall, without cost to the employees, provide reasonably effective devices, means and methods to prevent the contraction by his employees of illness or disease incident to the work or process in which such employees are engaged.

Dangerous processes.

SEC. 6330–2 (added by act, page 819, Acts of 1913). Every work or process in the manufacture of white lead, red lead, litharge,

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sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate of fluosilicate, is hereby declared to be especially dangerous to the health of the employees, who, while engaged in such work or process, are exposed to lead dusts, lead fumes or lead solutions.

Safety appliances.

SEC. 6330–3 (added by act, page 819, Acts of 1913). Every employer shall, without cost to the employees, provide the following devices, means and methods for the protection of his employees who while engaged in any work or process included in section 2, are exposed to lead dusts, lead fumes or lead solutions:

Lighting, ventilation, etc.

(a) The employer shall provide and maintain workrooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully ventilated and separated by partition walls from all departments in which the work or process is of a nondusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

Protection from lead dust and fumes.

Every work or process referred to in section 2, including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds referred to in section 2, shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employee, as far as possible, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle or furnace in which lead in any form referred to in section 2 is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead in any chemical form or combination referred to in section 2, is being conveyed from one place to another within the factory shall be equipped, at the places where the same are filled or discharged, with hoods having connection with an efficient air exhaust; and all hoppers, chutes, conveyors, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry pans or other apparatus for drying pulp lead, dry-pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust collector to be placed in a separate room which no employee shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

Wash rooms.

(b) The employer shall provide a wash room or rooms which shall be separate from the workrooms, be kept clean, and be equipped with: (1) Lavatory basins fitted with waste pipes and two spigots conveying hot and cold water, or

(2) Basins placed in roughs [troughs] fitted with waste pipes and for each basin two spigots conveying hot and cold water, or

(3) Troughs of enamel or similar smooth impervious material fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one basin for every five employees, and where troughs are provided, at least two feet of trough for every five such employees. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each such employee. A time allowed of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said wash room before the lunch hour and at the close of the day's work.

The employer shall also provide at least one shower bath for every five such employees. The baths shall be approached by

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wooden runways, be provided with movable wooden gratings, be supplied with controlled hot and cold water, and be kept clean. The employer shall furnish soap, and shall provide at least two clean bath towels per week for each such employee. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said baths at least twice a week at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employee, which record shall be open to inspection at all reasonable times by the (State department of factory inspection) and also by the (State board of health).

Dressing rooms. (c) The employer shall provide a dressing room or rooms which shall be separate from the workrooms, be furnished with a double sanitary locker or two single sanitary lockers for each such employee and be kept clean.

Separate rooms for meals. (d) The employer shall provide an eating room or eating rooms which shall be separate from the workrooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employee shall take or be allowed to take any food or drink of any kind into any workroom, nor shall any employee remain or be allowed to remain in any workroom during the time allowed for his meals.

Drinking fountains. (e) The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of the employees.

Clothing. (f) The employer shall provide at least two pairs of overalls and two jumpers for each employee, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

Respirators. (g) The employer shall provide, and renew when necessary, at least two reasonably effective respirators for each employee who is engaged in any work or process which produces lead dusts.

Duties of employees. SEC. 6330–4 (added by act, page 819, Acts of 1913). Every employee who, while engaged in any work or process included in section 2, is exposed to lead dusts, lead fumes or lead solutions, shall:

(a) Use the washing facilities provided by the employer in accord with section 3 (b) and wash himself at least as often as a time allowance is therein granted for such use.

(b) Use the eating room provided by the employer in accord with section 3 (d), unless the employee goes off the premises for his meals.

(c) Put on, and wear at all times while engaged in accord with section 3 (f) and remove the same before leaving at the close of the day's work; and keep his street clothes and his working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accord with section 3 (c).

(d) Keep clean the respirators provided by the employer in accord with section 3 (g), and use one at all time [times] while he is engaged in any work or process which produces lead dusts.

Instructions to be posted. SEC. 6330–5 (added by act, page 819, Acts of 1913). The employer shall post in a conspicuous place in every workroom where any work or process included in section 2 is carried on, room where washing facilities are provided, dressing rooms and eating room. A notice of the known dangers arising from such work or process, and simple instructions for avoiding, as far as possible, such dangers. The (chief State factory inspector) shall prepare a notice containing the provision[s] of this act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in section 2, and the employer shall post copies thereof in the manner hereinabove stated. The notices required in this section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employee by the employer when the said employee enters employment in such work or process, and in addition shall be read to all employees at least once a month,

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interpreters being provided by the employer when necessary to carry out the above requirements.

Medical examinations.

SEC. 6330–6 (added by act, page 819, Acts of 1913). The employer shall cause every employee who, while engaged in any work or process included in section 2, is exposed to lead dusts, lead fumes or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employee so examined.

Records and reports.

SEC. 6330–7 (added by act, page 819, Acts of 1913). Every physician making any examination under section 6 and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination containing the names [name] and address of the employee so examined, the particular work or process in which he is engaged, the date, place and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the (State department of factory inspection) and by the (State board of health).

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the (State department of factory inspection) and one to the (State board of health). The report shall be open or in conformity with blanks to be prepared and furnished by the (State board of health), free of cost, to every employer included in section 2, and shall state:

(a) Name, occupation and address of employee.

(b) Name, business and address of employer.

(c) Nature and probable extent of disease.

(d) Such other information as may be reasonably required by the (State board of health).

The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician.

Enforcement.

SEC. 6330–8 (added by act, page 819, Acts of 1913). The (State department of factory inspection) shall enforce this act and prosecute all violations of the same. The officers, or their agents, of the said (department) shall be allowed at all reasonable times to inspect any place of employment included in this act.

Violation.

SEC. 6330–9 (added by act, page 819, Acts of 1913). Every employer, who either personally or through any agent violates or fails to comply with any provision of section 1 or section 3 shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and on conviction for the second offense, not less than two hundred dollars nor more than five hundred dollars, and on conviction for each subsequent offense, not less than three hundred dollars nor more than one thousand dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employee who violates or fails to comply with any provision of section 4, shall be guilty of a misdemeanor, and on convicton for the first offense shall be fined not less than ten dollars nor more than twenty-five dollars, and on conviction for the second offense, not less than twenty dollars nor more than fifty

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dollars, and on conviction for each subsequent offense not less than thirty dollars nor more than one hundred dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employer who, either personally or through any agent, violates or fails to comply with any provision of sections 5, 6, or 7, relating to him, and every employee who violates or fails to comply with the provision of section 6 relating to him shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

Definition. SEC. 6330–10 (added by act, page 819, Acts of 1913). In this act, unless the context otherwise requires, "employer" includes persons, partnerships and corporations.

Sections independent. SEC. 6330–11 (added by act, page 819, Acts of 1913). For the purpose of determining the constitutionality of any provision of this act, section 1, hereof is declared to be independent of and separable from the remaining sections.

Takes effect, when. SEC. 6330–12 (added by act, page 819, Acts of 1913). Time of taking effect. This act shall take effect on the first day of October, 1913, except as to subdivisions (a), (b), (c) and (d) of section 3 which subdivisions shall take effect as follows:

Subdivision (b), (c) and (d) of section 3 on the first day of October, 1914.

Subdivision (a) of section 3 on the first day of October, 1915.

Assignments of wages—Wage brokers.

License required. SECTION 6346–1 (added by act, page 469, Acts of 1911). No person, firm or corporation except banks and building and loan associations shall engage or continue in the business of making loans upon chattels or personal property of any kind whatsoever or of purchasing or making loans upon salaries or wage earnings without first having obtained a license so to do from the secretary of state.

Bonds. Each application shall be accompanied by a bond to the State of Ohio in the penal sum of two thousand dollars ($2,000) to the approval of the secretary of state. If any person, shall be aggrieved by the misconduct of any such licensed person, firm or corporation or by his, their or its violation of any law relating to such business, and shall recover a judgment therefor, such person may, after return unsatisfied either in whole or in part of any execution issued upon such judgment, maintain an action in his own name upon such bond herein required in any court having jurisdiction of the amount claimed. The secretary of state shall furnish to any one applying therefor a certified copy of such bond filed with him, upon the payment of a fee of one dollar ($1) and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by the parties whose names appears [appear] thereon. Said bond shall be renewed and refiled at the time of making application for license, but said bond until renewed and refiled as aforesaid shall be and remain in full force and effect.

Applications. SEC. 6346–2 (added by act, page 469, Acts of 1911). Applications for license to conduct such business must be made in writing to the secretary of state and shall contain the full names and addresses of applicants, if natural person, and in case of firms or incorporated companies, the full names and addresses of the officers and directors thereof and under what law or laws incorporated, the kind of business which is to be conducted, whether chattel mortgage or salary loan; the place where such business is to be conducted and such other information as the secretary of state may require. The fee to be charged for said license shall be ten dollars ($10) per annum and such amount must accompany the application. Each license granted shall date from the first of the month in which it is issued and shall be granted for the period of one year, subject to revocation, as provided in this

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act, and such license shall be kept conspicuously displayed in the place of business of the licensee.

Statement to be furnished.

SEC. 6346–3 (added by act, page 469, Acts of 1911). Every person, firm or corporation licensed as herein provided shall give to each assignor or borrower a card upon which shall be written in ink, or typewritten or printed, the name of the person, firm or corporation making such loan or purchase, the name of the assignor or borrower, the amount of the loan, the amount of interest charged, the amount of expense charged exclusive of interest, and the time for which such charge is made, the date when the loan is made and the date when payable; and shall also give the assignor or borrower a receipt for each payment of principal, interest or any other charge made on the loan, and if any payment consists of principal and interest or any other charge, such receipt shall specify the amount of each.

Blanks to be filled.

SEC. 6346–4 (added by act, page 469, Acts of 1911). No such person, firm or corporation so licensed, shall receive any assignment of salary or wages signed in blank, but all blank spaces shall be filled in with ink or typewritten with the proper names and figures, showing the name of the firm, person or corporation by whom the person making the conveyance or assignment is employed. If the borrower is married the contract, conveyance or assignment shall be void unless it also contain the name of the husband or wife, as the case may be, of the borrower.

Interest rate.

SEC. 6346–5 (added by act, page 469, Acts of 1911). No such person, firm or corporation shall make a loan upon chattels or personal property of any kind whatsoever or purchase, a salary or wage earning of another at a rate of interest or charge in excess of eight per cent per annum upon the principal sum. In addition to such eight per cent per annum a reasonable charge may be made for investigation, examination, collection and all other charges of whatsoever kind or description, not to exceed ten per cent (10%) upon the principal sum, and any contract, conveyance or assignment for the purchase or assignment of any salary or wage earnings and any loan upon chattels or personal property whatsoever shall be void and of no binding effect which provides for or contemplates the payment of any amount or sum in excess of the rates or charges herein provided for or where any provision of section 3 herein has been disregarded or violated. In case any loan or contract of any kind provided for in the preceding sections is not paid when due, an interest of eight per cent per annum may be charged on such balance due, but no extra charges shall be made for said renewal or extension of said loan or contract, within one year from the date of the loan or any renewal or extension thereof.

Violations.

SEC. 6346–6 (added by act, page 469, Acts of 1911). Any person, firm or corporation, or any agent, officer, or employee thereof, violating any provision of this act, or that carries on the business of making loans upon chattels or personal property of any kind whatsoever, or of purchasing or making loans upon salaries or wage earnings without first obtaining a license as provided in this act shall, for the first offense, be fined not less than fifty dollars ($50) nor more than two hundred dollars ($200); and for a second offense not less than two hundred dollars ($200) nor more than five hundred dollars ($500), and it shall thereupon become the duty of the secretary of state upon such second conviction to revoke any license theretofore issued to such person, firm or corporation.

Excessive interest.

SEC. 6346–7 (added by act, page 469, Acts of 1911). When the rate is usurious, payments of money or property made by way of interest, whether made in advance or not, shall be deemed and taken to be payments made on account of principal, or may be recovered in an action before a court of competent jurisdiction, and no judgment shall be rendered against the borrower in excess of the amount of the principal borrowed, still due.

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Accident prevention—Instruction of children.

Instruction required.

SECTION 7724–1 (added by act, page 134, Acts of 1913). It shall be the duty of each teacher in the public schools of the State to devote not less than thirty minutes in each month, during the time such school is in session, for the purpose of instructing the pupils thereof as to ways and means of preventing accidents.

Manual.

SEC. 7724–2 (added by act, page 134, Acts of 1913). The superintendent of public instruction shall prepare, publish and distribute, at the expense of the State, a manual conveniently arranged in chapters or lessons for the guidance of teachers in carrying out the provisions of this act.

Employment of children—School attendance.

Instruction required.

SECTION 7762. All parents, guardians, and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography and arithmetic.

School attendance.

SEC. 7763 (as amended by act, page 864, Acts of 1913). Every parent, guardian or other person having charge of any child between the ages of eight and fifteen years of age if a male, and sixteen years of age, if a female, must send such child to a public, private or parochial school, for the full time that the school attended is in session, which shall in no case be for less than twenty-eight weeks. Such attendance must begin within the first week of the school term, unless the child is excused therefrom by the superintendent of the public schools, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having a superintendent or by the principal of the private or parochial school, upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of such superintendent or clerk, as the case may be, to teach the branches named in the next preceding section.

Appeals.

SEC. 7764 (as amended by act, page 864, Acts of 1913). In case such superintendent, principal or clerk refuses to excuse a child from attendance at school, an appeal may be taken from such decision to the judge of the juvenile court of the county, upon the giving of a bond, within ten days thereafter, to the approval of such judge, to pay the costs of the appeal. His decision in the matter shall be final.

Children 15 to 16 years of age.

All children between the ages of fifteen and sixteen years, not engaged in some regular employment, shall attend school for the full term the schools of the district in which they reside are in session during the school year, unless excused for the reasons above named.

Age limit.

SEC. 7765 (as amended by act, page 864, Acts of 1913). No boy under sixteen years of age and no girl under eighteen years of age shall be employed or be in the employment of any person, company or corporation unless such child presents to such person, company or corporation an age and school certificate herein provided for, as a condition of employment. Such employer shall keep the same on file in the establishment where such minor is employed for inspection by the truant officer or officers of the department of workshops and factories.

Age and schooling certificate.

SEC. 7766 (as amended by act, page 864, Acts of 1913). An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, upon satisfactory proof that such child, if a male, is over fifteen years of age or, if a female, is over eighteen years of age and that such child has been examined and passed a satisfactory sixth-grade test, if a male, and seventh-grade test, if a female, in the studies enumerated in section seventy-seven hundred and sixty-two: *Provided*, That residents of

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other States who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service, and that the employment contemplated by the child is not prohibited by any law regulating the employment of such children. Every such age and schooling certificate shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Juvenile examiner.

In order to ascertain whether applicants for such certificates have satisfactorily completed the studies herein prescribed as a condition for the issuance of said certificates the board of education of each city school district may appoint a juvenile examiner who shall receive such compensation as may be fixed by the board of education. No such child residing in a city shall be granted such certificate unless such juvenile examiner shall have previously certified that he has examined such child and that he has passed to his satisfaction the grade test as provided by this section: *Provided further*, That if a child in the opinion of said juvenile examiner is below the normal in mental development so that he can not with due industry pass such test, and if the school record shows that such child is below the normal in development, such fact may be certified to by said examiner, and the superintendent or person authorized by him may at his discretion grant such child such age and schooling certificate: *Provided*, That if said examiner is satisfied that the standard of any school is sufficiently high, he may accept the records thereof as showing that such child has passed such test without further examination.

Records.

The age and schooling certificate must be formulated by the State commissioner of common schools, and furnished in blank by the clerk of the board of education. It shall show the date of its issue. A record giving all the facts contained on every certificate issued shall be kept on file in the office issuing the same, and also a record of the names and addresses of the children to whom certificates have been refused, together with the names of the schools which such children should attend and the reasons for refusal.

Lists.

The superintendent of schools or other persons authorized to issue employment certificates shall transmit between the first and tenth days of each month, to the office of the chief inspector of workshops and factories, upon blanks to be furnished by him, a list of the names of the children to whom certificates have been issued, returned or refused. Such lists shall give the name and address of the prospective employer and the nature of the occupation the child intends to engage in.

Children ceasing work.

Any child between fifteen and sixteen years of age, who shall cease to work for any cause whatever, shall report the fact and cause at once to the superintendent of schools, or to a person authorized by him in city or other districts having such superintendent, or to the clerk of the board of education in village, township or special districts not having such superintendent; said child shall be required to return to school within two weeks, provided other employment is not secured within such time: *Provided*, That should a child in the opinion of the superintendent or person authorized by him in cities and districts having such superintendent, or the clerk of the board of education in village, township or special districts, lose his employment by reason of persistent, willful misconduct or continuous inconstancy, he may be placed in school until the close of the current school year.

Proofs required.

The superintendent of schools or the person authorized by him to issue age and schooling certificates, shall not issue such certificates until he has received, examined, approved and filed the following papers duly executed:

Pledge of employer.

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, also the written agreement to return to the superintendent of schools or to the person authorized by him to issue such certificates, the age and schooling certificate of the child within two days from the date of the

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child's withdrawal or dismissal from the service of the person, partnership or corporation, giving the reason for such withdrawal or dismissal.

School record. (2) The school record of such child, properly filled out and signed by the principal or other person in charge of the school which such child last attended, giving the name, age, address, standing in studies enumerated in section seven thousand seven hundred and sixty-two, and the number of weeks attendance in school during the school year previous to applying for such school record, and general conduct.

Evidence of age. (3) As evidence of age (a) a passport or duly attested transcript of a passport, filed with a registrar of passports or other officer charged with the duty of registering passports at the several ports of entry to the United States; 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 (b) 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 conclusive evidence of the age of the 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 or custodian), 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 any kind can be produced, the officer issuing the certificate may receive and file an application signed by the parent, guardian or custodian of the child for a 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 or custodian signing such application is unable to produce any of the documentary proofs of age specified in the preceding subdivisions of this section. If the superintendent or officer authorized by him to issue such certificate, is satisfied that a reasonable effort to procure such documentary proof has been made, the certificate of the school physician, or, if there be none, of a physician employed for the purpose by the board of education that such physician has made a physical examination of such child and is satisfied that he is more than fifteen years of age, if a male, or that she is more than sixteen years of age, if a female, shall be accepted as sufficient proof of the age of such child for the purpose of this act:

Physician's certificate. (4) A certificate from the school physician or if there should be none, of the board of health, and if there be no board of health within the school district in question, from a licensed physician appointed by the board of education showing that the child is physically fit to be employed in any of the occupations permitted by law for a child between fifteen and sixteen years of age: *Provided*, That if the records of the school physician show such child to have been previously sound in health, no further physician's certificate need be required, but the officer authorized to issue such certificate may at his discretion require such physician's certificate in any case, as a condition to the issuing of an age and schooling certificate.

Vacation certificates. The superintendent or person authorized by him may issue special vacation certificates to boys under sixteen years of age and girls under eighteen years of age, which shall entitle the holders thereof to be employed during vacation in occupations not forbidden by law to such children even though such child may not have completed the sixth grade, but provided he has complied with all the other requirements for obtaining the certificate hereinbefore described.

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Educational test.

SEC. 7767 (as amended by act, page 864, Acts of 1913). All minors over the age of fifteen and under the age of sixteen years, who have not passed a satisfactory sixth-grade test in the studies enumerated in section seventy-seven hundred and sixty-two, shall attend school as provided in section seventy-seven hundred and sixty-three, and all the provisions thereof shall apply to such minors.

In case the board of education of any school district establishes part time day schools for the instruction of youth over fifteen years of age who are engaged in regular employment, such board of education is authorized to require all youth who have not satisfactorily completed the eighth grade of the elementary schools, to continue their schooling until they are sixteen years of age: *Provided, however*, That such youth if they have been granted age and schooling certificates and are regularly employed, shall be required to attend school not to exceed eight hours a week between the hours of 8 a. m. and 5 p. m. during the school term. All youth between fifteen and sixteen years of age, who are not employed, shall be required to attend school the full time.

Enforcement.

SEC. 7770 (as amended by act, page 864, Acts of 1913). The truant officer and assistants shall be vested with police powers, the authority to serve warrants, and have authority to enter workshops, factories, stores and all other places where children are employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce this act. He also may take into custody any youth between eight and fifteen years of age, or between fifteen and sixteen years of age when not regularly employed who is not attending school, and shall conduct such youth to the school he has been attending, or which he rightfully should attend.

Same subject.

SEC. 7771 (as amended by act, page 864, Acts of 1913). * * * The truant officer shall keep on file the name, address and record of all children between the ages of fifteen and sixteen to whom age and schooling certificates have been granted who desire employment, and manufacturers, employers or other persons requiring help of legal age shall have access to such files. The truant officer shall cooperate with the department of workshops and factories in enforcing the conditions and requirements of the child labor laws of Ohio, furnishing upon request such data as he has collected in his reports of children from eight to sixteen years of age and also concerning employers, to the department of workshops and factories and to the State commissioner of schools. He must keep a record of his transactions for the inspection and information of the superintendent of schools and the board of education; and make daily reports to the superintendent during the school term in districts having them, and to the clerk of the board of education in districts not having superintendents as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of education.

Indigent children.

SEC. 7777. When a truant officer is satisfied that a child, compelled to attend school by the provisions of this chapter, is unable to do so because absolutely required to work at home or elsewhere in order to support itself or help to support or care for others legally entitled to its services who are unable to support or care for themselves, such officer must report the case to the president of the board of education. Thereupon he shall furnish textbooks free of charge, and such other relief as may be necessary to enable the child to attend school for the time each year required by law. The expenses incident to furnishing books and relief must be paid from the contingent funds of the school district. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. If the child, or its parents or guardian, refuses or neglects to take advantage of the provisions thus made for its instruction, it may be committed to a children's home or a juvenile reformatory, * * *

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Railroads—Safety appliances.

Ash dump pan.

SECTION 8944. A person, firm or corporation owning, operating or controlling any railroad running through or within this State, shall in all cases where practicable, cause each locomotive to be equipped with a self-cleaning ash dump pan, of modern and approved pattern and design; and all engines or locomotives built or constructed shall be so equipped. No engineer or fireman shall be compelled to go under any locomotive for the purpose of removing ashes from it, except in cases of emergency. This section shall not apply to a person, firm or corporation which does not require engineers or firemen to go under the engine for the purpose of removing ashes therefrom, except in cases of emergency.

Violation.

SEC. 8945. A person, firm or corporation failing to comply with the provisions of the next preceding section shall not be allowed to set up or make the defense of contributory negligence, or assumption of risk, in an action for personal injury to, or death of, an engineer or fireman resulting from the failure of such person, firm or corporation to comply therewith.

Head lights required.

SEC. 8945–1 (added by act, page 330, Acts of 1910). Every railroad corporation operating a railroad or a part of one in this State, shall on or before the first day of January, 1911, equip each of its locomotives, (except locomotives used exclusively in yard service,) with a headlight of such construction, and with sufficient candlepower to render plainly visible at a distance of not less than three hundred and fifty feet in advance of such engine, whistling posts, landmarks and other warning signs, and it shall be unlawful, after such date for any such railroad to use a locomotive, (except locomotives used exclusively in yard service) upon any part of its road lying within this State, that is not equipped with a headlight of such construction and candlepower as will enable the engineer, to see whistling posts, landmarks and other warning signs at a distance of not less than three hundred and fifty feet in advance of the engine: *Provided*, That not less than thirty per cent of all the locomotives hereinbefore required to be provided with such headlights shall be so equipped on or before September 1, 1910.

Standard.

Enforcement.

SEC. 8945–2 (added by act, page 330, Acts of 1910). The State railroad commission shall from time to time inspect or cause to be inspected the headlights of all locomotives found in use on any railroad in this State. On discovering any defective headlight the commission shall report the fact to the superintendent or other officer having charge of the road on which it is found, and the railroad corporation receiving such notice, shall thereupon cause such defective headlight to be immediately repaired, and if so ordered by the railroad commission shall put the locomotive containing such defective headlight out of service until repaired and put in good working order.

Violations.

SEC. 8945–3 (added by act, page 330, Acts of 1910). Any railroad corporation using or permitting to be used on its line in this State a locomotive, in violation of any provision of this act shall be liable to a penalty of one hundred dollars for each violation, to be recovered in a suit or suits to be brought by the prosecuting attorney in the common pleas court of the county having jurisdiction in the locality where such violation occurred. Upon duly verified information being given him of such violation such prosecuting attorney shall bring such suits. The railroad commission shall give the proper prosecuting attorney information of any such violations as may come to its knowledge.

Automatic couplers and air brakes.

SEC. 8946. Every railroad corporation operating a railroad or part of one, in this State shall equip all of its cars with automatic couplers and air brakes, except that nothing herein shall require such companies to equip more than thirty per cent of the cars in its freight service with air brakes, unless a larger per cent is necessary to provide at least twenty-five per cent of all the cars in each freight train with such air brakes.

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Power brakes.

SEC. 8947. Every railroad corporation operating a railroad or part of one, shall equip each of its engines used in the transportation of trains with a power brake.

Violation.

SEC. 8948. A railroad corporation which fails to comply with any provision of the next two preceding sections, shall forfeit and pay to the State not less than one thousand nor more than five thousand dollars, to be recovered in an action brought by the attorney general in the name of the State, and which is to be prosecuted in accordance with the provisions of law as to suits instituted by him in Franklin County.

Brakes to be operable from engine.

SEC. 8949 (as amended by act, page 117, Acts of 1913). No common carrier, engaged in moving traffic on a railroad, between points within this State, shall use on its line a locomotive therefor not equipped with power-driving wheel brakes and appliances for operating the train-brake system, or, in such business, run a train unless at least eighty-five per centum of the cars therein shall have air brakes thereon so arranged that they can be operated and used from the engine by the engineer of the locomotive drawing such train, and unless all of such cars so equipped shall be associated together.

Automatic couplers.

SEC. 8950. No such common carrier shall haul, or permit to be hauled or used on its line, a locomotive, car, tender, or similar vehicle used in moving State traffic, not equipped with couplers coupling automatically by impact, and which can be uncoupled, without the necessity of men going between the ends of the cars.

Grab irons, steps, etc.

SEC. 8951 (as amended by act, page 117, Acts of 1913). No such common carrier shall haul, or permit to be hauled or used, on its line a locomotive, car, tender, or similar vehicle, used in moving State traffic, not provided with secure grab irons or handholds on the sides and ends thereof. Every locomotive shall be provided with secure sill steps on each side of the pilot thereof and each and every tender and car used in such business shall be provided also with secure sill steps on each end of each side thereof, and efficient hand brakes; and all cars requiring ladders and running boards shall be equipped with secure ladders and running boards, and with secure handholds or grab irons on their roofs at the top of such ladders: *Provided*, That in the loading and hauling of long commodities requiring more than one car, the hand brakes may be omitted on all save one of the cars while they are thus combined for such purpose.

Drawbars.

SEC. 8952. No such common carrier shall use a locomotive, tender, car, or similar vehicle used in the movement of State traffic, that is not provided with drawbars of the standard height, to wit: Standard gauge cars, thirty-four and one-half inches; narrow gauge cars, twenty-six inches, measured perpendicularly from the level of the tops of the rails to the centers of the drawbars. The maximum variation from such standard heights between drawbars of empty and loaded cars shall be three inches.

Cars not equipped may be refused, when.

SEC. 8953. Such common carrier may refuse to receive from connecting lines or from any shipper a car not equipped in accordance with the four next preceding sections.

Violation.

SEC. 8954 (as amended by act, page 117, Acts of 1913). Such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any tender or car in violation of any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each and every such violation thereof, to be recovered in a suit or suits to be brought by the prosecuting attorney in the common pleas court of the county having jurisdiction in the locality where such violation occurred. Upon duly verified information being given him of such violation, such prosecuting attorney shall bring such suits. The public service commission of Ohio shall give the proper prosecuting attorney information of any such violation as may come to its knowledge. Nothing contained in the above provisions to common carriers shall apply to locomotives, tenders, cars, or trains, used exclusively in the movement of logs, and when the height of the drawbars of such locomotives,

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tenders and cars does not exceed twenty-five inches, or to street cars, or to locomotives, tenders, cars, similar vehicles, or trains, while in actual use in interstate commerce.

Assumption of risk.

SEC. 8955. Any employee of such common carrier, who is killed or injured by a locomotive, tender, car, similar vehicle, or train, in use contrary to the provisions of sections eighty-nine hundred and forty-nine to eighty-nine hundred and fifty-four both inclusive, shall not be deemed to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, tender, car, similar vehicle, or train had been brought to his knowledge, nor shall such employee be held to have contributed to his injury in a case where the carrier violated any provision of such sections, when such violation contributed to his death or injury.

Commission's discretion.

SEC. 8956. The State railroad commission after full hearing and for good cause shown, may increase the minimum proportion of cars in a train required to be operated by power or train brakes. Failure to comply with the requirements of such commission, shall be subject to a like penalty as failure to comply with any requirement herein made of such carriers.

Construction and equipment of caboose cars.

SEC. 8956–1 (added by act, page 133, Acts of 1910). It shall be unlawful * * * for any common carrier operating a railroad, in whole or in part, within this State, or any manager or superintendent thereof, to require or permit the use, within this State upon such railroad, of any caboose car, or other car used for like purpose, which is not provided with a door in each end thereof and an outside platform across each end of such car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guardrails, and with grab irons and steps for the safety of persons getting on and off said car. Said steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof, properly designed to prevent slipping from such step. But nothing herein provided shall affect the right of any railroad to operate a caboose car now constructed or in use having the platforms each not less than twenty inches in width and equipped with the other appliances as herein provided. The railroad commission is hereby authorized to grant to any common carrier, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act: *Provided*, That in no case shall such extension or extensions in the aggregate exceed the period of one year from the time herein limited for compliance with this act.

Violation.

SEC. 8956–2 (added by act, page 133, Acts of 1910). Any person or common carrier violating any of the provisions of section 8956–1 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Dimensions, etc.

SEC. 8956–3 (added by act, page 719, Acts of 1913). Except as otherwise provided in this act, [8956–3 to 8956–6] it shall be unlawful, from and after the first day of July, 1919, for any common carrier operating a railroad, in whole or in part, within this State, or any manager or division superintendent thereof to require or permit the use, upon such railroad, within this State, of any caboose car or other car used for like purpose, unless such caboose or other car shall be at least twenty-four feet in length, exclusive of platforms, and equipped with two four-wheel trucks suitable closets and cupola.

Cars repaired, to be equipped.

SEC. 8956–4 (added by act, page 719, Acts of 1913). Whenever any such caboose car now in use upon any such railroad, shall, after this act [8956–3 to 8956–6] goes into effect, be brought into any of the shops of such railroad for general repairs, it shall be unlawful to again put the same into the service of such railroad, within this State, unless it be equipped as provided in section one [8956–3] of this act.

Percentage to be equipped yearly.

SEC. 8956–5 (added by act, page 719, Acts of 1913). Such common carrier shall, each year, from and after the first day of July, 1914, equip, in accordance with the provisions of this act [8956–3

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to 8956–6], at least fifteen per cent of the caboose cars in use on its railroad; but the public service commission is hereby authorized to grant to any common carrier, upon full hearing and for good cause shown, a reasonable extention [extension] of time in which to comply with the provisions of this act [8956–3 to 8956–6]: *Provided*, That in no case shall such extension in the aggregate exceed the period of one year from the time herein limited for compliance with this act.

Violation.

SEC. 8956–6 (added by act, page 719, Acts of 1913). Any person or common carrier violating any of the provisions of this act [8956–3 to 8956–6] shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Inspector of appliances.

SEC. 8957 (as amended by act, page 192, Acts of 1913). An inspector of automatic couplers, air brakes, automatic power brakes, and other safety appliances prescribed by law, on railroad locomotives, tenders, cars and similar vehicles, shall be appointed by the public service commission of Ohio. He shall hold office for two years, unless sooner removed for cause, and until his successor is appointed and qualified. When a vacancy occurs in the office such commission immediately shall fill it by appointment.

Qualifications.

SEC. 8958. No person shall be eligible to the office who is an officer or employee of a railroad company or owns or is interested, directly or indirectly, in the stocks or bonds of any railroad company, or who has not had at least seven years' experience in the transportation department on some line of railroad of more than thirty miles in length, operated in this State.

Bond.

SEC. 8959. Before entering on his duties, the inspector shall give bond to the State in the sum of three thousand dollars, with two or more sureties, or a bond and security company, acceptable to the State railroad commission, conditioned for the faithful performance of his duties. He also shall take the usual oath of office, which oath and bond with the approval of the commission endorsed thereon, shall be deposited with the secretary of state.

Salary.

SEC. 8960. Such inspector shall receive a salary of fifteen hundred dollars per year, and all necessary expenses, not exceeding one thousand dollars in any one year, which shall be paid in the manner now provided by law for the salary and expenses of the railroad commission. In addition to the fifteen thousand dollars now authorized for such State railroad commission, there shall be assessed yearly in the manner and upon the corporations as the law provides, the sum of two thousand, five hundred dollars to pay the salary and expenses herein provided for.

Office.

SEC. 8961. Such inspector shall have his office in the office of the railroad commission, and shall be under its supervision. In the performance of his duties he also shall have the right of passing upon all the railroads within the State, and upon all trains, and any part thereof free of charge.

Inspection.

SEC. 8962 (as amended by act, page 192, Acts of 1913). Such inspector shall inspect the couplers, air brakes, automatic power brakes, hand brakes, ladders, running boards, sill steps and handholds or grab irons on all locomotives, tenders, cars and similar vehicles found on any railroad in Ohio, and make weekly reports of his inspections to the public service commission, reporting all locomotives, tenders, cars and similar vehicles, giving number thereof, points of billing and final destination, road on which they are found, and the road owning them, if known, which are found to have defective appliance, describing the defect. On discovering such defective appliance he shall also immediately report it to the superintendent of the road on which it is found, and to the agent thereof at the nearest station, describing the defect. If such defective appliance be found on any locomotive, tender, car or similar vehicle which is then being used in interstate commerce, he shall under oath lodge with the United States district attorney of the district wherein such violation shall have been committed, all information of such violation and mail a like report to the interstate commerce commission, filing a copy thereof

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with the public service commission of Ohio. When any one of such appliances is lacking on any locomotive, tender, car or similar vehicle, this shall be deemed to be a defective appliance.

Repair of defects.

SEC. 8963 (as amended by act, page 192, Acts of 1913). A railroad whose superintendent or station agent receives such notice of such defective appliance shall cause it to be immediately repaired. The company shall be liable in damages to any person injured, for any injury received by reason of such defective appliance. Nothing in this chapter contained shall diminish the existing legal liability of railroads for injury to persons or property.

Condemnation of locomotives and cars.

SEC. 8964 (as amended by act, page 192, Acts of 1913). On the discovery of such defective appliance on any locomotive, tender, car or similar vehicle, such inspector may condemn such locomotive, tender, car or similar vehicle, and order it out of service until repaired and put in good working order. On receiving an order from the inspector condemning any locomotive, tender, car or similar vehicle, the employees of the road in charge thereof shall put it out of service at the first freight division terminal.

Failure to comply with order.

SEC. 8965 (as amended by act, page 192, Acts of 1913). A railroad company which fails to comply with such order, shall forfeit and pay to the State, in addition to the penalties prescribed in section 8954 of the General Code, the sum of twenty-five dollars for each day such defective appliance is kept in use, contrary thereto, to be collected in a civil suit in any county in the State where service of process can be had on such road. On request from the inspector, the attorney general or the prosecuting attorney of any county in which the company has a line of railroad shall immediately commence and prosecute, without unnecessary delay, proceedings to collect such sum. The sum so collected less ten per cent fees for collecting it, due such officer, shall be paid to the general revenue fund of the State.

Inspection of locomotive boilers required.

SEC. 8965-1 (added by act, page 328, Acts of 1910). Every person, firm or corporation operating a steam railroad wholly or in part within this State shall require thorough inspection to be made of the boilers and appurtenances of all locomotives which shall be used by such person, firm or corporation on such railroad within this State.

Specifications.

SEC. 8965-2 (added by act, page 328, Acts of 1910). All such boilers so used shall comply with the following requirements: The boilers and appurtenances shall be well made of good and suitable material; the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat, shall be of proper dimensions and free from obstructions; the spaces between and around the flues shall be sufficient; the flues, boiler, furnace, safety valves, fusible plugs, low-water indicators, feed-water apparatus, gauge cocks, steam gauges, and means of removing mud and sediment from the boiler, and all other machinery and appurtenances thereof shall be of such construction, shape, condition, arrangement and material that the same may be safely employed in the active service of such railroad without peril to life or limb.

Duties of inspectors.

SEC. 8965-3 (added by act, page 328, Acts of 1910). Each inspector shall satisfy himself by thorough examination that said requirements have been fully complied with. No boiler, pipe, nor any connections therewith shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defects, workmanship, age, use or other cause.

Quarterly inspections.

SEC. 8965-4 (added by act, page 328, Acts of 1910). Said inspections shall be made at least every three months under the direction of such person, firm or corporation operating such railroad, by persons of suitable qualifications and attainments to perform the services required of inspectors of boilers and who are able to form a reliable opinion of the strength, form, workmanship and suitableness of boilers to be employed without hazard of life from imperfections in the material, workmanship or arrangement of any part of such boiler and appurtenances.

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Rules.

SEC. 8965–5 (added by act, page 328, Acts of 1910). The State railroad commission shall have power to formulate rules and regulations for the uniform inspection and testing of boilers and their appurtenances, and for the qualifications and competency of inspectors of boilers under the provisions of this act. Copies of such rules and regulations shall be mailed to every person, firm or corporation operating a railroad by steam in this State. If it shall be ascertained by such inspection and test, or otherwise, that any locomotive boiler is unsafe for use, the same shall not again be used until it shall be repaired and made safe so as to comply with the requirements of this act.

State inspector.

SEC. 8965–6 (added by act, page 328, Acts of 1910). The railroad commission shall appoint a competent person as inspector of locomotive boilers, and such inspector shall, under the direction of the commission, have charge of the inspection of boilers and their appurtenances, of locomotives used in the operation of steam railroads within this State and shall perform such other duties in connection therewith as the commission shall direct. Said inspector shall be employed at a fixed compensation not exceeding one hundred and eighty dollars per month.

Certificates.

SEC. 8965–7 (added by act, page 328, Acts of 1910). Each inspector, if he shall approve of the boiler and the appurtenances throughout, shall make and subscribe his name to a written or printed certificate which shall contain the number of each boiler inspected, the date of its inspection, the condition of the boiler and appurtenances, and such details as may be required by the forms and regulations which shall be prescribed by the railroad commission. Every such certificate shall be verified by the oath of the inspector, and he shall cause said certificate to be filed in the office of the railroad commission within ten days after each inspection shall be made, and also a copy thereof with the officer or employee of such railroad having immediate charge of the operation of such locomotive boiler, which copy shall be placed by such officer or employee in a conspicuous place in the cab connected with the locomotive boiler inspected, and there kept framed under glass.

Violations.

SEC. 8965–8 (added by act, page 328, Acts of 1910). Every person, firm or corporation operating such railroad and violating any of the provisions of this act [Secs. 8965–1 to 8965–9] shall be liable to a penalty to be paid to the general revenue fund of the State, of one hundred dollars ($100.00) for each offense, and the further penalty of one hundred dollars ($100.00) for each day it or they shall omit or neglect to comply with said provisions; and the making or filing of a false certificate shall be a misdemeanor, and every inspector who willfully certifies falsely touching any steam boiler or appurtenances thereto belonging, or any matter or thing contained or required to be contained in any certificate signed and sworn to by him, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00).

Enforcement.

SEC. 8965–9 (added by act, page 328, Acts of 1910). It shall be the duty of the State railroad commission to enforce the provisions of this act [Secs. 8965–1 to 8965–9].

Wires over railroad lines.

SEC. 8975. Telegraph, telephone, electric light or other wires of any kind placed over the line of a steam railroad must be put on substantial poles of a size not less than twelve inches in diameter at the bottom and six inches at the top. They shall be set in the earth not less than one-sixth of their length and well tamped. Double cross arms must be used in all cases, all wires to be insulated with glass or porcelain insulators, securely fastened to both cross arms, and clear the top of the rails at least twenty-five feet. In trolley-wire crossings, such height as is agreed upon, and approved by the railroad commission shall govern. Where there is side strain, poles must be well guyed or braced.

SEC. 8976. The State railroad commission shall see that the provisions of the next preceding section are enforced, and for that

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Enforcement. purpose shall have power to cause the removal of telegraph, telephone, electric light or other wires placed over a railroad, not in accordance with such section.

Railroads—Intoxication of locomotive engineers.

Intoxicated engineers not to be employed. SECTION 9005. No person, company or corporation operating a railroad in whole or in part in this State directly, or by or through a representative, shall knowingly suffer or permit a person to run or in any capacity to operate a railroad locomotive on any part of his, their or its road in this State, who is intoxicated or in the habit of becoming intoxicated, or knowingly to continue the employment of a person in such capacity after he becomes or is intoxicated, while in charge of such locomotive.

Violation. SEC. 9006. For every violation of the next preceding section, the company, person or corporation operating such road, shall forfeit and pay to the State two hundred dollars to be recovered in its name in an action to be prosecuted in any county through which the road runs, by the prosecuting attorney thereof, who shall be entitled to twenty-five per cent of the recovery, and the balance shall be paid into the county treasury.

Hours of labor of employees on railroads.

Hours of labor and rest. SECTION 9007 (as amended by act, page 557, Acts of 1913). A company operating a railroad over thirty miles in length, interurban or street railway, over four miles in length, shall not permit a conductor, engineer, fireman, brakeman, or trainman on a train, or a telegraph operator, a conductor, or motorman on a street railway, who has worked as such for fifteen consecutive hours, again to go on duty or perform work until he has had at least eight hours' rest, except in cases of detention of trains or cars caused by accident, unavoidable or otherwise. And such companies shall so regulate the hours of employment of their employees, that each employee shall have at least eight consecutive hours of rest in each period of twenty-four hours.

Violation. SEC. 9008. A railroad company or corporation knowingly violating the provisions of the next preceding section shall be liable to a penalty of not less than five hundred nor more than one thousand dollars for the first offense, and for any subsequent offense, of not less than one thousand nor more than fifteen hundred dollars, to be recovered by civil action in the name of the State.

Railroads—Safety appliances.

Sufficient blocking required. SECTION 9009 (as amended by act, page 325, Acts of 1910). Every railroad corporation operating a railroad or part of a railroad within this State, shall adjust, fill, or block all angles in frogs, switches and crossings on its roads and in its yards, divisional and terminal stations where trains are made up, with sheet steel, wrought or malleable iron, or other metallic appliances, 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; and all such appliances or devices shall before installations be approved by the State railroad commission.

Violation. SEC. 9009–1 (added by act, page 325, Acts of 1910). Whoever, owning, operating or controlling a railroad fails to comply with the provisions of the next preceding section shall be subject to a penalty of twenty-five dollars for each and every day of such failure, to be recovered in a civil action, in the name of the State, and paid into the State treasury.

Liability of railroad companies for injuries to employees—Relief funds.

Waivers forbidden. SECTION 9010. No company created, under and by virtue of the laws of this State or of any other State or country [county], hav-

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ing and operating a line of railway in this State, shall establish, maintain or assist in establishing or maintaining a relief association or society, the rules or by-laws of which require of a person or employee becoming a member thereof to enter into an agreement or stipulation, directly or indirectly, whereby he stipulates or agrees to surrender or waive a right of damages against any railroad company for personal injuries or death, or to surrender or waive, in case he assets such claim for damages, any right whatever.

Rules, etc., operating as waivers.

SEC. 9011. No railroad corporation or company owning and operating, or operating a railroad shall adopt or promulgate a rule or regulation for the government of its servants or employees, or make or enter into an agreement with a person engaged in or about to engage in its service, wherein such employee in any manner, promises or agrees to hold such corporation or company harmless, on account of an injury he may receive by reason of accident to, breakage, defect or insufficiency in the cars or machinery and attachments thereto belonging on cars owned, operated, or run by such corporation, or company being defective.

Membership in association not to be compulsory.

SEC. 9012. No corporation directly or indirectly shall compel or require an employee to join any company or association whatsoever, or withhold any part of an employee's wages or his salary for the payment of dues or assessments in any society or organization, or demand or require either as a condition precedent to securing employment or being employed. Such railroad company shall not discharge an employee because he refuses or neglects to become a member of any society or organization. If an employee is discharged, at any time within ten days after receiving a notice thereof, he may demand the reason of such discharge, and the railroad company thereupon must give the reason to him in writing.

Waivers not to be demanded by society.

SEC. 9013. No railroad company insurance society or association, or other person shall demand, accept, or enter into an agreement or stipulation with a person about to enter, or in the employ of a railroad company whereby he stipulates or agrees to surrender or waive any right to damages against a railroad company, thereafter arising for personal injury or death, or whereby he agrees to surrender or waive in case he asserts such right, any other right.

Agreements void.

SEC. 9014. All rules, regulations, stipulations and agreements, declared unlawful by the next three preceding sections, are void. A corporation, association or person violating, or aiding or abetting the violation of either of such sections, for each offense shall forfeit and pay to the person thus wronged or deprived of his rights thereunder, not less than fifty nor over five hundred dollars, to be recovered by a civil action.

Operation of defective apparatus.

SEC. 9015. No railroad corporation knowingly or negligently shall use or operate a car or locomotive that is defective, or upon which the machinery or attachments thereto belonging are in any manner defective. If an employee of such corporation receives injury by reason of a defect in a car or locomotive, or the machinery or attachments thereto belonging, owned and operated, or being operated by such corporation, it shall be deemed to have had knowledge of such defect before and at the time such injury is so sustained. When such defect is made to appear in the trial of any action brought by such employee, or his legal representative, against a railroad corporation for damages on account of injuries so received, that fact shall be prima facie evidence of negligence on the part of such corporation.

Fellow servants defined.

SEC. 9016. In actions against a railroad company for personal injury to a person while in its employ, or for death resulting from such injury, arising from the negligence of such company, or any of its officers or employees, in addition to other liability, it shall be held that every person in the employ of such company, with actual power or authority to direct or control another employee thereof is not the fellow servant, but superior of such other employee. Every person, also, in the employ of such company who has charge or control of employees in a separate branch

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or department, is to be held to be the superior and not fellow servant of employees in another branch or department, who have no power to direct or control in the branch or department in which they are employed.

Company's liability.

SEC. 9017. Every railroad company operating a railroad which in whole or part is within this State shall be liable for all damages sustained by any of its employees by reason of personal injury or death of such employee:

Defects.

1. When such injury or death is caused by a defect in any locomotive, engine, car, hand car, rail, track, machinery or appliance required by such company to be used by its employees in and about the business of their employment, if such defect could have been discovered by reasonable and proper care, tests or inspection. Proof of such defect shall be presumptive evidence of knowledge thereof on the part of such company. An employee of such railroad company who is injured or killed as a result of such a defect, shall not be deemed to have assumed the risk occasioned thereby, although continuing in the employment of the company after knowledge of the defect; nor shall continuance in employment after such knowledge by an employee be deemed an act of contributory negligence.

Negligence of other employees.

2. While such employee is engaged in operating, running, riding upon or switching passenger, freight or other trains, engines or cars, and in the performance of his duties, and when such injury was caused by the carelessness or negligence of any other employee, officer or agent of such company, in the discharge of or for failure to discharge his duties as such.

Contributory negligence to be measured.

SEC. 9018. In all actions hereafter brought against a railroad company operating a railroad in whole or part within this State, for personal injury to an employee or where such injuries have resulted in his death, the fact that he was guilty of contributory negligence shall not bar a recovery when such negligence was slight and that of the employer greater, in comparison. But the damages must be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury.

Safety appliances on street railways.

Power brakes required.

SECTION 9149–1 (added by act, page 209, Acts of 1910). It shall be unlawful in the State of Ohio, for any corporation, company, person or persons owning or controlling the same, to operate, use or run or permit to be run, used or operated for carrying passengers or freight on an urban or interurban railroad or street car line, any car propelled by electricity, not equipped, in addition to the hand brake in use on such car, with an air or electric power brake or apparatus, capable of applying to all the brake shoes and wheels of such car a maximum permissible braking pressure, and of automatically reducing such braking pressure, as the speed of the car decreases. * * * It shall be the duty of the railroad commission of Ohio to enforce this act.

Violations.

SEC. 9149–2 (added by act, page 209, Acts of 1910). Any corporation, company, person or persons operating, using or running any car, or permitting any car to be operated, used or run, in violation of any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each such violation, to be recovered in a suit or suits which it shall be the duty of the prosecuting attorney of any county where such violation shall have been committed to prosecute such suit or suits to be brought by such prosecuting attorney upon verified information being lodged with him of such violation having occurred.

Liability of employers for injuries to employees—Insurance.

Rights of employees of insured employers.

SECTION 9510–1 (added by act, page 192, Acts of 1910). An employee, who has heretofore recovered or shall hereafter recover against his employer for injuries sustained while in the employ

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of his employer, and because of negligence of the employer, or negligence for which he or it is liable, shall be subrogated to all the rights of the employer under any contract or policy of insurance against loss or damage resulting to said employer from injury or death of an employee while in the service of such employer whether said person, copartnership or corporation contracting or issuing such policy of insurance has been made a party to the action for damages sustained or not.

Rights where death ensues.

SEC. 9510-2 (added by act, page 192, Acts of 1910). In case of the death of any employee by reason of the wrongful or negligent acts of his employer, or negligence or wrongful acts for which he is liable, then the personal representative or representatives of the deceased employee shall have all the rights and remedies that the employee would have had hereunder had death not resulted.

Exemption of wages from attachment.

SECTION 10253. * * *

What amount exempt.

9. * * * No attachment shall issue by virtue of this chapter against the personal earnings of any defendant for services rendered by such defendant within three months before the commencement of the action or the issuing of the attachment, unless the defendant is not the head or support of a family, or unless the amount of such earnings exceeds one hundred and fifty dollars, and then only as to the excess over that amount, or unless the claim is one for necessaries, and then for only ten per cent of such personal earnings.

Bond required when.

SEC. 10254. When the ground of attachment is, that the defendant is a foreign corporation, or not a resident of the county, or that the claim on which judgment is sought is for work or labor, the order may be issued without a bond, but, in all other cases, it shall not be issued until there has been executed in the justice's office, by one or more sufficient sureties of the plaintiff, to be approved by the justice, a bond not less than double the amount of the plaintiff's claim, to the effect that the plaintiff will pay the defendant all damages which he sustains by reason of the attachment, if the order is wrongfully obtained.

Suits for wages—Executions not to be stayed.

No stay, when.

SECTION 10403. Stay of execution on the following judgments shall not be allowed:

* * * * *

7. Judgments rendered in favor of any person for wages due for manual labor by him performed.

Wages as preferred claims—In administration, etc.

Order of payment of demands in administration.

SECTION 10714. Every executor or administrator shall proceed with diligence to pay the debts of the deceased, applying the assets in the following order:

1. The funeral expenses, those of the last sickness, and the expenses of administration;

2. The allowance made to the widow and children for their support for twelve months;

3. Debts entitled to a preference under the laws of the United States;

4. Public rates and taxes, and sums due the State for duties on sales at auction;

5. To every person who performed manual labor in the service of the deceased, before payment of the general creditors, the full amount of wages due to such person for such labor performed within twelve months preceding the decedent's death, not exceeding one hundred and fifty dollars;

6. Debts due to all other persons.

Procedure.

SEC. 10715. If there be not enough, after paying any one of such classes, to pay all the debts of the next class, the creditors of the latter class shall be paid ratably in proportion to their respective

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debts. No payment shall be made to creditors of one class, until all those of a preceding class or classes, of whose claims the executor or administrator has notice, are fully paid.

Wages to be paid first in assignments.

SEC. 11138. * * * Each person who has performed labor as an operative in the service of the assignor, within twelve months preceding the assignment, shall be entitled to receive out of the trust funds, before the paying of other creditors, the full amount of wages due for such labor, not exceeding three hundred dollars.

Exemption of wages from execution.

Three months' wages exempt.

SECTION 11725. Every person, who has a family, and every widow, may hold property exempt from execution, attachment or sale, for debt, damage, fine or amercement, as follows:

* * * * *

6. The personal earnings of the debtor, and the personal earnings of his or her minor child or children, for three months, when it is made to appear by affidavit of the debtor, or otherwise, that such earnings are necessary to the support of the debtor or of his or her family. Such period of three months shall date from the time of issuing an attachment or other process, the rendition of a judgment, or the making of an order, under which the attempt may be made to subject such earnings to the payment of a debt. If the claim, debt or demand for the payment of which it is sought to subject personal earnings, is one for necessaries furnished to the debtor, his wife or family, only ninety per cent of such earnings shall be so exempt as against such claim, debt or demand. Nothing herein contained shall render the personal earnings of such debtor's minor child or children, for three months, subject to its payment.

* * * * *

Garnishment of wages—Railroad employees.

Procedure.

SECTION 11761. The plaintiff, his agent or attorney, in a judgment against a railroad company, rendered in any court, upon a claim due to the common laborers for work and labor performed for the company, * * * may file his affidavit, with a precipe, setting forth the claim upon which the judgment is founded, that he has no knowledge of any property of the defendant liable to levy and sale upon the execution, and that a person or corporation, therein named, and within the jurisdiction of the officer to whom the execution is to be directed, is indebted to the defendant, or has property or claims of the defendant, in his possession or under his control, as agent of the defendant, or otherwise. Thereupon the clerk shall issue a notice to each person or corporation named, to the effect that he is required to pay over and deliver to the officer holding such writ the money, property, and claims of the defendant, in his possession or under his control, or which may come into his possession or under his control before the satisfaction of the judgment, not exceeding an amount sufficient to pay it and the costs.

Exemption of wages from levy—Suits.

Three months' wages exempt.

SECTION 11781. The judge may order any property of the judgment debtor or money due to him, not exempt by law, in the hands either of himself or other person, or of a corporation, to be applied toward the satisfaction of the judgment, but the earnings of the debtor for his personal services, within three months next preceding the order, can not be applied when it is made to appear by the affidavit of the debtor or otherwise, that such earnings are necessary for the use of a family supported wholly or partly by his labor; except that, if the judgment is one for necessaries furnished to the debtor, his wife, or family, an amount equal to ten per cent of such earnings may be ordered to be applied toward its satisfaction.

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Attachment in suits for wages.

SEC. 11819. In a civil action for the recovery of money, at or after its commencement, the plaintiff may have an attachment against the property of the defendant upon any one of the grounds herein stated:

* * * * *

11. That the claim is for work or labor, or for necessaries.

* * * * *

Inspection and regulation of factories, etc.—Explosives.

When manufacture or storage an offense.

SECTION 12536. Whoever manufactures gunpowder, blasting powder, dynamite, nyalite, jovite, dynalite, fulminates, nitroglycerine, nitroexplosive compounds, chlorate of potash explosive compounds, picric acid explosive compounds, or other explosive substance, or stores more than one hundred pounds thereof within the limits of a municipal corporation, or within sixty rods of a factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, or building in which people are accustomed to assemble, or manufactures it within ten rods of an adjoining property not owned or leased by such manufacturer, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Storage about plant.

SEC. 12537. The distance at which explosives described in the next preceding section, may be stored with relation to the factories, workshops and other buildings owned and used solely for the purpose of manufacturing such explosives, as a part of a manufacturing plant, shall not be governed by the above provision as to distance but shall be determined and regulated by the chief inspector of workshops and factories upon inspection of the district inspector of explosives.

Railroads—Bridges, etc. over tracks.

Violation of law.

SECTION 12546. Whoever violates any provision of law relating to the height of bridges, viaducts, overhead roadways, foot bridges, wires or other structures constructed over the tracks of a railroad by a county, municipality, township, railroad company or other private corporation, or person, shall be fined not less than one hundred dollars nor more than one thousand dollars. Each day such structure or wire is permitted to so remain in violation of law shall constitute a separate offense.

Railroad employees—Color blindness—Illiteracy.

Color blindness.

SECTION 12548. Whoever, being a railroad company, contracts to employ a person in a position which requires him to distinguish form or color signals, unless within two years next preceding such date he has been examined for color blindness in the distinct colors in actual use by such company by a competent person employed and paid by it and has received a certificate that he is not disqualified for such position by color blindness in the colors used by it or fails to require such person to be reexamined at least once each two years at the expense of such company, shall be fined one hundred dollars. This section shall not prevent a railroad company from continuing in its employment an employee having defective sight when such defective sight can be fully remedied by the use of glasses or by other means satisfactory to the person making such examination.

Inability to read, etc.

SEC. 12551. Whoever, owning, operating or controlling a railroad, employs as a flagman, hostler or assistant hostler, a person who can not read, write and speak the English language, shall be fined not less than five hundred dollars nor more than one thousand dollars. This section shall not apply to flagmen at street or highway crossings.

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Railroads—Safe clearance along roadway.

Mail cranes, etc.

SECTION 12552. Whoever, owning, operating or controlling a railroad, erects or permits to be erected, places or maintains along the line of said railroad, a mail crane or live-stock chute any portion of which approaches nearer than eighteen inches to the nearest point of contact with the cab of the widest locomotive used on such railroad, shall be fined not less than five hundred dollars nor more than one thousand dollars.

Railroads—Sufficient crews for trains.

Crew required for passenger trains.

SECTION 12553 (as amended by act, page 508, Acts of 1911). Whoever, being superintendent, train master, or other employee of a railroad company, sends or causes to be sent outside of yard limits, a passenger train of not more than five cars, any one of which carries passengers, with a crew consisting of less than one engineer, one fireman, one conductor and one brakeman, and if four of said cars are day coaches carrying passengers, or if in a train of more than five cars, three or more of which are day coaches carrying passengers, or a train of more than six cars, four of which are carrying passengers, or a train of more than seven cars, two or more of which are carrying passengers, or any train with six or more cars carrying passengers with less than one additional brakeman; regularly employed as such, or, if when more than two cars, either of which carries passengers, requires a brakeman to perform the duties of baggage-master or express agent, shall be fined not less than twenty-five ($25) dollars for each offense.

For the purpose of this act, a combination mail or baggage and passenger car shall be regarded as a day coach, but straight dining cars and private cars shall not be regarded as cars carrying passengers.

Exception.

SEC. 12554 (as amended by act, page 508, Acts of 1911). The next preceding section shall not apply to trains picking up a car between terminals in this State, or to cars propelled by electricity.

Freight trains.

SEC. 12556. Whoever, being a superintendent or other employee of a railroad company, sends or causes to be sent outside of yard limits, on a road over which are run more than four freight trains in every twenty-four hours, a through freight train with less than one engineer, one fireman, one conductor and two brakemen, or a light engine without cars, to run a distance of more than twenty-five miles from starting point, with less than one engineer, one fireman and one conductor or flagman, shall be fined not less than twenty-five dollars for each offense.

Switching engines.

SEC. 12557–1 (added by act, page 191, Acts of 1913). It shall be unlawful for any common carrier owning or operating an engine or locomotive used to switch cars, to operate such engine or locomotive handling cars in any railroad yard or on any railroad track within the limits of this State unless, each and every such engine or locomotive, while so handling or switching such cars, shall be manned with a full crew of competent employees, which crew shall consist of at least one engineer, one fireman, one conductor, and two helpers; and no such employee shall be detailed to more than one engine at the same time or be put to any other service unless his place be filled by another competent employee, or the engine laid up while short handed, except that in case of the sudden disability of a member of such crew through sickness, accident or death the employer shall have three hours at terminals and six hours at outlying points in which to replace such member, during which time such engine may be operated short handed.

Violation by company.

SEC. 12557–2 (added by act, page 191, Acts of 1913). That any common carrier upon conviction of the violation of this act shall be fined not less than one hundred dollars and not more than five thousand dollars in the discretion of the court.

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SEC. 12557-3 (added by act, page 191, Acts of 1913). That any superintendent, assistant superintendent, trainmaster, yardmaster, or any other employee having authority over the movement of any engine or locomotive who shall authorize the violation of this act, or who shall knowingly permit the violation of this act, shall upon conviction be fined not to exceed three hundred dollars or imprisoned not to exceed eighteen months or both at the discretion of the court. Violation by individual.

Railroads—Safety appliances.

SECTION 12558. Whoever, owning, operating or controlling a railroad, fails to equip each locomotive in use thereon with a self-cleaning ash dump pan of modern and approved pattern and design, or requires an engineer or fireman to go under a locomotive for the purpose of removing ashes except in cases of emergency, shall be fined not less than five hundred dollars nor more than one thousand dollars. This section shall not apply to a person, firm or corporation which does not require engineers or firemen to go under the engine for the purpose of removing ashes therefrom, except in cases of emergency. Ash dump pans.

SEC. 12559. Engines in use prior to January first, 1907, shall be equipped as provided in the next preceding section only in case it is practicable so to do. Old engines excepted, when.

SEC. 12562. Whoever, being a superintendent, conductor or other officer or employee of a railroad company, refuses or neglects, upon receiving notice from the inspector appointed by the railroad commission, of a defective coupler or brake, to have it repaired forthwith, or, on receiving notice from such inspector, condemning a car, tender or engine, fails to put it out of service at the first freight division terminal, or violates any other provision of law in relation to automatic couplers and air brakes, shall be fined not less than twenty-five dollars nor more than five hundred dollars, and be personally liable for any injuries resulting to any employee therefrom. Refusal to lay off condemned car, etc.

Mine regulations—Qualifications of employees.

SECTION 12563. Whoever works by himself as a miner in a coal mine, without having produced satisfactory evidence to the mine boss thereof that he has worked at least one year with, or as, a practical coal miner, shall be fined not less than twenty-five dollars nor more than two hundred dollars. This section and the next succeeding section shall apply only to mines generating fire damp, gas or combustible matter. Inexperienced miners working.

SEC. 12564. Whoever, being a mine boss of a coal mine, permits any one to mine coal therein until he has become duly qualified, or unless he is accompanied by a competent coal miner, shall be fined not less than twenty-five dollars nor more than two hundred dollars. Employment.

Protection of employees on buildings.

SECTION 12576. Whoever, being the owner, lessee, agent, factor, architect or contractor engaged in and having supervision or charge of the building, erection or construction of a block, building or structure, neglects or refuses to place or have placed upon the joists of each story thereof, as soon as joists are in position, counterfloors of such quality and strength as to render perfectly safe the going to and from thereon of all mechanics, laborers and other persons engaged upon the work of construction, supervision or in placing materials therefor, shall be fined not less than twenty-five dollars nor more than two hundred dollars. Neglect to place counter floors.

SEC. 12577 (as amended by act, page 450, Acts of 1911). Each day that such person neglects or refuses to have such counterfloors so placed, after notice given by a building inspector, a chief inspector or deputy inspector of the city building inspection departments in cities where such department is organized, or by the Continued refusal.

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chief inspector or deputy inspector of workshops and factories of the State, in cities where such departments are not organized, or from a person whose life or personal safety may be endangered by such neglects or refusal, shall be a separate offense.

Scaffolding, etc.

SEC. 12593 (as amended by act, page 114, acts of 1911). Whoever, employing or directing another to do or perform labor in erecting, repairing, altering or painting a house, building or other structure, knowingly or negligently furnishes, erects or causes to be furnished for erection for and in the performance of said labor unsuitable or improper scaffolding, hoists, stays, ladders or other mechanical contrivances which will not give proper protection to the life and limb of a person so employed or engaged, shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

Safety rails.

SEC. 12594. If such scaffolding or staging as described in the next preceding section, swung or suspended from an overhead support or supports, is more than twenty feet from the ground floor it shall not be deemed to give proper protection to the life and limb of persons employed or engaged thereon unless, when in use, it has a safety rail rising at least thirty-four inches above the floor or main portion extending along the outside thereof, and properly attached thereto, and is provided with braces strong enough to sustain the weight of a man's body against it and to prevent such scaffolding or staging from swaying from the building or structure.

Protection of employees on street railways.

Vestibules.

SECTION 1278S. Whoever, being an officer, agent or employee of a corporation or association, directs or permits to be operated during the months of November, December, January, February and March, an electric car other than a trail car, unprovided at the forward end with a screen of glass or other material sufficient to completely protect from wind and storm the motorman or other person stationed there for guiding and operating such car, or fails to maintain a temperature at all times of not less than sixty degrees Fahrenheit therein, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each day such car is so unprovided.

Exemption of wages—Unlawful assignments of claims.

Assignments unlawful.

SECTION 12862 (as amended by act, page 114, Acts of 1911). Whoever, sells, assigns or transfers a claim or debt against a resident of this State for the purpose of having it collected by proceeding in attachment in courts outside the State, or, with intent to deprive a resident of this State of a right to have his personal earnings exempt from application to the payment of his debts, sends out of this State a claim or debt against such person for such purpose, where the creditor and debtor and the person or corporation owning [owing] the money intended to be reached by such proceedings are within the jurisdiction of the courts of this State, shall be fined not less than twenty dollars nor more than fifty dollars.

Purchase of claim.

SEC. 12863 (as amended by act, page 115, Acts of 1911). Whoever purchases a claim or debt against a resident of this State for the purpose of having it collected by proceedings in attachment in courts outside of this State, or with the intent to deprive a resident of this State of the right to have his personal earnings exempt from application to the payment of his debts, where the creditor and debtor and the person or corporation, owing the money intended to be reached by such proceedings, are within the jurisdiction of the courts of this State, shall be fined not less than twenty dollars nor more than fifty dollars.

Evidence of violation.

SEC. 12864. The assignment, sale, transfer or sending of a claim mentioned in the next two preceding sections, to a person not a resident of this State, and the commencement of proceedings in attachment thereupon shall be prima facie evidence of a violation of such sections.

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Recovery of costs.

SEC. 12865. A person whose personal earnings are attached in a proceeding described in sections twelve thousand eight hundred and sixty-two and twelve thousand eight hundred and sixty-three, may recover the amount attached and costs paid by him in such attachment proceeding, either from the person so assigning, selling, transferring or sending such claim out of this State, or the person to whom such claim is assigned, sold, transferred or sent, or both.

Protection of employees as members of labor organizations.

Preventing employees from joining unions.

SECTION 12943. Whoever, being a member of a firm, or agent, officer or employee of a company, corporation or person, prevents employees from forming, joining or belonging to a lawful labor organization, or coerces or attempts to coerce employees by discharging or threatening to discharge them from their employ, or the employ of a firm, company or corporation because of their connection with such labor organization, shall be fined not more than one hundred dollars or imprisoned not more than six months, or both.

Protection of employees as traders—Payment of wages.

Coercion in trading.

SECTION 12944. Whoever compels, seeks to compel or attempts to coerce an employee of himself or another, to purchase goods or supplies from a particular person, firm or corporation, shall be fined not less than twenty dollars nor more than one hundred dollars or imprisoned not more than sixty days, or both.

Sales of goods by employer.

SEC. 12945. Whoever sells goods or supplies to his employee, or pays such employee wages or a part thereof in goods or supplies, directly or through the intervention of scrip, orders or other evidence of indebtedness, at higher prices than the reasonable or current market value in cash of such goods or supplies, or, without an express contract with his employee, deducts or retains the wages of such employee, or a part thereof, for ware, tools or machinery destroyed or damaged, shall be fined not less than twenty dollars nor more than one hundred dollars or imprisoned not more than sixty days or both.

Deduction from wages.

Double liability.

SEC. 12946. A person violating either of the next two preceding sections shall also be liable to the party aggrieved in double the amount of charges made for such ware, tools and machinery, or for the amount received for such goods or supplies in excess of the reasonable or current market value in cash thereof.

Semimonthly pay day.

SEC. 12946–1 (added by act, page 154, Acts of 1913). Every individual, firm, company, copartnership, association or corporation doing business in the State of Ohio, who employ five or more regular employees, shall on or before the first day of each month pay all their employees engaged in the performance of either manual or clerical labor the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and shall on or before the fifteenth day of each month pay such employees the wages earned by them during the last half of the preceding calendar month: *Provided, however*, That if at any time of payment an employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, such person shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and where such pay is due: *Provided*, Nothing herein contained shall be construed to interfere with the daily or weekly payment of wages.

Waivers forbidden.

SEC. 12946–2 (added by act, page 154, Acts of 1913). No such corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this act [12946–1 to 12946–2], and no assignments of future wages, payable semimonthly under these provisions shall be valid, but nothing in this act [12946–1

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to 12946–2] shall prohibit the assignment by an employee of ten per centum of his personal earnings, earned or unearned, to apply on a debt for necessaries. Whoever violates the provisions of this act [12946–1 to 12946–2] shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

Enforcement.

SEC. 12947. The prosecuting attorney, upon complaint made to him of a violation of sections twelve thousand nine hundred and forty-four or twelve thousand nine hundred and forty-five, shall cause such complaint to be investigated before the grand jury.

Protection of employees as voters.

Bribery, etc., by an employer for vote on liquor question.

SECTION 12948. Whoever bribes, boycotts, or intimidates or attempts to bribe, boycott or intimidate or removes or threatens to remove a person in his employ or under his control, in order to secure his signature to a petition in favor or against prohibiting the sale of intoxicating liquor as a beverage in a residence district of a municipal corporation or to keep such person from signing such petition, shall be fined not less than one hundred dollars nor more than five hundred dollars. The signature of the person thus secured to such petition shall be stricken therefrom.

What absences allowed on election day.

SEC. 12949 (amended by act, page 94, Acts of 1913). Whoever, being an employer, his officer, or agent, discharges an elector because he fails or refuses to labor on the first Tuesday after the first Monday in November, between the hours of twelve o'clock noon, central standard time, and five-thirty o'clock p. m., central standard time, or requires or orders any elector in his employ to accompany him to a voting place upon such day, or who refuses to permit such elector to serve as an election official on any election day, shall be fined not more than twenty-five dollars.

Two hours' time to vote.

SEC. 12950. Whoever refuses a person in his employ, entitled to vote at a general election, permission to absent himself from the service or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls on the days of such election or subjects such person so employed to a penalty for so absenting himself when he has applied for such permission prior to the day of such election, shall be fined not less than five dollars nor more than one hundred dollars. Such employer may specify the hours during which such employee may so absent himself.

Intimidation, etc.

SEC. 12951. Whoever uses or threatens to use force, violence or restraint, or inflicts or threatens to inflict injury, damage, harm or loss upon, or threatens to enforce the payment of a debt against, or begins a criminal prosecution against, or injures the business or trade of, or practices intimidation upon or against a person in order to induce or compel such person to vote or refrain from voting, or to vote or refrain from voting for a particular candidate, or, being an employer of laborers or an agent of such employer, does any of such acts or threatens to withhold or reduce the wages of, or to dismiss from service an employee in order to induce or compel such employee to vote or refrain from voting for a particular candidate at an election, or, by duress, constraint or improper influence, or by a fraudulent or improper device or contrivance, impedes, prevents or interferes with the free exercise of the elective franchise by an elector, shall be fined not more than two thousand dollars or imprisoned in the penitentiary not more than three years, or both.

Testimony.

SEC. 12952. A person violating any provision of the next two preceding sections is a competent witness against another person so offending and may be compelled to attend and testify upon a trial, hearing or investigation. The testimony so given shall not be used in a prosecution or proceeding, civil or criminal, against the person so testifying.

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Employment of children.

Acrobatic, mendicant, etc., occupations.

SECTION 12968 (amended by act, page 864, Acts of 1913). Whoever takes, receives, hires, employs, uses, exhibits, sells, apprentices, gives away, lets out or otherwise disposes of a child, under the age of fourteen years for or in the vocation, occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, taking any part in, or appearing in connection with a moving-picture exhibition or performance given in a theatre or place of public amusement, begging or peddling or as a gymnast, contortionist, rider or acrobat, or for an obscene, indecent or immoral purpose, exhibition or practice, or for or in a business exhibition or vocation injurious to the health or dangerous to the life or limb of such child or causes, procures or encourages such child to engage therein, or causes or permits such child to suffer or inflicts upon it unjustifiable physical pain or mental suffering, or has such child in custody for any of such purposes, shall be fined not more than two hundred dollars or imprisoned not more than six months, or both.

Exemption.

SEC. 12969 (as amended by act, page 413, Acts of 1911). Section 12968 of the General Code shall not apply to or affect the taking part without remuneration of such child with the consent of its parents or guardian in a church, or any school or academy, or at a concert or entertainment given for charitable purposes, or by a church or any school, academy, charitable, eleemosynary or religious institution.

Penalty.

SEC. 12972. Whoever willfully causes or permits the life or limb of a child under the age of sixteen years to be endangered, its health to be injured or its morals to become depraved, from and while actually in his employ, or willfully permits such child to be placed in such a position or engage in employment whereby its life or limb is in danger, its health likely to be injured or its morals likely to be impaired or depraved, shall be fined not less than ten dollars nor more than fifty dollars or imprisoned not less than thirty days nor more than ninety days.

Enforcement.

SEC. 12973. The State inspector of workshops and factories shall enforce the provisions of the next preceding section.

Failure to require certificate.

SEC. 12975 (as amended by act, page 310, Acts of 1910). Whoever employs a minor under sixteen years of age before exacting from such minor the age and schooling certificate provided by law, or fails to keep such certificate on file, or who fails to return to the superintendent of schools or the person authorized by him such certificate within two days from such minor's withdrawal or dismissal from his services as provided in section seventy-seven hundred and sixty or to permit a truant officer, upon request therefor, to examine such certificate, shall be fined not less than twenty-five dollars nor more than fifty dollars.

Illiterates.

SEC. 12976. Whoever employs, during the time a public, private or parochial school is in session in the school district in which such minor resides, a minor over the age of fourteen and under the age of sixteen years who can not read and write the English language as provided by law; or whoever, employing such minor, fails forthwith to cease such employment upon notice from a truant officer as provided by law, shall be fined not less than twenty-five dollars nor more than fifty dollars.

Violation by officer of corporation.

SEC. 12982. Whoever, being an officer or agent of a corporation, violates any provision of law relating to the compulsory education or employment of minors, or participates or acquiesces in, or is cognizant of such violation, where a specific penalty is not otherwise provided by law, shall be fined not less than twenty-five dollars nor more than fifty dollars.

General penalty.

SEC. 12983. Whoever violates any provision of law relating ot [to] the compulsory education or employment of minors, for which a specific penalty is not provided by law, shall be fined not more than fifty dollars.

Retaining wages.

SEC. 12989. Whoever, being a person, officer or agent of a company or corporation doing business in this State, retains or with-

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holds from a minor in his employ the wages or compensation, or a part thereof, agreed to be paid and due such minor for work performed or services rendered, because of presumed negligence or failure to comply with rules, breakage of machinery or alleged incompetence to produce work or perform labor according to any standard of merit, shall be fined not more than two hundred dollars or imprisoned in the county jail not more than six months, or both.

Accepting guarantees, etc.

SEC. 12990. Whoever, being a person, officer or agent of a company or corporation, receives a guarantee, bonus, money deposit or other form of security to obtain or secure employment for a minor or to insure faithful performance of labor, guarantee strict observance of rules or make good losses which may be charged to such minor's incompetence, negligence or inability, shall be fined not more than two hundred dollars or imprisoned in the county jail not more than six months, or both.

Employment without agreement as to wages.

SEC. 12991. Whoever, being a person, officer or agent of a company or corporation, gives employment to a minor, without agreeing with him as to the wages or compensation he shall receive for each day, week, month or year, or per piece, for work performed and without furnishing such minor with written evidence of such agreement and, on or before each pay day, with a statement of the earnings due and the amount thereof to be paid to him or changes the wages or compensation of a minor without giving him notice thereof at least twenty-four hours previous to its going into effect, when a written agreement thereof shall be given to such minor as for an original employment, shall be fined not more than two hundred dollars or imprisoned in the county jail not more than six months, or both.

Enforcement.

SEC. 12992. The inspector of workshops and factories shall enforce the provisions of the next three preceding sections.

Age limit.

SEC. 12993 (as amended by act, page 864, Acts of 1913). No male child under fifteen years or female child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any (1) mill, (2) factory, (3) workshop, (4) mercantile or mechanical establishments, (5) tenement house, manufactory or workshop, (6) store, (7) office, (8) office building, (9) restaurant, (10) boarding house, (11) bakery, (12) barber shop, (13) hotel, (14) apartment house, (15) bootblack stand or establishment, (16) public stable, (17) garage, (18) laundry, (19) place of amusement, (20) club, (21) or as a driver, (22) or in any brick or lumber yard, (23) or in the construction or repair of buildings, (24) or in the distribution, transmission or sale of merchandise, (25) nor any boy under fifteen or female under twenty-one years in the transmission of messages.

Employment during school hours.

It shall be unlawful for any person, firm or corporation to employ, permit or suffer to work any child under fifteen years of age in any business whatever during any of the hours when the public schools of the district in which the child resides are in session.

Age and schooling certificate.

SEC. 12994 (as amended by act, page 864, Acts of 1913). No boy under sixteen years of age and no girl under eighteen years of age shall be employed or permitted to work on or in connection with the establishments mentioned in section 12993 of the General Code, or in the distribution or transmission of merchandise or messages unless such employer first procures from the proper authority the age and schooling certificate provided by law.

Filing.

SEC. 12995 (as amended by act, page 864, Acts of 1913). The certificate mentioned in the section 12994 shall be filed in the office of such establishment and shall be produced for inspection upon

Return.

request therefor by the chief or district inspector of workshops and factories or a truant officer and shall be returned forthwith to the superintendent of schools or other persons legally issuing it, by the person in charge or manager of such establishment upon the termination of the employment of such minor. Upon failure on the part of the employer so to return said certificate within two days, the child terminating his employment shall be entitled

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to recover from such employer in a civil action as damages an amount equal to the wages which he would have earned had he continued in said employment for the period between such termination thereof and the time when such certificate is so returned. If such child at any time fails to appear for work without explanation, the employment shall be deemed within the purposes of this section to have terminated upon the expiration of two days after his so failing to appear.

Hours of labor.

SEC. 12996 (as amended by act, page 864, Acts of 1913). No boy under the age of sixteen and no girl under the age of eighteen years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 12993 (1) for more than six days in any one week, (2) nor more than forty-eight hours in any week, (3) nor more than eight hours in any one day, (4) or before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening. The presence of such child in any establishment during working hours shall be prima facie evidence of its employment therein. No boy under the age of eighteen years or girl under the age of twenty-one years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 12993 (1) for more than six days in any one week, (2) nor more than fifty-four hours in any week (3) nor more than ten hours in any one day, (4) or before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening. In estimating such periods, the time spent at different employments or under different employers shall be considered as a whole and not separately.

Nightwork.

SEC. 12996–1 (added by act, page 864, Acts of 1913). No person having charge or management of a telephone, telegraph or messenger office or company shall employ a boy under the age of eighteen years to work as a messenger in connection with such office or company before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day.

Time for meals.

SEC. 12997 (as amended by act, page 864, Acts of 1913). A boy or girl employed as provided in section 12996–1, shall be entitled to not less than thirty consecutive minutes for mealtime within five hours from the time of beginning work which shall not be included as a part of the work hours of the day or week.

Lists of children.

SEC. 12998 (as amended by act, page 864, Acts of 1913). 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 12993 unless the person, firm or corporation employing such child 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.

Notice of hours to be posted.

Every employer shall post and keep posted in a conspicuous place in every room where any boy under the age of eighteen, or any girl under the age of twenty-one is employed, permitted or suffered to work a printed notice stating the maximum number of hours such person may be required or permitted to work on each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or for other meals. The printed form of such notices shall be furnished by the chief inspector of workshops and factories and the employment of any minor for a longer time in any day than 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.

Notice furnished by inspector.

SEC. 12999 (as amended by act, page 864, Acts of 1913). The notice provided in section 12998 shall be formulated by the chief inspector of workshops and factories, approved by the attorney general and furnished by such inspector upon application therefor.

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Failure to produce certificate.

SEC. 13000. Failure to produce for lawful inspection the age and schooling certificate as provided by law, or the record as provided in section twelve thousand nine hundred and ninety-eight, shall be prima facie evidence of the illegal employment or service of the child whose certificate is not so produced or whose record is not so correctly kept.

Occupations forbidden.

SEC. 13001 (as amended by act, page 864, Acts of 1913). No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or any of the following positions: (1) adjusting any belt to any machinery; (2) sewing or lacing machine belts in any workshop or factory; (3) oiling, wiping or cleaning machinery or assisting therein; (4) operating or assisting in operating any of the following machines: (a) circular or band saws; (b) wood shapers; (c) wood jointers; (d) planers; (e) sandpaper or wood-polishing machinery; (f) wood turning or boring machinery; (g) picker machines or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper-lace machines; (j) leather-burnishing machines; (k) job or cylinder printing presses operated by power other than foot power; (l) boring or drill presses; (m) stamping machines used in sheet metal and tinware, or in paper and leather manufacturing, or in washer and nut factories; (n) metal or paper cutting machines; (o) corner staying machines in paper box factories; (p) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power punches or shears; (v) washing, grinding or mixing machinery; (w) calendar [calender] rolls in paper and rubber manufacturing; (x) laundering machines; (y) burring machines; (5) or in proximity to any hazardous or unguarded belts, machinery or gearing; (6) or upon any railroad, whether steam, electric or hydraulic; (7) or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this State.

Same subject.

SEC. 13002 (as amended by act, page 864, Acts of 1913). No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity (1) in, about or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture or packing of paints, colors, white or red lead; (3) nor in soldering; (4) nor in occupations causing dust in injurious quantities; (5) nor in the manufacture or use of dangerous or poisonous dyes; (6) nor in the manufacture or preparation of compositions with dangerous or poisonous gases; (7) nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (8) nor on scaffolding; (9) nor in heavy work in the building trades; (10) nor in any tunnel or excavation; (11) nor in, about or in connection with any mine, coal breaker, coke oven, or quarry; (12) nor in assorting, manufacturing or packing tobacco; (13) nor in operating any automobile, motor car or truck; (14) nor in a bowling alley; (15) nor in a pool or billiard room; (16) nor in any other occupation dangerous to the life and limb, or injurious to the health or morals of such child.

Board of health to determine dangerous employments.

SEC. 13003 (as amended by act, page 864, Acts of 1913). The State board of health may, from time to time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination.

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Constant standing prohibited.

SEC. 13005 (as amended by act, page 864, Acts of 1913). No female under the age of twenty-one years shall be engaged or permitted to work at any employment which compels her to remain standing constantly while on duty.

Access to premises.

SEC. 13006 (as amended by act, page 864, Acts of 1913). No female visitor, truant officer, factory inspector or other officer thereunto authorized by this chapter shall be prevented, as provided by law, from entering, at any time, a shop, factory or mercantile establishment for the purpose of making a lawful inspection thereof.

Children apparently under age.

SEC. 13007–1 (added by act, page 864, Acts of 1913). An inspector of factories, truant officer, or other officer 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 furnish him, within ten days, satisfactory evidence that such child is in fact over sixteen years of age. The inspector of factories, truant officer or other officer charged with the enforcement of this act, 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: *Provided*, That nothing herein contained shall be construed as permitting any of the acts prohibited by other sections of this chapter or as in any way exempting such employer from prosecution under other sections of this chapter.

Evidence of illegal employment.

SEC. 13007–2 (added by act, page 864, Acts of 1913). In case any employer shall fail to produce and deliver to a factory inspector, truant officer, or other officer charged with the enforcement of this act, within ten days after demand made pursuant to section 13007–1 * * * , the evidence of age therein required, proof of the making of such demand 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.

Employments forbidden under 18.

SEC. 13007–3 (added by act, page 864, Acts of 1913). No child under the age of eighteen years shall be employed, permitted or suffered to work (1) in, about or in connection with blast furnaces, docks, or wharves; (2) in the outside erection and repair of electric wires; (3) in the running or management of elevators, lifts or hoisting machines or dynamos; (4) in oiling or cleaning machinery in motion; (5) in the operation of emery wheels or any abrasive, polishing or buffing wheel where articles of the baser metals or iridium are manufactured; (6) at switch tending; (7) gate tending; (8) track repairing; (9) or as brakemen, firemen, engineers, motormen or conductors upon railroads; (10) or as railroad telegraph operators; (11) as pilots, firemen or engineers upon boats and vessels; (12) or in or about establishments wherein nitroglycerine, dynamite, dualin, guncotton, gun powder, or other high or dangerous explosives are manufactured, compounded or stored; (13) or in the manufacture of white or yellow phosphorus or phosphorus [phosphorous] matches; (14) or in any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (15) or in any hotel, theater, concert hall, place of amusement, or any other establishment where intoxicating liquors are sold; (16) nor any boy under sixteen or girl under eighteen in any theater or other place of amusement, except on the stage thereof when not otherwise prohibited by law.

Board of health to determine dangerous employments.

SEC. 13007–4 (added by act, page 864, Acts of 1913). The State board of health may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under eighteen years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture

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or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under eighteen years of age to justify their exclusion therefrom.

No child under eighteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination.

Employment of minors in saloons.

SEC. 13007–5 (added by act, page 864, Acts of 1913). No person 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 or to handle intoxicating liquors in any way.

Employment of females in mines, etc.

SEC. 13007–6 (added by act, page 864, Acts of 1913). No female under twenty-one years of age shall be employed, permitted or suffered to work in or about any (1) mine, (2) quarry, (3) or coal breaker, except in the office thereof, (4) or in oiling or cleaning machinery while in motion.

Enforcement.

SEC. 13007–7 (added by act, page 864, Acts of 1913). It shall be the duty of factory inspectors, truant officers and other officers charged with the enforcement of laws relating to the employment of minors, to make complaints against any person violating any of the provisions of this act [12993 to 13007–14] 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.

False statements.

SEC. 13007–8 (added by act, page 864, Acts of 1913). Any person who with the intent to assist a minor to procure employment, knowingly makes a false statement regarding the age of such minor either to an employer of labor or to an officer authorized to issue age and schooling certificates as provided by law, shall be fined not less than twenty-five nor more than fifty dollars.

Violations.

SEC. 13007–9 (added by act, page 864, Acts of 1913). 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 foreman, employs any child or girl under the age of twenty-one and whoever having under his control as parent, guardian, custodian or otherwise, any child, permits or suffers such child or girl to be employed or to work in violation of any of the provisions of this chapter [11], shall, for a first offense be punished by a fine of not less than five nor more than fifty dollars; for a second offense by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Continued violation.

SEC. 13007–10 (added by act, page 864, Acts of 1913). Whoever continues to employ any child or girl under 21 in violation of any of the provisions of this chapter [11], after being notified thereof in writing by a factory inspector, truant officer or other officer charged with the enforcement of this act [12993 to 13007–14], shall, for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars.

Failure to procure and keep employment certificates.

SEC. 13007–11 (added by act, page 864, Acts of 1913). Every employer who fails to procure and keep on file employment certificates for all children employed under the age of sixteen years, or to return the same as provided by section 12995 of the General Code, or who fails to keep and post lists or the notice, as provided in section 12998 of the General Code, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Hindering inspector.

SEC. 13007–12 (added by act, page 864, Acts of 1913.) Any person, firm or corporation who (1) hinders or delays any factory inspector, truant officer, or any other officer charged with the enforcement of any of the provisions of this act [12993 to 13007–14] in the performance of his or her duties, (2) or refuses to admit or locks out any such officer from any place which said inspectors or officers are authorized to inspect shall be punished by a fine

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of not less than twenty-five nor more than two hundred dollars, or by imprisonment for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

False statements.

SEC. 13007–13 (added by act, page 864, Acts of 1913). Any person authorized to sign any certificate, affidavit or paper called for by this act [12993 to 13007–14], who knowingly certifies to any materially false statement therein, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Failure to give information.

SEC. 13007–14 (added by act, page 864, Acts of 1913). Any child working in or in connection with any of the establishments or places or in any of the occupations mentioned in this chapter [11], who refuses to give to the inspector of workshops and factories or other authorized inspector or truant officer his or her name, age and place of residence, shall be forthwith conducted by the inspector, truant officer or other officer before the juvenile court or other court having jurisdiction in the premises for examination and to be dealt with according to law.

Sunday labor.

Penalty for labor on Sunday.

SECTION 13044. Whoever, being over fourteen years of age, engages in common labor or opens or causes to be opened a building or place for transaction of business, or requires a person in his employ or under his control to engage in common labor on Sunday, on complaint made within ten days thereafter, shall be fined twenty-five dollars, and for each subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars and imprisoned not less than five days nor more than thirty days.

Necessity and charity.

SEC. 13045. The next preceding section shall not apply to work of necessity or charity, and does not extend to persons who conscientiously observe the seventh day of the week as the Sabbath, and abstain thereon from doing things herein prohibited on Sunday.

Observance of another day.

Barbering.

SEC. 13047. Whoever, engages in the business of barbering on Sunday shall be fined not less than fifteen dollars, and for each subsequent offense, shall be fined not less than twenty dollars nor more than thirty dollars or imprisoned in jail not less than twenty days nor more than thirty days, or both.

Labor organizations—Unauthorized use of badges.

Unlawful use an offense.

SECTION 13163. Whoever, not being entitled so to do under the rules and regulations thereof, willfully wears the badge or button of * * * a labor organization, * * * or uses or wears it to obtain aid or assistance thereby, shall be fined not more than twenty dollars or imprisoned not more than thirty days, or both.

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OKLAHOMA.

CONSTITUTION.

ARTICLE VI.—*Department of labor—Mine inspector—Arbitration of labor disputes.*

State officials.

SECTION 1. The executive authority of the State shall be vested in a * * *, chief mine inspector, commissioner of labor, * * *, each of whom shall keep his office and public records, books, and papers at the seat of government, and shall perform such duties as may be designated in this constitution or prescribed by law.

Department of labor.

SEC. 20. A department of labor is hereby created to be under the control of a commissioner of labor who shall be elected by the people, whose term of office shall be four years, and whose duties shall be prescribed by law.

Board of arbitration and conciliation.

SEC. 21. The legislature shall create a board of arbitration and conciliation in the department of labor and the commissioner of labor shall be ex officio chairman.

Inspector of mines, etc.

SEC. 25. The office of chief inspector of mines, oil, and gas is hereby created, and the incumbent of said office shall be known as the chief mine inspector. The term of said office shall be four years, and no person shall be elected to said office unless he shall have had eight years' actual experience as a practical miner, and such other qualifications as may be prescribed by the legislature. The chief mine inspector shall perform the duties, take the oath, and execute the bond prescribed by the legislature.

Mining districts. Assistant inspectors.

SEC. 26. The legislature shall create mining districts and provide for the appointment or election of assistant inspectors therein, who shall be under the general control of the chief mine inspector, and the legislature shall define their qualifications and duties and fix their compensation.

ARTICLE IX.—*Liability of employers for injuries to employees.*

Fellow-service not a defense.

SECTION 36. The common law doctrine of the fellow-servant, so far as it affects the liability of the master for injuries to his servant, resulting from the acts or omissions of any other servant or servants of the common master, is abrogated as to every employee of every railroad company and every street railway company or interurban railway company, and of every person, firm, or corporation engaged in mining in this State; and every such employee shall have the same right to recover for every injury suffered by him for the acts or omissions of any other employee or employees of the common master that a servant would have if such acts or omissions were those of the master himself in the performance of a nonassignable duty; and when death, whether instantaneous or not, results to such employee from any injury for which he could have recovered under the above provisions, had not death occurred, then his legal or personal representative, surviving consort or relatives, or any trustee, curator, committee or guardian of such consort or relatives, shall have the same rights and remedies with respect thereto, as if death had been caused by the negligence of the master. And every railroad company and every street railway company or interurban railway company, and every person, firm, or corporation engaged in underground mining in this State shall be liable under this section, for the acts of his or its receivers.

Death.

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Nothing contained in this section shall restrict the power of the legislature to extend to the employees of any person, firm, or corporation, the rights and remedies herein provided for.

The provisions of this section affecting designated classes of employment do not conflict with the "equal protection" clause of the fourteenth amendment of the Federal Constitution. The drilling of oil or gas wells is not mining within the meaning of this section. 133 Pac. 216.

ARTICLE IX.—*Arbitration of labor disputes—Corporations.*

Arbitration compulsory, for whom.

SECTION 42. Every license issued or charter granted to a mining or public service corporation, foreign or domestic, shall contain a stipulation that such corporation will submit any difference it may have with employees in reference to labor, to arbitration, as shall be provided by law.

Foreign corporations.

SEC. 44. No foreign corporation shall be authorized to carry on in this State any business which a domestic corporation is prohibited from doing, or be relieved from compliance with any of the requirements made of a similar domestic corporation by the constitution or laws of the State. Nothing in this article, however, shall restrict or limit the power of the legislature to impose conditions under which foreign corporations may be licensed to do business in this State.

ARTICLE XXIII.—*Hours of labor—Employment of children—Actions for personal injuries.*

Hours of labor on public works.

SECTION 1. 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.

Age limit for children.

SEC. 3. The employment of children, under the age of fifteen years, in any occupation, injurious to health or morals or especially hazardous to life or limb, is hereby prohibited.

Women and children in mines.

SEC. 4. Boys under the age of sixteen years, and women and girls, shall not be employed, underground, in the operation of mines; and, except in cases of emergency, eight hours shall constitute a day's work underground in all mines in the State.

Laws to be passed.

SEC. 5. The legislature shall pass laws to protect the health and safety of employees in factories, in mines, and on railroads.

Employers' defenses.

SEC. 6. 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.

Contracts waiving rights.

SEC. 8. Any provision of a contract, express or implied, made by any person, by which any of the benefits of this constitution is sought to be waived, shall be null and void.

Requirements as to notice.

SEC. 9. Any provision of any contract or agreement, express or implied, stipulating for notice or demand other than such as may be provided by law, as a condition precedent to establish any claim, demand, or liability, shall be null and void.

REVISED LAWS—1910.

Bonds of employees—Railroads, etc.

Employees to have free choice.

SECTION 871. No common carrier authorized to do business in this State, when requiring of an employee a bond or undertaking of any nature whatever, 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.

Sureties to be residents of State.

SEC. 872. No common carrier authorized to do business in this State, when requiring of any employee a bond or undertaking of any nature whatsoever, shall require as surety thereon any

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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 Oklahoma, or which 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 which shall also have in this State a general office where it shall require that every such bond or undertaking shall be approved, if approved, and canceled if canceled, and where a complete record thereof shall be kept.

Term to be definite.

SEC. 873. 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 canceled 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 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 day's notice in writing, setting out in full the reasons for canceling 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 the same by giving such employee at least ten days' notice in writing, setting out in full the reasons for canceling 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 herein shall affect any right of action accruing to any person upon the breach of a contract.

Cancellation.

Violations.

SEC. 874. Any officer, agent, or representative of any company, corporation, association or firm, or any other person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, and by imprisonment in the county jail for a period of not less than thirty days, nor more than one year. Any bond, contract or undertaking made in violation of the provisions of this article shall be void.

Railroads—Headlights for locomotives.

Headlights required.

SECTION 1433. Every company, corporation, lessee, manager or receiver, owning or operating a railroad in this State, shall equip and maintain and use upon each and every locomotive being operated in road service in this State, an electric or other headlight of at least one thousand five hundred candlepower, measured without the aid of a reflector: *Provided*, That this section shall not apply to locomotive engines regularly used in switching cars or trains: *And provided, further*, That this section 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.

Violation.

SEC. 1434. Any railroad company, or the receiver, or lessee thereof, doing business in the State of Oklahoma, which shall violate the provisions of the preceding section, shall be liable to the State of Oklahoma in a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense.

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And such penalties shall be recovered and suit brought in the name of the State of Oklahoma, in any court of competent jurisdiction, in any county in or through which such line of railroad may run, by the attorney general, or by the county attorney in any county in or through which such line of railroad may be operated.

Interference with employment—Intimidation.

Intimidating workingmen.

SECTION 2396. Any person who, by any use of force, threats or intimidation, prevents or endeavors to prevent any hired foreman, journeyman, apprentice, workman, laborer, servant or other person employed by another, from continuing or performing his work, or from accepting any new work or employment, or induces such hired person to relinquish his work or employment, or to return any work he has in hand, before it is finished, is guilty of a misdemeanor.

Intimidating employers.

SEC. 2397. Any person who, by use of force, threats or intimidation, prevents or endeavors to prevent another from employing any person, or to compel another to employ any person, or to force or induce another to alter his mode of carrying on business, or to limit or increase the number of his hired foremen, journeymen, apprentices, workmen, laborers, servants or other persons employed by him, or their rate of wages or time of service, is guilty of a misdemeanor.

Sunday labor.

Sunday labor forbidden.

SECTION 2405 (as amended by Chapter 204, Acts of 1913). The following are the acts forbidden to be done on the first day of the week, the doing of any of which is Sabbath breaking.

First. Servile labor, except works of necessity or charity.

Second. Trades, manufactures and mechanical employment.

Third. All shooting, horse-racing or gaming.

Fourth. All manner of public selling, or offering, or exposing for sale publicly, of any commodities, except that meats, bread, and fish may be sold at any time before nine o'clock in the morning, and except that food and drink may be sold to be eaten and drank upon the premises where sold, and drugs, medicines, milk, ice and surgical appliances and burial supplies may be sold at any time of the day.

Observance of another day.

SEC. 2406. It is a sufficient defense in proceedings for servile labor on the first day of the week, to show that the accused uniformly keeps another day of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

Railroads—Intoxication and negligence of employees.

Intoxication of engineer, etc.

SECTION 2537. Any person who, while in charge as engineer of a locomotive engine, or while acting as conductor or driver upon a railroad train or car, whether propelled by steam or drawn by horses, is intoxicated, is guilty of a misdemeanor.

Negligence endangering life.

SEC. 2538. Any engineer, conductor, brakeman, switch tender or other officer, agent or servant of any railroad company, who is guilty of any willful violation or omission of his duty as such officer, agent or servant, by which human life or safety is endangered or property is injured or destroyed, the punishment for which is not otherwise prescribed, is guilty of a misdemeanor.

Suits for wages—Sending claims outside the State.

Sending out claims forbidden.

SECTION 2911. Whosoever, whether principal, agent or attorney, sends or causes to be sent to persons, companies or corporations out of the State of Oklahoma, any claim for debt to be collected by proceedings in attachment, garnishment, or other mesne process, or which is thereafter attempted to be collected, when the creditor, debtor and person or corporation owing for the earnings intended to be reached by such proceedings in attachment or gar-

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nishment, are all within the jurisdiction of the courts of the State of Oklahoma, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined for every claim so sent a sum of not more than one thousand dollars nor less than five hundred dollars.

Assignments to nonresidents.

SEC. 2912. Whosoever, directly or indirectly, assigns or transfers any claim or debt against a citizen of Oklahoma for the purpose of having the same collected by proceedings in attachment, garnishment or other process, or which is thereafter attempted to be so collected out of the wages or personal earnings of the debtor, in courts outside of the State of Oklahoma, when the creditor, the debtor, and the person or corporation owing the money intended to be reached by the proceedings in attachment or garnishment, are all within the jurisdiction of the courts of the State of Oklahoma, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than one thousand dollars, nor less than five hundred dollars or imprisonment in the county jail of not less than thirty days, nor more than one year, or both such fine and imprisonment.

Violations.

SEC. 2913. Any person, firm or corporation who violates any of the provisions of this article shall become liable to the debtor aggrieved by such action, or to his assigns, in a sum equal to the amount of the account claimed against such debtor, together with an amount equal to any actual expense, including attorney's fees, which such debtor may have been subjected to in obtaining judgment under the provisions of this section. The right of action granted under this section may be enforced in any court of competent jurisdiction by proceedings as in civil actions.

Liability.

Protection of employees as voters—Time to vote.

Two hours to be allowed.

SECTION 3137. Every corporation, firm, association or individual who, on election day, has an elector employed or in his service, and every foreman, superintendent or other person in charge of employees, shall grant each of said employees two hours of time during the period when the election is open in which to vote, and if such employee be in the county or at such distance from the voting place that more than two hours are required in which to attend such elections, then he shall be allowed a sufficient time in which to cast his ballot, and such corporation, firm, or association, individual, foreman, superintendent or other person in charge of such laborers, shall select the hours which such employees are to be allowed in which to attend such elections, and shall notify each of the employees which hours they are to have in which to vote, and any corporation, firm or association, individual, foreman or superintendent who fails to so notify such employees as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars for each elector whom they failed to so notify, and any individual with such electors employed, or foreman or superintendent, who fails to so notify such employee, shall in addition to said fine, be, upon conviction, imprisoned in the county jail not less than two nor more than six months.

Influencing vote.

SEC. 3139. Any corporation, whether chartered under the laws of this State, or of a foreign State, and which has been permitted to do business herein, which, through its officials, employees, agents, attorneys, representatives or some other person or in any other manner, directly or indirectly, influences or attempts to influence, by bribe, favor, promise, inducement, threat, intimidation, importuning or beseeching to control the vote of any employee or other person shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than five thousand dollars, and the person or persons so acting for such corporation in the violation of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than one thousand dollars, and imprisoned in the county jail not less than sixty nor more than one hundred and twenty days.

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Acts of agents of corporations.

SEC. 3140. When any official, agent, attorney or employee of a corporation has been shown to have violated the provisions of sections * * * and 3139 of this article, it shall be presumed that he was acting for such corporation, and the burden shall be upon the accused corporation to show that such official, agent, attorney or employee was not acting for it or with its sanction.

Exemption of wages from execution—Suits for wages.

Ninety days' earnings exempt.

SECTION 3342. The following property shall be reserved to the head of every family residing in the State exempt from attachment or execution and every other species of forced sale for the payment of debts, except as hereinafter provided:

* * * * *

Sixteenth. All current wages and earnings for personal or professional services earned within the last ninety days.

To constitute a head of a family requires a condition of dependence on the part of others whom one is under legal or moral obligations to support. An unmarried man supporting a dependent mother and sister is the head of a family within this section. 73 Pac. 291.

Current wages.

SEC. 3345. The following property shall be reserved to persons who are not heads of a family, exempt from attachment, execution and every other species of forced sale, except for liens given by the owners:

* * * * *

Suits for wages.

Fifth. Current wages for personal services.

SEC. 3347. None of the personal property mentioned in this chapter shall be exempt from attachment or execution for wages of any clerk, mechanic, laborer or servant.

Department of labor—Commissioner.

Duties of commissioner.

SECTION 3703 (as amended by Chapter 128, Acts of 1911). The duties and scope of the commissioner of labor is to carry into effect all laws in relation to labor, passed by the legislature, in regard to the transportation, mechanical and manufacturing industries of the State; to supervise the work of the different branches of his department, which shall be divided into four bu-

Bureaus.

reaus, as follows: Statistics; arbitration and conciliation; free employment and factory inspection. He shall appoint all officers, clerks and employees in the department of labor; to collect, assort and systematize reports of all persons, firms or corporations required to report to the commissioner of labor annually, and present the same to the legislature at the following session thereof,

Reports.

to compile statistical detailed reports relating to the commercial, industrial, educational and sanitary conditions of the people, included in the mining, transportation, transmission, commercial, mechanical and manufacturing industries of the State; he may administer oaths, issue subpoenas for the attendance of witnesses, and take testimony in all matters relating to the proper enforcement of all laws over which he has supervision of [under] this

Bond.

act. He shall also give bond of [with] approved security in the sum of ten thousand dollars ($10,000), the same to be approved by the governor, for the faithful performance of his duties as defined by the laws passed by the legislature.

Assistants.

SEC. 3704 (as amended by Chapter 128, Acts of 1911). The commissioner of labor is hereby authorized to appoint an assistant at a salary of fifteen hundred dollars per annum, payable monthly, who shall act as his deputy, if by reason of sickness, absence, or for other cause the commissioner of labor is temporarily unable to perform the duties of his office, and said assistant shall perform the duties of the office of commissioner of labor until such disability ceases and said assistant shall act as secretary to the board of arbitration and conciliation. He is also authorized to appoint one statistical clerk at a salary of fifteen hundred dollars ($1,500) per annum, payable monthly; a deputy State factory inspector, who shall be under his supervision, and whose term of office shall be during the term of the commis-

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sioner of labor, unless sooner removed for cause, and who shall receive a salary of fifteen hundred dollars ($1,500) per annum, payable monthly and one stenographer, at a salary of nine hundred dollars ($900) per annum, payable monthly.

Arbitration of labor disputes—Board of arbitration and conciliation.

Board to be appointed.

SECTION 3705. The governor shall, upon his own motion, appoint two farmers and one employer, and upon recommendation of the commissioner of labor, shall appoint one employer and two employees, as hereinafter specified, by and with the advice and consent of the senate; and the six persons so appointed shall constitute and be styled "The State Board of Arbitration and Conciliation," and shall hold office during the term of the governor appointing them. If a vacancy should occur at any time on said board, the governor or the commissioner shall appoint some suitable person to fill such vacancy as in the first instance. Except the farmers, said appointments shall be made from the employers and employees who shall have been, for at least three years preceding said appointment, engaged as employer or employee in the mining, transportation, mechanical or manufacturing industries of the State. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge of the same. The board shall at once organize at the call of the commissioner of labor who, by virtue of his office, is chairman, and they shall, as soon as possible, establish rules and procedure for the government thereof. The assistant commissioner of labor shall be secretary of said board.

Action by board.

SEC. 3706. Whenever it shall come to the knowledge of the State board of arbitration and conciliation that a strike or lockout is seriously threatened in the State, involving an employer and his employees, if he is employing not less than twenty-five persons, it shall become the duty of said board to put itself in communication, as soon as may be possible, with such employers or employees, and endeavor to persuade them to submit the matter in dispute to the said board.

Mayor, etc., to give notice.

SEC. 3707. It shall be the duty of the mayor of any city, and the justice of the peace of any municipal township, whenever a strike or lockout, involving more than twenty-five persons, shall be threatened or has actually occurred within or near such city, or in such municipal township, immediately to communicate the fact to the State board of arbitration and conciliation, stating the name or names of the employer or employers, and one or more employees, with their post-office addresses, the nature of the controversy or difference existing, the number of employees involved, and such other information as may be required by the said board. It shall be the duty of the president or the chief executive officer of every labor organization of which he is an officer, immediately to communicate the fact of such strike or lockout to said board, with such information as he may possess touching the differences or controversy and the number of employees involved.

Heads of labor organizations.

Strikes affecting the public.

SEC. 3708. Whenever there shall exist a strike or lockout wherein, in the judgment of a majority of said board, the general public shall appear likely to suffer injury or inconvenience by reason of said strike or lockout, and neither party to such strike or lockout shall consent to submit the matter or matters in controversy to the State board of arbitration and conciliation in conformity with this article, then said board, after first having made due effort to secure such submission, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout and make public its findings, with such recommendations to the parties involved as, in its judgment, will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lockout; and in the prosecution of such inquiry the board shall have power to issue subpœnas, and when, after the service of such subpœna, the party so subpœnaed fails and refuses to appear before said board, the said

Findings to be published.

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board shall certify such fact, together with the name of the person subpœnaed, to the district court having jurisdiction of the person subpœnaed; and said court shall thereupon issue its subpœna requiring the party subpœnaed to appear at such time as may be stated in the subpœna to give such testimony as may be required, and upon a failure of the party to answer said subpœna so issued out of said district court, said district court shall proceed as provided by law in cases of contempt. Any member of said board may administer oaths in all matters pertaining to the duties of said board.

Salaries. SEC. 3709. Each member of said board shall serve only when needed and shall receive a salary of five dollars per diem and necessary traveling expenses when so serving, to be paid out of the treasury of the State out of any appropriation therefor, upon vouchers approved by the governor.

Notices and process. SEC. 3710. Any notice or process issued by the State board of arbitration and conciliation shall be served by any sheriff or constable to whom the same may be directed or in whose hands the same may be placed for service.

Injunctions against board. SEC. 3711. When the said State board of arbitration and conciliation is actually engaged or is about to be engaged in the performance of the duties required by this article, no order of injunction can lie against said board from any court of this State except the supreme court, and the order of injunction, if granted, shall not be made final until said supreme court, by competent evidence, is satisfied that the said board of arbitration and conciliation is abusing or transgressing the privileges allowed and the duties required of said board under this article.

Free public employment offices.

Free public employment office. SECTION 3712. The commissioner of labor shall maintain, in connection with his office, a free employment bureau, to be known as "The Oklahoma Free Employment Bureau," for the purpose of receiving and filing applications of persons seeking employment and applications of persons seeking to employ labor.

SEC. 3713. The commissioner of labor shall appoint a superintendent of said free employment bureau, who shall receive a salary of twelve hundred dollars per annum, and shall have supervision over all branch bureaus that may be established, and his tenure of office shall be during the term of the commissioner of labor, unless sooner removed for cause.

Branch, east side. SEC. 3714. The commissioner of labor is authorized to maintain a branch free employment bureau in some city on the east side of this State, where in his opinion, the convenience of the greatest number of people may be served.

Attendant. SEC. 3715. The commissioner of labor may appoint an attendant for said bureau, whose salary shall not exceed nine hundred dollars per annum and all necessary expenses he may incur in the conducting of said bureau.

Branch at Enid. SEC. 3716. The commissioner of labor is hereby authorized to establish a branch free employment bureau at Enid, Oklahoma.

Attendant. SEC. 3717. The commissioner of labor is hereby empowered to appoint an attendant for said bureau, whose salary shall not exceed nine hundred dollars per annum, and all necessary expenses incurred in the conducting of said bureau.

Duties of superintendent. SEC. 3718. The superintendent of said free employment bureau, and the attendants of the branch free employment bureaus, shall preserve a record in books, kept for that purpose, names of all persons applying for employment or help, designating opposite the names and addresses of each applicant, the character of employment or help desired. Separate registers for applicants for employment shall be kept, showing the names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of employment or help desired, and in such register shall show the age, sex, nativity,

Registers.

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trade or occupation of each applicant, the cause and duration of nonemployment, whether married or single, the number of dependent children, together with such other facts as may be required by the commissioner of labor to be secured by said officer: *Provided*, That such statistical and sociological data as the commissioner of labor may require, shall be held in confidence by said office and so published as not to reveal the identity of anyone: *And provided, further*, That any applicant who shall decline to furnish answers to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure.

Employers to be communicated with.

SEC. 3719. It shall be the duty of the superintendent of the free employment bureau and the attendants of the branch free employment bureaus to put themselves in communication with the principal manufacturers, merchants and other employers of labor, and to use all diligence in securing the cooperation of said employers of labor with the purposes and objects of said employment bureaus. To this end it shall be competent for such officers to advertise, under the direction of the commissioner of labor, in newspapers, or other mediums, for such situations as they have applications to fill, and they may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published in Oklahoma or not.

Fees prohibited.

SEC. 3720. No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment bureau or branch free employment bureaus.

Definitions.

SEC. 3721. The term "applicant for employment," as used in this article, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this article shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional service and all other legitimate service.

Private employment offices.

Private employment offices.

SECTION 3722. No person, firm or corporation in this State shall open, operate or maintain a private employment agency for hire, or where a fee is charged to either applicants for employment or for help, without first obtaining a license for the same from the commissioner of labor, and such license fee shall be five dollars. Such license shall be of force for one year, but may be renewed from year to year upon the payment of a fee of five dollars for each renewal. Every license shall contain a designation of the city, street and number of the building in which the licensed party conducts said employment agency. The license, together with a copy of this article, shall be posted in a conspicuous place in each and every employment agency. No agency shall print, publish or paint on any sign, window or insert in any newspaper or publication, a name similar to that of the "Oklahoma Free Employment Bureau." The commissioner of labor shall require with each application for a license a good and sufficient bond in the penal sum of two hundred and fifty dollars, to be approved by said commissioner, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions, or requirements of this article. The said commissioner of labor is authorized to cause an action to be brought on said bond in the name of the State for any violation of any of its conditions and they may revoke, upon a full hearing, any license whenever, in their judgment, the party licensed shall have violated any of the provisions of this article.

Licenses.

Registers.

SEC. 3723. It shall be the duty of every licensed agency to keep a register in a substantial book in the form prescribed by the commissioner of labor, in which shall be entered the age, sex, nativity, trade or occupation, name and address of every appli-

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cant. Such licensed agency shall also enter into a register the name and address of every person who shall make application for help or servants, and the name and nature of the employment for which such help shall be wanted. Such register shall, at all reasonable hours, be open to the inspection and examination of the commissioner of labor or his agent. Where a registration fee is charged for filing or receiving applications for employment or help, said fee shall in no case exceed the sum of two dollars, for which a receipt shall be given, in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within one month after registration as aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency: *Provided*, That such demand be made within thirty days after the expiration of the period aforesaid.

Fees.

Return of fee.

Sending help to immoral resorts.

SEC. 3724. No agency shall send or cause to be sent any female help or servants to any place of bad repute, house of ill-fame or assignation house, or to any house or place of amusement kept for immoral purposes. No such licensed agency shall publish or cause to be published any false information or to make any false promise concerning or relating to work or employment to anyone who shall register for employment and no licensed agency shall make any false entries in the register to be kept as herein provided.

Enforcement.

SEC. 3725. It shall be the duty of the commissioner of labor to enforce this article and, when informed of any violation thereof, it shall be his duty to institute criminal proceedings for enforcement of its penalties before any court of competent jurisdiction. He may make such rules and regulations for the enforcement of this article, not inconsistent therewith, as he deems proper. Any person convicted of a violation of any of the provisions of sections 3722, 3723 and 3724 shall be guilty of a misdemeanor and shall be fined not less than fifty dollars, nor more than one hundred dollars for each offense, or be imprisoned in the county jail for a period not to exceed six months, or both, at the discretion of the court: *Provided*, That any person or persons who shall send any female help or servant to any place of bad repute, house of ill-fame or assignation house or to any house or place of amusement kept for immoral purposes, shall be guilty of a felony and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars and be confined in the penitentiary not less than two years nor more than ten.

Definition.

SEC. 3726. A private employment agency for hire is defined and interpreted to mean any person, firm, or corporation engaging in the occupation of furnishing employment or help or giving information as to where employment or help may be secured or displaying any employment sign or bulletin, or, through the medium of any card, circular or pamphlet, offering to secure employment or help: *Provided*, That charitable organizations not charging a fee shall not be included in said term.

Quarterly reports of fees, fines, etc.

SEC. 3727. The commissioner of labor shall, at the end of each quarter, make an itemized account of all moneys received by him from fees and fines, under the provisions of this article, and pay the same into the State treasury.

Employment of women and children.

Age limit.

SECTION 3728. No child under the age of fourteen years shall be employed or permitted to work in any factory, factory workshop, theater, bowling alley, pool hall, or steam laundry and no child under the age of fifteen years shall be employed or permitted to work in any occupation injurious to health or morals or especially hazardous to life or limb. It shall be the duty of the commissioner of labor upon investigation by himself or the agents of his department, or upon complaint of the commissioner of

Dangerous, etc., occupations.

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charities and corrections, or the board of health, to determine what occupations are injurious to health or morals or especially hazardous to life or limb, and to notify employers in such occupations of his decision, which decision shall be final until such occupation or occupations shall be defined by law, as safe for health, morals, life and limb.

Employments prohibited.

SEC. 3729. No child under the age of sixteen years shall be employed or permitted to work at any of the following occupations: Oiling or assisting in oiling, operating, wiping or cleaning any dangerous machinery, or adjusting any belt to any such machinery, while in motion; operating, or assisting in operating, circular or band saws, steam boilers, steam machinery, or other steam-generating apparatus, rolling-mill machinery, punches or shears; washing, grinding or mixing mills, passenger or freight elevators; preparing any composition in which dangerous or poisonous acids are used; manufacture of paints, colors or white lead; where there are acids, dyes, lyes, gases, glass dust or other dust or lint in such quantities as to be injurious to health; dipping, dyeing[1] or packing matches; manufacturing, packing, or storing powder, dynamite, nitroglycerine compounds, fuses or other explosives; manufacture of goods for immoral purposes; nor shall females under the age of sixteen years be employed in any capacity where such employment compels them to remain standing constantly.

Under this section an employer is liable for injuries received by a child working at prohibited occupations. It is a violation to permit by acquiescence as well as to directly employ by contract. 134 Pac. 1125.

Girls not to sell papers.

SEC. 3730. No girl under the age of sixteen years shall, in any city, sell, or expose or offer for sale newspapers, magazines or periodicals in any street or out-of-doors public place.

SEC. 3731. No child under the age of sixteen years shall be employed or permitted to work in any of the occupations specified in section 3728 unless such child is able to read and write simple sentences in the English language, or shall have attended some school during the preceding year for the time that attendance is compulsory under the laws.

Literacy test.

Hours of labor.

SEC. 3732. No child under the age of sixteen years shall be employed or permitted to work in any gainful occupation, except agriculture or domestic service, more than eight hours in any one day, allowing one hour each day for noonday meal and rest, or more than forty-eight hours in any one week. During the time that a child is at work at such occupation, the employer must provide suitable seats and permit their use so far as the nature of the work allows.

Seats.

Nightwork.

SEC. 3733. No boy under the age of sixteen years and no girl under the age of eighteen shall be employed or permitted to work in any of the occupations mentioned in section 3728 between the hours of six o'clock p. m. and seven o'clock a. m.

Certificates.

SEC. 3734. Before any child under the age of sixteen years shall be employed in any occupation specified in section 3728, it shall be the duty of the parent or guardian of such child to procure and furnish the employer of such child an age and schooling certificate as hereinafter provided in this article. It shall be the duty of every person, firm or corporation owning or operating any of the establishments specified in section 3728 or employers in such occupations, to keep on file for the inspection of factory inspectors, truant officers, or other persons charged with the administration of this article, such age and schooling certificate, for every child under sixteen years of age employed in such occupation, and to keep on file and to post conspicuously in every room where such children are employed a register, with a complete list of children under sixteen years of age so employed, together with the age of each child as set forth in the age and schooling certificate opposite the name of such child, and also to keep on file and to

Files.

[1] It is possible that *drying* was intended, as drying is an essential and dangerous process in matchmaking, while *dyeing* is not.

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Schedule to be posted.

post conspicuously in such place or establishment, in such form as the factory inspector may prescribe, the time of opening and closing of such factory or other establishment, the number of hours of labor required or permitted in such establishment, the hours of commencing and stopping work, and the time allowed for meals, and, if there be two or more shifts in such establishment, the number of hours in each shift during which the employees are required or permitted to work. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent, guardian or custodian.

Enforcement.

SEC. 3735. The inspector of factories, truant officer or other person charged with the administration of this article, may make demand on an employer in whose factory 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 then filed as required by this section, that such employer shall either furnish him, within ten days, evidence satisfactory to him 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 factory or establishment. Such officer may 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. In case such employer shall fail to produce and deliver to such officer, within ten days after such demand, such evidence of age herein required by him, and shall thereafter continue to employ such child to work in such factory or establishments, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this provision of this article, that such child is under sixteen years of age and is unlawfully employed: *Provided*, That the factory inspector or deputy inspectors shall have the power to demand a certificate of physical fitness from some licensed physician in good standing in this State in case of children who may appear to him physically unable to perform the labor at which they may be engaged, and shall have power to prohibit the employment of any minor that cannot obtain such certificate.

Who approves certificates.

SEC. 3736. The age and schooling certificate shall be approved only by the county superintendent of public instruction, or other school official designated by him, who shall, for the purpose of this article, be empowered to administer an oath.

Evidence.

SEC. 3737. The age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, or certificate of birth, or the register of the city or county, or an affidavit of the date of such birth by a legally registered physician residing therein, stating the time of birth of such child, or the school record of such child, in the public or other school, setting forth the age of such child: *Provided*, That in cases where such evidence can not be obtained, and the child appears to be in good health, and of normal size, of not less than sixty inches in height and weighing not less than eighty pounds, the parent or guardian of such child may make affidavit stating the age, place and time of birth of such child, or, if the child shall have no parent or guardian, such affidavit may be made by the child. The affidavits required by this section must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. The employment certificate shall not be issued until such child has further personally appeared before the officer issuing the same and he is satisfied that such child is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

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SEC. 3738. The age and schooling certificate shall not be approved until the parent or guardian of such child shall present a school attendance certificate as hereinafter prescribed. A duplicate of such age and schooling certificate shall be filled out and sent by the school officer, before whom the same is made, to the commissioner of labor. The blank forms for school attendance certificate and for the age and schooling certificate shall be supplied to the county superintendents of public instruction by the State superintendent of public instruction as hereinafter indicated. Certificate of school attendance.

SCHOOL ATTENDANCE CERTIFICATE

_____(Name of school)

_____(City and county)

_____ (Date)

This certifies that (name of child) can read and write simple sentences in the English language and that according to the records of this school and in my belief is now (number of years and months) old and has attended school during the full school term of the preceding year.

_____(Name of parent or guardian)

_____ (Residence)

(Signature of teacher)_____

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am (father, mother or guardian) of (name of child) and that he (or she) was born at ——— (town or city) ——— (county) ——— (State or country) on the (day, month and year of birth) and is now (number of years and months old).

_____(Signature of parent or guardian)

_____ (Date)

_____(City or town or county)

Personally appeared before me the above-mentioned (name of person signing) and made oath that the foregoing certificate is true to the best of his (or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child) height (feet and inches) weight (pounds), complexion (fair or dark), hair (color), eyes (color), having no sufficient reason to doubt that he (or she) is of the age therein certified.

OWNER OF CERTIFICATE.

This certificate belongs to ——— ——— (name of child) and is to be surrendered to him (or her) whenever he (or she) leaves the service of the employer holding the same, but if not claimed by said child within thirty days after leaving said service, shall be sent to the commissioner of labor.

——— ———

(Signature of officer, with name of city, town or county, and date.)

SEC. 3739. No child under the age of sixteen and no girl or woman shall be employed or permitted to work underground in any mine or quarry. Employment in mines.

SEC. 3740. The proprietor, manager or person having charge of any mercantile establishment, store, shop, hotel, restaurant or other place where women or girls are employed as clerks, shall Seats for female employees.

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provide chairs, stools or other contrivances for the comfortable use of such female employees, and shall permit the use of the same by such female employees for the preservation of their health and for rest when not actually employed in the discharge of their respective duties.

Hours of labor to be posted, when.

SEC. 3741. Every person, firm, or corporation, agent, or manager of a corporation employing any female in any manufacturing establishment, factory or workshop shall post and keep posted in a conspicuous place in every room where such help is employed, a printed or written notice, stating the hours of each day of the week between which work is required of such person.

Violations.

SEC. 3742. Any person violating any of the provisions of this article shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment for not less than ten nor more than thirty days, or both such fine and imprisonment. It shall be the duty of the commissioner of labor to see that the provisions of this article are enforced with the exception of section 3739, which shall be enforced by the mine inspector or under his direction.

Inspection and regulation of factories, etc.

Factory inspector.

SECTION 3743. The governor shall, upon the recommendation of the commissioner of labor, by and with the consent of the senate, appoint a factory inspector, whose duty it shall be to exercise general supervision over the department of factory inspection, under the direction of the commissioner of labor. The salary of the factory inspector shall be fifteen hundred dollars per annum and he shall serve during the term of the governor.

Duties.

It shall be the duty of the factory inspector to visit and inspect at all reasonable hours, not less than once in each year, the factories, workshops, machine shops, foundries, laundries, manufacturing establishments in the State, and such other places where labor is employed as the commissioner of labor may designate; and shall make special investigation into the conditions of labor or into any alleged abuses in connection therewith, and shall perform such other duties as are prescribed by law. Said inspector shall, under the direction of the commissioner of labor, collect, assort, systemize and compile, statistical details and information relating to all departments of labor in the State. He shall report in writing to the commissioner of labor on the fifteenth day of May and the first day of November of each year, and at such other times as the commissioner of labor may require, the result of his inspection and investigation, together with such other information and recommendation as he may deem proper. It shall be the duty of the county attorney of the proper county upon the request of the State factory inspector, to prosecute any violation of law which it is made the duty of the factory inspector to enforce. In addition to the salary provided herein for the factory inspector, he shall be allowed his actual and necessary traveling expenses incurred in performance of his duties in carrying out the provisions of this article.

Rules to be formulated.

SEC. 3744. The superintendent of the State board of health, the commissioner of labor and the factory inspector shall formulate, publish and enforce such rules as they may deem necessary for the sanitary regulations of manufacturing institutions, factories and workshops in this State.

Definition.

SEC. 3745. The words "manufacturing establishments," "factory" or "workshop" whenever used in this chapter shall be construed to mean any place where goods or products are manufactured or repaired, cleaned or sorted in whole or in part, for sale or for wages.

Guards for dangerous machinery.

SEC. 3746. The owner or person in charge of a factory or any institution where machinery is used shall provide belt shifters or other mechanical contrivances for the purpose of throwing belts on or off pulleys, whenever practicable. All machines shall be provided with loose pulleys and all vats, pans, planers, cogs,

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gearing, belting, shafting, set screws and machinery of every description shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to any machinery, vats, or pans, while the same are in use, unless for the purposes of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. If a machine or any part thereof is not properly guarded, the use thereof may be prohibited by the factory inspector or deputy factory inspector, and notice to that effect shall be attached thereto; such notice shall not be removed until the machine is made safe and the required safeguards are provided; and in the meantime such unsafe or dangerous machinery shall not be used.

Elevator shafts, etc.

SEC. 3747. If in the opinion of the factory inspector, it is necessary to protect life or limbs of factory employees or employees in any other institution, the owner, agent, or lessee of such factory or institution where any elevator, hoisting shaft or wellhole is used, shall cause, upon written notice from the factory inspector, the same to be properly and substantially enclosed, secured or guarded, and shall provide such proper traps or automatic doors so fastened in or at all elevator ways, except passenger elevators enclosed on all sides, as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage, whether ascending or descending. The factory inspector may inspect the cable, gearing or other apparatus of all elevators in factories and require them to be kept in a safe condition.

Lighting halls.

SEC. 3748. When, in the opinion of the factory inspector, it is necessary, the workrooms, halls and stairs leading to workrooms shall be properly lighted.

Stairways.

SEC. 3749. Proper and substantial handrails shall be provided on all stairways in factories. The stairs shall be properly screened at the sides and bottom and all doors in or to such factory shall be so constructed as to open outwardly and shall not be locked or bolted or fastened during working hours.

Toilet rooms.

SEC. 3750. There shall be provided in every factory, manufacturing establishment or workshop, where men and women are employed, separate toilet and wash rooms.

Fire escapes.

SEC. 3751. Such fire escapes as may be deemed necessary by the factory inspector shall be provided on the outside of every factory in this State, consisting of two or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well fastened and secured, and shall have landings and balconies not less than six feet in length, and three feet in height, embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings. The balconies or landings shall be connected by iron stairs not less than eighteen inches wide, with steps not less than six inches tread, placed at a proper slant and protected by well-secured handrails on both sides, and shall have a drop ladder not less than twelve inches wide, reaching from the lower platform to the ground. The windows or doors to the landing or balcony of each fire escape shall be of sufficient size and located as far as possible, consistent with accessibility, from the stairways and elevator hatchways and openings, and a ladder from such fire escape shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory from the upper story as means of escape in case of fire.

Accidents to be reported.

SEC. 3752. The person in charge of any factory shall report in writing to the factory inspector all accidents or injuries sustained by any person therein, immediately after the time of the accident, stating as fully as possible the extent and cause of the injury and the place where the injured person had been sent, with such other information relative thereto as may be required by the factory inspector, who may investigate the cause of such accident or injury and order such precautions to be taken as will in his judgment prevent the recurrence of similar accidents.

Reports by owners of establishments.

SEC. 3753. The owner, superintendent, manager or other person in charge of any establishment at the time of inspection shall be required to furnish the inspector making the inspection a

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true statement of the number of persons employed in such establishment; and any owner, superintendent, manager or other person in charge who shall fail or refuse to furnish such statement or understate the number of persons employed in such establishment at the time of such inspection shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether acting for himself or for such firm or corporation, or by himself through subagents or foreman, superintendent or manager, who shall refuse or attempt to prevent the admission of any inspector authorized by this article, upon or within the premises or buildings of any such establishment or place included in this article, at any reasonable business hours of the persons employed therein or thereat or shall in any manner interfere with the performance of the official duties of such inspector, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

Reports by employers.

SEC. 3754. It shall be the duty of every owner, operator or lessee of any factory, foundry or machine shop or other manufacturing establishment, railroad, street railway, interurban railway, elevated railway, transmission company or commercial and industrial institution and other mechanical manufacturing institution doing business in this State, subject to the provisions of this article, to report annually on or before the first day of March, to the commissioner of labor, the name of the firm or corporation and the number of members, male and female, constituting the same; where located, capital invested in grounds, buildings and machinery; class and value of goods manufactured; aggregate value of material used; total number of days in operation; amount paid yearly for rent, taxes and insurance; total amount paid in wages; total number of employees, male and female, number engaged in clerical and manual labor, with detailed classification of the number and sex of employees engaged in each class, and children employed under the age of sixteen years, and average daily wages paid to each.

Blanks.

SEC. 3755. The commissioner of labor is hereby authorized to furnish suitable blanks to the owner, operator, manager or lessee of any factory, workshop, elevator, foundry, machine shop or any other mechanical or manufacturing establishment, to enable said owner, operator, manager or lessee to intelligently comply with the provisions of the preceding section.

Violations.

SEC. 3756. Any person who fails to comply with any of the provisions of this article shall be deemed guilty of a misdemeanor, except as otherwise provided, and on conviction thereof shall be fined in a sum not less than ten dollars nor more than one hundred dollars for each offense.

Employment of labor.

Eight hours a day's labor.

SECTION 3757. Eight hours shall constitute a day's work for all laborers, workmen, mechanics, prison guards, janitors of public institutions, or other persons now employed or who may hereafter be employed by or on behalf of the State, or by or on behalf of any county, city, township or other municipality, 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 per 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 per 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, prison guards, janitors in public institutions, or other persons so employed by or on behalf of the State, or any county, city, township,

Proviso.

Rates of wages.

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or other municipality, and laborers, workmen, mechanics, or other persons employed by contractors or subcontractors in the execution of any contract or contracts with the State, or with any county, city, township, or other municipality thereof, shall be deemed to be employed by or on behalf of the State, or of such county, city, township, or other municipality.

The performance of ordinary and usual duties does not give rise to a claim for added compensation for overtime work where one works more than eight hours daily as a common practice. 130 Pac. 276.

Basis of contracts.

SEC. 3758. All contracts hereafter made by or on behalf of the State, or by or on behalf of any county, city, township, or other municipality, with any corporation, person or persons, for the performance of any public work, by or on behalf of the State, or any county, city, township, or other municipality, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for such corporation, person or persons, to require, aid, abet, assist, connive at, or permit any laborer, workman, mechanic, prison guards, janitors in public institutions, or other person to work more than eight hours per calendar day in doing such work, except in cases and upon the conditions provided in the preceding section.

Violations.

SEC. 3759. Any officer of the State, or of any county, city, township, or other municipality, or any person acting under or for such officer, or any contractor with the State, or any county, city, township, or other municipality thereof, or other persons violating any of the provisions of the two preceding sections, shall for each offense be fined in any sum not less than fifty dollars, nor more than five hundred dollars, or punished by imprisonment of not less than three months nor more than six months. Each day such violation continues shall constitute a separate offense.

Application of law.

SEC. 3760. Every corporation, association, company, firm or person in the State, engaged in mining coal, ore or other minerals or quarrying stone, or in manufacturing iron, steel, lumber, staves, headings for barrels, brick, tile and tile machinery, agricultural or mechanical implements or any article of merchandise, shall pay each employee of such corporation, association, company, firm or person, if demanded, at least twice each calendar month, the amount due such employee for labor, and such payment shall be in lawful money of the United States, and the employee shall not be deemed to have waived any right or rights herein mentioned because of any contract to the contrary.

Semimonthly pay day.

Scrip to be redeemable.

SEC. 3761. Every corporation, association, company, firm or person, or any member, agent or employee thereof, who shall publish, issue or circulate any check, card or other paper which is not commercial paper, payable at a fixed time in any bank in this State, at its full face value, in lawful money of the United States, or any card or check issued, which is not payable in lawful money of the United States on each regular pay day, to any employee of any such corporation, association, company, firm or person, in payment for any work or labor done by such employee, shall be guilty of a misdemeanor.

Violations.

SEC. 3762. Any corporation, association, company, firm or person in this State, engaged in mining coal, ore or other minerals, or quarrying stone, or in manufacturing iron, steel, lumber, staves, headings for barrels, brick, tile, and tile machinery, agricultural or mechanical implements or any article of merchandise, upon conviction of a violation of any of the provisions of the two preceding sections, shall be fined in any sum not less than fifty dollars nor more than two hundred dollars.

Agreements not to join unions.

SEC. 3763. Any person or corporation or agent or officer on behalf of such person or corporation, who shall cause or compel any person to enter into an agreement, either written or verbal, not to join or be a member of any labor organization as a condition of such person securing employment or continuing in the employment of any such person or corporation, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than two hundred dollars nor more than one thousand dollars,

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or imprisoned in the county jail not less than ninety days nor more than twelve months, or both such fine and imprisonment.

Labor agreements not conspiracy.

SEC. 3764. No agreement, combination or contract by or between two or more persons to do or procure to be done, or not to do or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this article shall exempt from punishment otherwise than is herein excepted, any person guilty of conspiracy for which punishment is provided by any other law of the State, but such other law shall, as to the agreement, combination and contracts hereinbefore referred to, be construed as if this article was therein contained: *Provided*, That nothing in this article shall be construed to authorize force or violence.

This section is to be construed with the antitrust law of the State; it exempts labor unions from its application, and is constitutional. 122 Pac. 243; 130 Pac. 316.

False representations as to conditions of employment.

SEC. 3765. It shall be unlawful for any employer of labor doing business in this State, to induce, influence, persuade or engage workmen to change from one place to another in the State, or to bring workmen of any class or calling into the State to work in any of the departments of labor, through or by means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of employment, or as to the existence or nonexistence of a strike or other trouble pending between employer and employees, at the time of or prior to such engagement. Failure to state in an advertisement, proposal or contract for the employment of workmen that there is a strike, lockout or other labor trouble at the place of the proposed employment, when, in fact, such strike, lockout or other labor troubles then actually exist at such place, shall be deemed a false advertisement and misrepresentation for the purposes of this section.

Notice of strikes, etc.

Violations.

SEC. 3766. Any employer of labor of any kind doing business in this State, as well as its agent, attorney or servant found guilty of violating the preceding section, or any part thereof, shall be fined not less than five hundred dollars and not exceeding two thousand dollars, or confined in the county jail not less than one month and not exceeding one year, or both such fine and imprisonment.

Hiring armed guards.

SEC. 3767. Any person who shall hire, aid, abet or assist in hiring through private detective agencies or otherwise, persons to guard with arms or deadly weapons of any kind, other persons or property, or any person who shall come into the State armed with deadly weapons of any kind for any such purpose without a permit, in writing, from the governor, shall be guilty of a felony and on conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than five years: *Provided*, That nothing contained herein shall be construed to interfere with the right of any person, corporation, society, association or organization in guarding and protecting their property as provided by law; but this section shall be construed only to apply in cases where workmen are brought into the State or induced to go from one place to another in the State by any false pretenses, false advertising or deceptive representation, or brought into the State under arms or removed from one place to another in the State under arms.

Damages recoverable, when.

SEC. 3768. Any workman who shall be influenced, induced or persuaded to engage with any persons mentioned in section 3765, through or by means of any of the things therein prohibited,

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shall have the right of action for recovery of all damages that he has sustained in consequence of the false or deceptive representation, false advertisement and false pretenses used to induce him to change his place of employment, against any companies, corporations, or other employers of labor directly or indirectly causing such damages, and, in addition to all actual damages such workman may have sustained, he shall be entitled to recover such reasonable attorney's fees as the jury shall fix, to be taxed as costs in any judgment recovered.

Attorney's fees.

SEC. 3769. Whenever any employee of any public service corporation, or of a contractor, who works for such corporation, doing business in this State, shall be discharged or voluntarily quits the service of such employer, it shall be the duty of the superintendent or manager, or contractor, upon request of such employee, to issue to such employee a letter setting forth the nature of the service rendered by such employee to such corporation or contractor and the duration thereof, and truly stating the cause for which such employee was discharged from or quit such service; and, if any such superintendent, manager or contractor shall fail or refuse to issue such letter to such employee, when so requested, or shall willfully or negligently refuse or fail to state the facts correctly, such superintendent, manager or contractor shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars, and by imprisonment in the county jail for a period of not less than one month and not exceeding one year: *Provided*, That such letter shall be written, in its entirety, upon a plain sheet of white paper to be selected by such employee. No printed blank shall be used, and if such letter be written upon a typewriter, it shall be signed with pen and black ink and immediately beneath such signature shall be affixed the official stamp, or seal, of said superintendent, manager or other officer of such corporation or contractor, in an upright position. There shall be no figures, words or letters used, upon such piece of paper, except such as are plainly essential, either in the date line, address, the body of the letter or the signature and seal or stamp thereafter, and no such letter shall have any picture, imprint, character, design, device, impression or mark, either in the body thereof or upon the face or back thereof, and any person of whom such letter is required who fails to comply with the foregoing requirements shall be liable to the penalties above prescribed.

Reason for discharge to be furnished.

Failure.

Penalty.

Form.

A service letter in statutory form need not be furnished a workman who refuses to surrender another letter which had been given before demand for the statutory letter. 136 Pac. 764.

SEC. 3770. No firm, corporation or individual shall blacklist or require a letter of relinquishment, or publish, or cause to be published, or blacklisted, any employee, mechanic or laborer, discharged from or voluntarily leaving the service of such company, corporation or individual, with intent and for the purpose of preventing such employee, mechanic or laborer, from engaging in or securing similar or other employment from any other corporation, company or individual.

Blacklisting forbidden.

SEC. 3771. Any person, firm or corporation violating the preceding section shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and any person so blacklisted shall have a right of action to recover damages.

Penalty.

SEC. 3772. All scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances erected or constructed by any person, firm or corporation in the State, for use in the erection, repairing, alteration, removal or painting of any house, building, bridge, viaduct, steel tank, standpipe or other structure, shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any

Construction of scaffolds, etc.

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material that may be used or deposited thereon. Scaffolding or staging swung or suspended from an overhead support more than twenty feet from the ground or floor shall have, where practicable, a safety rail properly secured and braced, rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

Protective floors.

SEC. 3773. If, in the erection of an iron or steel framed building, the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces, during the construction of each story, from the time when the beams or girders are placed in position; but openings protected by a strong hand railing not less than four feet high may be left through said floors for the passage of workmen and material.

Failure to supply floors.

SEC. 3774. Any person engaged in and having supervision and charge of the building, erection or construction of any block, building or structure, who shall neglect or refuse to place or have placed upon the joists of each and every story of such block, building or structure, as soon as the joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and fro thereon of all mechanics, laborers and other persons engaged upon the work of construction or in supervising the same, or in the building or placing of materials therefor, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, and each and every day that such person, contractor, agent, factor or architect shall neglect or refuse to have such floors so placed as aforesaid, after written notice by the building inspector or from any person whose life or personal safety may be endangered by such neglect or refusal, shall be held and considered a separate offense, severally liable to the penalties aforesaid.

Violations by contractors, etc.

SEC. 3775. Any contractor or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank, standpipe or other structure within the provisions of the two preceding sections, shall comply with the terms thereof, and such contractor or other person violating any of the provisions of the two preceding sections shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court.

Liability.

SEC. 3776. An employer shall be responsible in damages for personal injury caused to an employee who was himself in the exercise of due care and diligence at the time he was injured, by reason of any defect in the condition of the machinery or appliances connected with or used in the business of the employer which arose, or had not been discovered or remedied owing to the negligence of the employer, or of any person entrusted by him with the duty of inspection, repair or of seeing that the machinery or appliances were in proper condition.

Shelters at railroad division points.

SEC. 3777. It shall be unlawful for any railroad corporation, or other person, who owns, controls or operates any lines of railroad in the State, to build, construct or repair railroad equipment without first erecting and maintaining at every division point a building or shed over the repair tracks, same to be provided with a floor where such construction or repair is permanently done, so as to provide that all men employed in the construction and repair of cars, trucks, and other railroad equipment, shall be under shelter during snows, sleet, rain, and other inclement weather.

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Violation.

SEC. 3778. Every person or corporation, or manager, superintendent, foreman or agent of any person or corporation, who shall fail or refuse to comply with the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and each day that said person or corporation, or its manager, superintendent, foreman or agent shall refuse or fail to comply with the provisions of said section shall constitute a separate and distinct violation thereof.

Entering boiler under pressure.

SEC. 3779. It shall be unlawful for any railroad company or any other person, firm or corporation, using steam boilers, to command, order or permit by themselves or their agents any of their employees to enter any steam boiler, fire box, or smoke chamber thereto, for the purpose of repairing or cleaning the same or for any other purpose when the same is under steam pressure.

Violation.

SEC. 3780. Any officer, superintendent, foreman, boss, or other person in authority who, on behalf of any railroad corporation or any other person, firm or corporation, using steam boilers, violating any of the provisions of the preceding section, shall be deemed guilty of a felony, and shall, upon conviction, be punished by imprisonment for a period of not less than one year nor more than two years.

When violation is manslaughter.

SEC. 3781. Should any employer enter such boiler, fire box, or smoke chamber, while the same is under pressure of steam, at the command or order of his employer, or the agent of such employer, and, while inside of such boiler, fire box or smoke chamber, meet with an accident resulting in his death, the person or persons commanding or ordering him to enter such boiler, fire box or smoke chamber shall be guilty of manslaughter in the second degree.

Assumption of risk.

SEC. 3782. The fact that the employee entering such steam boiler, fire box, or smoke chamber had knowledge of the unsafe condition of such steam boiler, and danger in so doing, and meeting with an accident shall not deprive him of a right of action against such employer for damages, and should said accident result in the death of such employee, then the wife or next of kin shall have a right of action against such employer for any damages she, they or the estate of such deceased employee may sustain by reason of the death of such employee, which action may be commenced in any court of competent jurisdiction.

Mine regulations.

State mining board.

SECTION 3937. The State mining board shall be composed of five members, two of whom shall be practical coal miners, one a practical mining engineer, one a practical hoisting engineer, and one a coal operator. Said board shall have exclusive control of granting certificates of competency as hereinafter provided. The members of said board shall be appointed by the governor by and with the consent of the senate, to serve for a term of four years, or until their successors are appointed and qualified, unless sooner removed for cause. A majority of said board shall constitute a quorum to transact business, and they shall have the power to adopt suitable rules and regulations, not inconsistent with the laws of the State, to govern their proceedings. Said board shall meet at such times and places as they may deem most convenient for the examination of applicants for certificates of competency.

Compensation.

SEC. 3938. The members of the board, when engaged in the business of said board, shall receive as compensation for their services, the sum of five dollars per day and actual expenses necessarily incurred: *Provided*, That members other than the secretary shall not receive per diem for more than twenty days in any one quarter-annual period, and the secretary shall not receive per diem for more than twenty-five days in any one quarter-annual period.

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Who to have certificates of competency.

SEC. 3939 (as amended by chapter 90, Acts of 1913). It shall be unlawful for any person in this State to act as mine manager, superintendent, pit boss, hoisting engineer, or fire boss without first having obtained a certificate of competency from the State mining board hereinbefore provided for. A violation of the provisions of this act shall be deemed a misdemeanor and shall be punishable by a fine of not less than fifty ($50) dollars, nor more than two hundred ($200) dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment: *Provided, however*, That the provisions of this act shall not apply to lead, zinc, jack, gold, silver or copper mines, and shall not apply to the employees of such mines.

Examination.

SEC. 3940. Before the State mining board shall grant a certificate of competency for any of the positions mentioned in the preceding section, they shall require satisfactory evidence, by oral examination or otherwise, of the fitness of the applicants to fill such positions.

Certificates from other States.

SEC. 3941. The board may exercise its discretion in issuing certificates (but not without examination) to persons presenting proper credentials or certificates issued by competent authority in other States.

Issue of certificates.

SEC. 3942. Certificates of competency shall be issued under the signature and seal of the State mining board to applicants who receive a rating above the minimum fixed by the rules of the board. Such certificates shall contain the full name, age, and place of birth of the recipient, and the length of time and nature of his previous service in or about coal mines.

Contents.

Fees.

SEC. 3943. Any person making application to the State mining board for a certificate of competency as mine manager or superintendent shall accompany said application with a fee of two dollars and fifty cents as a fee for examination, and shall be required to pay an additional fee of two dollars and fifty cents when said certificate is issued; any person making application to said board for a certificate of competency as pit boss or hoisting engineer shall accompany said application with a fee of two dollars for such examination, and shall be required to pay an additional fee of two dollars when said certificate is issued; and any person making applications to the State mining board for a certificate of competency as fire boss as provided in this act, shall accompany said application with a fee of one dollar as a fee for such examination, and shall be required to pay one dollar when said certificate is issued.

Record.

SEC. 3944. The board shall make and preserve a record of the names and the addresses of all persons to whom certificates are issued.

Effect.

SEC. 3945. A certificate of competency shall entitle the holder thereof to accept and discharge the duties for which he is thereby declared qualified at any mine where his services may be desired.

Revocation.

SEC. 3946. The board shall have power to revoke any certificate, for incompetency, intoxication or other sufficient cause: *Provided*, That any person against whom charges are made shall have ten days' written notice from the board, and shall have opportunity to be heard in his own behalf.

Chief mine inspector.

SEC. 3947. The chief mine inspector shall have had eight years' actual experience as a practical miner, and he shall not, while in office, be interested as owner, operator, agent, director, or otherwise interested in any coal mine, oil, gas or other mining interest, directly or indirectly, or in any way whatever, and he must have been a resident of the State two years before his election to office, and shall receive as a salary for his services the sum of three thousand dollars per annum.

Bond.

SEC. 3948. The chief mine inspector, before entering upon the duties of his office, and within twenty days after his election, shall make and execute a bond to the State with one or more sufficient sureties, in the sum of ten thousand dollars, for the faithful performance of his duties, to be approved by the governor, and said

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bond shall be filed in the office of the secretary of state; and in the event said chief mine inspector shall fail to make and execute said bond within the time prescribed herein, his office shall be declared vacant, and it shall be the duty of the governor to appoint a chief mine inspector until the next general election.

Districts.

SEC. 3949. There shall be three mining districts in the State; said mining districts shall be numbered one, two and three.

Mining district number one is composed of the following counties, to wit: McCurtain, Le Flore, Latimer, Pushmataha, Choctaw, Coal, Atoka, Bryan, Pontotoc, Johnston, Marshall, Garvin, Murray, Carter, Love, McClain, Grady, Stephens, Jefferson, Comanche, Caddo, Washita, Kiowa, Tillman, Jackson, Greer, Beckham, and Harmon.

Mining district number two is composed of the following counties, to wit: Pittsburg, Hughes, Seminole, Pottawatomie, Lincoln, Payne, Logan, Oklahoma, Cleveland, Canadian, Kingfisher, Garfield, Grant, Alfalfa, Woods, Major, Blaine, Custer, Dewey, Woodward, Ellis, Roger Mills, Beaver, Texas, Cimarron and Harper.

Mining district number three is composed of the following counties, to wit: Sequoyah, Adair, Delaware, Ottawa, Craig, Mayes, Cherokee, Haskell, McIntosh, Muskogee, Wagoner, Nowata, Washington, Rogers, Tulsa, Okmulgee, Creek, Pawnee, Noble, Kay, Osage and Okfuskee.

Assistant inspectors.

SEC. 3950. There shall be one assistant mine inspector for each mining district, who shall have been a resident of the State two years, and who shall have had eight years' actual experience as a practical miner before his appointment, and shall be of temperate habits, of good repute and a man of personal integrity, and shall have attained the age of thirty years. No such assistant shall have any pecuniary interests whatever in any mine in the State. Said assistants shall, before entering upon the duties of their office, each make and execute a bond to the State of Oklahoma in the sum of five thousand dollars for the faithful performance of their duties, to be approved by the county judge in the county where said assistant mine inspector resides. Said bond shall be filed in the office of the secretary of state. From each of said mining districts in the year 1910, and each four years thereafter, candidates for assistant mine inspectors shall be nominated by political parties or by petitioners of the respective mine districts in the manner provided by law, and said candidates shall be voted for by the qualified voters of the State at large at the general State election in the year 1910 and each four years thereafter, and no elector at said election shall vote for more than one candidate from each mining district. The candidate from the mining district receiving the highest number of votes cast in the State at said election shall be declared the assistant mine inspector in said district. Said assistant mine inspectors' term of office shall commence on the second Monday in January following their election and shall be a term of four years and until their successors are elected and qualified, unless they shall be removed from office. They shall at all times be subject to and under the control of the chief mine inspector. The salary of each of said assistant mine inspectors shall be fifteen hundred dollars per annum and they shall be allowed their actual and necessary traveling expenses while away from home and in the discharge of their duties: *Provided*, That no such expense account shall be allowed until the same has been sworn to by said assistant mine inspector and approved by the chief mine inspector.

Duties.

SEC. 3951. The chief mine inspector and the district inspectors shall give their whole time and attention to the duties of their offices. It shall be the duty of the district inspectors to examine all the mines in their respective districts as often as necessary, and not less than once every three months: *Provided*, That the mine committee shall have authority to call the mine inspector at any time in cases of emergency to see that the requirements and provisions of this chapter are strictly observed and carried out; they shall particularly examine the works and machinery be-

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longing to any mine, examine into the state and condition of the mine as to ventilation, circulation and condition of the air, drainage and the general extent to which the laws relating to mines and mining are observed or violated, the progress made in the improvements and security of life and health sought to be secured by the provisions of the law on mines and mining, number of accidents, injuries received, or deaths in or about the mines, the number of miners in their respective districts, the number of persons employed in or about each mine, together with all such other facts and information of public interest concerning the conditions of mines, developments and progress of mining in their respective districts, as they may think useful and proper, and keep a record of the same, which record shall, on the first Monday of every month, be filed in the office of the chief mine inspector, to be included in his annual report to the governor. In case of any controversy or disagreement between the district inspector and the owner, lessee or operator of any mine, or the persons working therein, or in case of conditions of emergencies requiring counsel, the district inspectors may call on the chief mine inspector for such assistance and counsel as may be necessary. Should the district inspector find any of the provisions of the law on mines and mining violated, or not complied with by an owner, lessee or agent in charge of any mine, he shall immediately notify such owner, lessee or agent in charge of such mine of the neglect or violation, and unless the same is, within a reasonable time, rectified and the provisions of the law fully complied with, the district inspector shall institute a prosecution. If the inspector find any matter, thing or practice in or connected with any such mine to be dangerous or defective so as, in his opinion, to threaten or tend to the bodily injury of any person, the inspector shall give notice in writing thereof to the owner, operator or lessee, and require the same to be remedied. For the purpose of making the inspection and examination provided for in this section, the chief mine inspector and the district inspectors shall have the right to enter any mine at any reasonable time, by day or by night, but in such manner as shall not unnecessarily obstruct the workings of the mine, and the owner, lessee or agent of such mine is hereby required to furnish the means necessary for such entry and inspection; the inspection and examination herein provided for shall extend to fire clay, iron ore, asphalt, and all other mines, as well as coal mines.

Powers.

SEC. 3952. The chief mine inspector and each of his assistants are hereby empowered to act as police officers, with full power to arrest and detain any person found violating any provisions of the law relative to mining, or engaged in any attempt to violate any such law or part thereof, or against whom there is found any evidence of a previous violation of such law: *Provided, however*, That no such person shall be detained for any period of time longer than twenty-four hours without warrant or the filing of a charge against him in a court of competent jurisdiction.

SEC. 3953. Such inspector, and each of his assistants shall also have power to immediately stop the operation of any mine or part thereof where any dangerous or unlawful conditions are found: *Provided, however*, That, where conditions exist justifying him to do so, he may grant a reasonable length of time for making repairs: *And provided, further*, That where any stops are enforced such inspector and each of his assistants shall have the power subsequently to allow such mine or part of mine to be reopened when the dangerous or unlawful conditions have been remedied or removed, so that they no longer exist.

SEC. 3954. Every person who willfully obstructs the chief inspector or his assistant inspectors in the execution of his or their duties, and every owner, agent, lessee or manager of a mine who refuses or neglects to furnish to the chief mine inspector or his assistants the means necessary for making entry, inspection, examination or inquiry, as herein provided, in relation to

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such mine, shall be guilty of a misdemeanor, and upon conviction he shall be punished as hereinafter provided.

Maps.

SEC. 3955. The owner, agent, lessee or operator of every coal or other mine, shall make or cause to be made by a competent mining engineer or surveyor an accurate map or plan of such mine, no smaller than on a scale of two hundred feet to an inch, which map shall show as follows:

(*a*) All measurements of said mines in feet or decimal parts thereof.

(*b*) All openings, excavations, shafts, tunnels, slopes, planes, main entries, rooms, and other parts, in proper numerical order in each opening or stratum of coal in said mine.

(*c*) The directions of the air currents, when practicable, by darts or arrows marked thereon.

(*d*) An accurate delineation of the boundary lines between said mine and all adjoining mines or coal lands where owned or operated by the same operator or other operators, and the relation and proximity of the workings of said mine to any other adjoining mine or coal land.

(*e*) The bearings and lengths of each tunnel, or entry, or the boundary of property lines.

The said map or plans, or a true copy thereof, shall be kept in the general mine office by the said operator or superintendent for the use only of the mine officials and mine inspectors, and for the inspection of all persons working in said mines whenever said person or persons shall have cause to fear that any working place is becoming dangerous by reason of its proximity to other workings that may contain water or dangerous gas.

Corrections.

SEC. 3956. At least every six months, or oftener if necessary, the operator, owner, lessee or agent of each mine shall cause to be shown accurately on the map or plan of said mine all the excavations made therein during the time elapsing since such excavations were last shown upon said map or plan, and all parts of said mine which were worked out or abandoned during said elapsed period of time shall be clearly indicated by colorings on said map or plan, and whenever any of the workings or excavations of said mine have been driven to their boundary, a correct measurement of all such workings or excavation shall be made promptly and recorded in a survey book, prior to the removal of the pillars or any part of the same from such workings or excavations.

Copies to be furnished.

SEC. 3957. The operator or superintendent of every mine shall furnish the mine inspectors of the district in which said mine is located with a correct copy, on tracing muslin or sun print, of the map or plan of said mine hereinbefore provided for, and the inspector of the district shall at the end of each year, or twice a year, if he requires it, return said map or plan to the proper person at any particular mine, whose duty it shall be to place or cause to be placed on said map or plan all extensions and worked out or abandoned parts of the mine during the preceding six months or twelve months, as the case may be, and forward the same to the district mine inspector within thirty days from the time of receiving it. When any mine is worked out or abandoned, the operator or superintendent shall furnish the mine inspector, within thirty days, with a correct plan of said mine on tracing muslin or cloth, which plan shall clearly show all the worked out or abandoned territory, together with all property and boundary lines, elevations and other things required by this article. The copies of the maps or plans of the several coal and other mines in each district, as hereinbefore required to be furnished to the mine inspector, shall remain in the care of the inspector of the district in which the said mines are situated, as strictly official records, to be transferred by him to his successor in office.

Failure.

SEC. 3958. If any superintendent or operator of mines shall neglect or fail to furnish to the mine inspector any copy of maps or plans as hereinbefore required by this article, or, if the mine inspector shall believe that any map or plan of any coal or other

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mine made or furnished in pursuance of the provisions of this article, is materially inaccurate or imperfect, then, in either case, the mine inspector is hereby authorized to cause a correct survey and map or plan of said mine to be made at the expense of the operator thereof, the cost of which shall be recoverable from said operator as other debts are recoverable by law: *Provided*, That when the inspector shall cause a new survey and map or plan of any such mine, and it is found that the map or plan furnished by the operator was substantially correct, then the cost of the survey, map or plan, caused to be made by the inspector, shall be paid by the State.

Prospective plans.

SEC. 3959. In the preparation of maps of the territory being, or to be, developed in mining operations, it shall be the duty of the operator, where practicable, to furnish the district inspector prospective plans suitable to the coal seam and adjacent strata, for the safe economic extraction of coal or other mineral. It shall be the duty of the operator to see that the developments are systematically conducted to preserve the health, safety and welfare of the employees and to prevent the unnecessary leaving of coal or other mineral in the ground.

Room and pillar work.

SEC. 3960. The work in coal mines operated on the room and pillar plan shall be prosecuted in the following manner, and none other, to wit:

The entries must be driven parallel for the ingress and egress of the air, and break throughs must be made at intervals not to exceed forty feet apart, or thirty feet where gas is generated in dangerous quantities; and no rooms, cross entries or other openings shall be allowed to start inside of the last break through until the next one is made, and no room shall be started on any entry until the rooms previously started shall have been connected.

Openings to surface.

SEC. 3961. It shall be unlawful for the operator or superintendent, mine foreman or other person to employ more than ten persons in any coal or other mine, or permit more than ten persons to be employed therein at any one time unless they are in communication with at least two available openings to the surface from each seam or stratum of coal or other mineral worked in such mine: *Provided*, That in any mine operated by shaft or slope and ventilated by a fan placed at the second opening, and said second opening is a slope or shaft, it may be used as an airway and for a traveling way into and from the mine, and if the said second opening is a shaft through which the employees travel into and from the mine, by reason of a stairway, or are regularly lowered into and hoisted from the mine by the use of machinery and such shaft is divided by suitable material into two compartments while developing or opening the mine up, to the ten men as hereinbefore provided, one of them may be used for an airway and the other for the purpose of ingress and egress into and from said mine: *And provided, further*, That any fan shaft hereafter divided into compartments for the purpose of ventilation, and ingress and egress into and from the mines or any divided partition now in use that may hereafter be replaced, wholly or in part, shall be constructed of noncombustible material. And there shall be cut around the bottom of all hoisting shafts, or driven through the solid strata a traveling way not less than five feet high and three feet wide, to enable persons to pass from one side of the shaft to the other without passing over or under the cage or other apparatus, and there shall be cut around all other shafts a traveling way to save the necessity of passing under the shaft.

Travel ways.

Distance between openings.

SEC. 3962. In all shaft mines the openings to the surface hereinbefore provided for shall be separated from each other by natural strata at all points by a distance of not less than one hundred and fifty feet, and at all mines worked by slope openings, the distance separating openings shall not be less than fifty feet of natural strata: *Provided*, That in any mine opened heretofore the distance between said openings may be less, if the mine inspector of the district shall deem it impracticable to comply with the

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foregoing requirements. Where the two openings shall not have been provided as hereinbefore required, the mine inspector shall cause the second opening to be made in every mine without delay, and in no case shall furnace ventilation be used where there is only one opening into the mine.

Secondary outlets.

SEC. 3963. When the opening or outlet other than the main opening is a shaft and does not exceed seventy-five feet in vertical depth, and is used by the employees for the purpose of ingress and egress from the mine, it shall be kept in a safe and available condition and free from steam and dangerous gases and all other obstructions, and shall be fitted with safe and convenient stairs, with steps of an average tread of ten inches, and ten inches raise, not less than two feet wide and not to exceed an angle of forty-five degrees descent, with landings of not less than eighteen inches wide and four feet long, at easy and convenient distances, and water coming from the surface or out of the strata in the shaft shall be conducted away by rings, cases or otherwise, and be prevented from falling upon persons who are ascending or descending the stairway of the shaft.

Hoists to be provided, when.

SEC. 3964. When any mine is operated by a shaft which exceeds seventy-five feet in vertical depth, the persons employed in said mine shall be lowered into and raised from said mine by means of machinery, and where the employees are lowered into and hoisted from the mines at the main shaft opening, the other shaft shall be supplied with safe and suitable machinery for hoisting and lowering persons, or with safe and convenient stairs for use in cases of emergency by persons employed in said mine: *Provided*, That any mine operated by two shafts, and where safe and suitable machinery is provided at both shafts for hoisting coal or other mineral, or persons, as herein provided for, shall have sufficiently complied with the requirements of this section.

Angle of descent.

SEC. 3965. At any mine where one of the two openings as required herein, is a slope and is used as a traveling way, it shall not have a greater angle of descent than twenty degrees, and may be of any depth.

Inspection of ropes, etc.

SEC. 3966. The ropes, chains, machinery and all of its connections used for lowering or raising the employees into or out of the mines, and the stairs used for ingress and egress shall be kept in a safe condition, and inspected once every twenty-four hours by a competent person provided by the mine operator for that purpose, who shall make a daily record of such inspection in a book provided for that purpose, and such machinery and the method of its inspection shall be approved by the mine inspector of the district in which the mine is situated.

Speaking tubes, signals, etc.

SEC. 3967. The operator or superintendent shall provide and maintain from the top to bottom of every shaft, where persons are raised or lowered, a metal tube suitably adapted to the free passage of sound through which conversation may be held between persons at the top and bottom of said shaft, and also a means of signaling from the top to the bottom thereof, and shall provide every cage or gear carriage used for the hoisting or lowering of persons with a sufficient overhead covering to protect those persons when using the same, and shall provide also for each said cage or carriage a safety catch approved by the mine inspector, and the said operator or superintendent shall see that flanges with clearance of not less than four inches when the whole of the rope is wound around the drum, are attached to the sides of the drum of every machine that is used for lowering persons into or hoisting them out of the mines, and also, that adjacent brakes are attached to the drums: *Provided*, The rope shall be left around the drum at least two and one-half times when the cage is at the bottom. At all shafts, safety gates to be approved by the mine inspector of the district shall be so placed as to prevent persons from falling into the shaft.

Cages and drum.

Coupling chains, etc.

SEC. 3968. The main coupling chain, attached to the socket of the wire rope, shall be made of the best quality of iron and shall be tested by weights or otherwise to the satisfaction of the mine

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inspector of the district where the mine is located, and the bridle chains shall be attached to the main hoisting rope above the socket from the top cross piece of the carriage or cage so that no single chain shall be used for lowering persons into or hoisting them out of the mine.

Number of persons to be hoisted.

SEC. 3969. No greater number of persons shall be lowered or hoisted at any one time than may be permitted by the mine inspector of the district, and notice of the number so allowed to be lowered or hoisted at any one time shall be kept posted up by the operator or superintendent in conspicuous places at the top and bottom of the shaft, and the aforesaid notice shall be signed by the mine inspector of the district.

Inspection.

SEC. 3970. The ropes, chains, machinery, and all of its connections used at the operating shaft and slope mines, where the employees are lowered into or hoisted from the mine, and the same used on all gravity and inclined planes, shall be inspected and a record made of said inspection in the same manner as provided for in section 3996. At all mines all machinery from which any accident might occur shall be properly fenced off by suitable guard railings.

Ventilation.

SEC. 3971. The operator of every coal or other mine, whether shaft, slope or drift, shall provide and hereafter maintain ample means of ventilation affording not less than one hundred and fifty cubic feet of air per minute for each and every person employed therein, and seven hundred and fifty cubic feet of air per minute for every animal employed therein; but, in a mine where fire damp has been detected, the minimum shall be two hundred cubic feet per minute for each person employed therein, and as much more in either case as one or more of the mine inspectors may deem requisite, and the ventilation shall be conducted through the main cross entries and all other working places so as to dilute and render harmless and expel therefrom the noxious and poisonous gases, and all working places shall be kept clear of standing gases.

Number of persons to one air current.

SEC. 3972. Not more than forty-five persons shall be permitted to work in the same air current, and mines where ten or more persons are employed shall be provided with a fan or other artificial means to produce the ventilation, but no furnace shall be used where mines generate gases in dangerous quantities, and all stoppings between main intake and return airways hereafter built or replaced shall be substantially built of suitable masonry or concrete, which shall be approved by the inspector of the district.

Fans.

SEC. 3973. All ventilating fans shall be kept in operation night and day unless operations are indefinitely suspended, except written permission is given by the mine inspector of the district to stop the same, and the said written permission shall state the particular hours the said fan may not be in operation, and the mine inspector shall have the power to withdraw or modify such permission as he may deem best, but in all cases the fan shall be started three hours before the time for work to begin, and such written permission to stop the fan shall not apply to fans in use at mines wherein explosive gas is generated. When the fans may be stopped by the permission of the mine inspector, a notice printed in the various languages used by persons employed in the mine, stating at what hours the fan will be stopped and the time it will again be set in motion, shall be posted by the mine foreman in a conspicuous place at the entrance or entrances to the mine: *Provided*, That should it at any time become necessary to stop the fan on account of accident or needed repairs to any part of the machinery connected therewith, or by reason of any other unavoidable cause, it shall then be the duty of the mine foreman, or any other official in charge, after first having provided for the safety of the persons employed in the mine, to order said fan to be stopped so as to make the necessary repairs or to remove any other difficulty that may have been the cause of its stoppage, and all ventilating furnaces in mines shall be started three hours be-

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fore the appointed time to begin work and during working hours be properly attended by a person employed for that purpose; in mines generating fire damp in sufficient quantities to be detected by the ordinary safety lamps, all main break throughs between slopes and air courses, air bridges or overcasts shall be built of masonry or other noncombustible material of ample strength, or be driven through the solid strata. In all mines the doors used for guiding and directing the ventilation of the mine shall be so hung and adjusted that they will close themselves, or be supplied with springs or pulleys so that they can not be left standing open, and an attendant shall be employed at all doors through which cars are hauled for the purpose of opening and closing said doors when trips of cars are passing to and from the workings, unless approved self-acting doors are used, which doors shall be determined by the mine inspector and mine foreman. A hole for shelter shall be provided at each door, so as to protect said attendant from being run over by the cars while attending to his duties; and persons employed for this purpose shall at all times remain at their post of duty during working hours: *Provided*, That the same person may attend two doors where the distance between them is not more than one hundred feet. At all principal doors and every inclined plane or roadway in any mine where haulage is done by macninery, and where a door is used, an extra door shall be provided to be used in case of necessity.

Break throughs.

Doors.

Shelter holes.

SEC. 3974. All mines generating fire damp shall be kept free of standing gas in all working places and roadways. No accumulation of explosive gas shall be allowed to exist in the worked out or abandoned parts of any mine. It shall be removed as soon as possible after its discovery, and no miners or other persons who are not employed in the removal of the dangerous accumulation, shall be allowed to remain in any mine, or part of mine, during the time that a dangerous accumulation of explosive gas is being removed from any part of the mine, and the entrance or entrances to the worked out and abandoned places, shall be properly fenced off and cautionary notices shall be posted upon said fencing to warn persons of danger.

Gas to be removed.

SEC. 3975. In all mines wherein explosive gas is generated, and also in all mines where the fire damp has generated in sufficient quantities to be detected by the ordinary safety lamp, every working place, without exception, and all roadways shall be carefully examined immediately before each shift by a competent person, who shall be known as the fire boss, appointed by the superintendent and mine foreman for that purpose. The person making such examination shall use no light other than that enclosed in a safety lamp while making such examination. In all cases, said examination shall be begun within the shortest possible period of time necessary to complete such inspection before the regular time appointed to commence work, but in no case shall said examination be begun more than three hours prior to the appointed time of each shift in commencing work, and it shall be the duty of the said fire boss to examine for all dangers likely to be found, and after each examination to leave at the face and sides of every place so examined evidence of his presence, and he shall at each examination inspect the entrance or entrances to the worked out or abandoned parts, which are adjacent to the roadways and working places of the mines where fire damp is likely to accumulate, and in every working place and all other places where explosive gas is discovered, also where immediate danger is found to exist from other causes he shall place a danger signal across the entrance to such places, which shall be a sufficient warning for all persons not to enter said place.

Examination of working places and roadways.

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Danger signals.

SEC. 3976. The fire boss shall at each entrance to the mine, or to the main intake airway, near to the mine entrance, prepare a permanent station with the proper danger signals designated as follows:

X—(date of Month)—X

and it shall not be lawful for any person or persons, except the mine officials in cases of necessity, and such other persons as may be designated by them, to pass beyond said danger station, until the mine has been examined by the fire boss as aforesaid, and the same, or certain parts thereof, reported by him to be safe; and in all mines where operations are temporarily or indefinitely suspended, the superintendent and mine foreman shall see that a danger signal be placed at the mine entrance or entrances which shall be a sufficient warning to persons not to enter the mine, and if ordinary circulation of air through the mine be stopped, each entrance to said mine shall be securely fenced off and a danger signal shall be displayed upon said fence, and any workman or other person (except those persons hereinbefore provided for) passing beyond any danger signal into the mine before it has been examined and reported to be safe as aforesaid, also any person passing beyond any danger signal placed at the entrance to a working place, or any other place, in the mine without permission of the mine foreman, his assistant or his fire boss, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail not to exceed thirty days, or both such fine and imprisonment; and it shall be the duty of the fire boss, mine foreman or superintendent to forthwith prosecute such person or persons before the proper legal authority, or to notify the mine inspector, who shall enter proceedings against such person.

Electric wires to be insulated.

SEC. 3977. In mines where electricity is used as a part of the system, power or means of mining and procuring the coal or other mineral therefrom, the owners or operators thereof shall cause all wires conducting electricity in and about said mines to be carefully and thoroughly insulated or protected in a safe manner, so that the persons or animals coming in contact therewith shall not be injured; all wires as aforesaid shall either be thoroughly insulated or placed where persons employed in or about the mines can not come in contact therewith, or shall be covered, protected or shielded in a safe manner so as to prevent any injuries or accidents therefrom to those in or about the mines.

Shields for machines.

SEC. 3978. In mines where mining machines are used, each machine shall be equipped and provided with a sufficient shield for the protection of those employed in or about said machines, or in the use and operation thereof; and said shield shall be kept in use constantly while said machine is being operated. All electric pumps inside of the mine shall receive careful attention. While in use at a permanent pumping station, such pumps shall be placed in a fireproof shed, constructed of masonry walls.

Oiling cars.

SEC. 3979. The oiling or greasing of cars inside of the mines is strictly forbidden, unless the place where said oil or grease is used is thoroughly cleansed once every day to prevent the accumulation of waste oil or grease on the roads or in the drains at that point. Not more than one barrel of lubricating oil shall be permitted in the mine at any one time. No explosive oil shall be used or taken into the mines for lighting purposes except when used in approved safety lamps, and oil shall not be stored or taken into the mines in quantities exceeding five gallons. Only pure oils, as free from smoke as pure animal oil, shall be sold or used for illuminating purposes in any mine. Any person selling for use in mines, or any person using, explosive or impure oils in any mine contrary to this section, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail not to exceed thirty days, or both such fine and imprisonment. For special convenience, the operator shall keep

Illuminating oil.

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on hand a supply of pure oil for illuminating purposes, to comply with the requirements of this section, when requested to do so by a majority of the miners working therein.

Bore holes.

SEC. 3980. In any place that is being driven towards, or in dangerous proximity to, an abandoned mine or part of mine, suspected of containing inflammable, noxious or poisonous gases, or which may be inundated with water, bore holes shall be kept not less than twelve feet in advance of the face and on the sides of such working places, said side holes of the same depth shall be drilled diagonally, not more than eight feet apart, and at any place driven to tap water or gas, shall not be more than ten feet wide, and no water or gas, from an abandoned mine, or part of a mine, and no bore holes from the surface shall be tapped, until the employees, except those engaged at such work, are out of the mines, and such work is to be done under the immediate supervision of the mine foreman.

Working near accumulated water.

SEC. 3981. No operator shall be permitted to mine coal within two hundred feet of any abandoned mine containing a dangerous accumulation of water until said danger has been removed by driving a passageway so as to tap and drain off said water as provided for in this chapter.

Sprinkling dusty places.

SEC. 3982. In case any entry or room in any coal mine in this State is so dry that the air becomes clogged with dust, the operator, owner, lessee or agent, or whoever is operating said mine in any capacity, shall have such entry, airway or room, regularly and thoroughly sprinkled, sprayed and dampened with water, so that the air will not be charged with dust, or if that be impracticable, then the dust shall be removed from the mine and shall not be deposited in any place in the mine where it would be again distributed in the atmosphere by the ventilating currents. It shall be the duty of the district inspector to enforce all possible preventative measures necessary to maintain the safety of all persons employed in any mine against the gathering or accumulation of any combustible matter that is explosive in its nature, and shall cause the operator, or whosoever is operating such mine as owner, lessee, agent, or in any capacity, to immediately remove any such accumulated matter.

Mine foremen.

SEC. 3983. Every operator shall employ a competent and practical inside overseer for each mine employing ten or more persons inside, to be called mine foreman, who shall have charge of the inside operations of the mine, and shall see that the provisions of this chapter are strictly enforced. Said mine foreman, or in case of his necessary absence, an assistant chosen by him, shall devote the whole of his time to his duties in the mine when in operation, and shall keep a careful watch over the ventilating apparatus and the airways, traveling ways, timbering, pumps and drainage, and shall often instruct, and, as far as possible see, that as the miners advance their excavations, all dangerous slate and rock overhead are taken down or carefully secured against falling therein, or on the traveling and hauling ways; and that sufficient props, caps and timbers of suitable size are sent into the mine when required, which props shall be cut square at both ends, and as near as practicable to a proper length for the places where they are to be used, and which props, caps and timbers shall be delivered to the working force [face] by company men.

Duties.

Timbers to be supplied.

SEC. 3984. The mine foreman shall see that all miners in said mine are supplied at all times with such timbers, props and cap pieces as are necessary to keep their working places in a safe condition. Such timbers to be sawed square, as near as possible in proper length to fit the working place. All such timbers, props and cap pieces shall be delivered at the face of the miners' working place in said mine by company men. Timbers in this section shall mean all wood to be used by said miners, and if from any cause the timbers can not be supplied where required, the said mine foreman shall instruct the persons to vacate all said working places until supplied with the timber needed, and shall see that all water be drained or hauled out of all working places before the

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"Company men."

miner enters, and as far as practicable, kept dry while the miner is at work. The term "company men" as used in this chapter shall mean those employed regularly as day hands and paid by shift wages.

Break throughs to be made.

SEC. 3985. It shall be the duty of the mine foreman to see that the proper break throughs are made in all the room pillars at such distances as in the judgment of the mine inspector may be deemed necessary for proper ventilation, but not more than thirty feet apart where gas exists and in no case more than forty feet apart, and the ventilation shall be conducted through said break throughs into rooms by means of check doors made of canvas or other suitable material, placed on the entries or in other proper places, and he shall not permit any room to be opened in advance of the ventilating current, or when the rooms already made are not connected. He shall also see that the air current is conducted to the face of all the entries, airways, rooms and other advance workings, so as to dilute and render harmless all noxious and poisonous gases. Should the mine inspector discover any room, entry, airway or other working places being driven in advance of the air current contrary to the requirements of this section, he shall order the workmen working in such places to cease work at once, until the law is complied with.

Shelter holes.

SEC. 3986. In all hauling roads, on which hauling is done by animal power, and whereon men have to pass to and from their work, holes for shelter, which shall be kept clear of obstruction, shall be made at least every thirty yards and be kept whitewashed, but shelter holes shall not be required in entries from which rooms are driven at regular intervals not exceeding fifty feet where there is a space of four feet between the car and rib. But in no case shall men be permitted to travel to and from their work on hauling roads where hauling is done by machinery, and where such hauling is done there shall be a manway provided for men to travel to and from their work. Said manway shall be six feet in width and five feet in height, and shall be kept clear of all obstructions, and shall be properly timbered.

Air current to be measured.

SEC. 3987. The mine foreman shall measure the air current at least once a week at the inlet and outlet, and at or near the faces of the entries, and shall keep a record of such measurements. An anemometer shall be provided for this purpose by the operator of the mine.

Reported dangers.

SEC. 3988. The mine foreman shall give prompt attention to the removal of all dangers reported to him by the fire boss, or any other person working in the mine, and the said mine foreman, or his assistant, shall visit and examine every working place therein at least once every day, while the miners of such places are, or should be at work, and shall direct that each and every working place be properly secured by props or timbers, and that no person shall be directed or permitted to work in an unsafe place, unless it might be for the purpose of making it safe.

Assistant foremen.

SEC. 3989. Where the mine workings are so extensive that the mine foreman is unable personally to carry out all the requirements of this chapter, as pertaining to his duties, he shall give his personal attention to any part or parts of the mine where he may deem it necessary, and the operator shall employ a competent person or persons to act as his assistant or assistants, who shall act under his instructions in carrying out the provisions of this chapter, and in all mines where fire damp is generated, the said assistant or assistants shall possess the same qualifications as the mine foreman.

Records.

SEC. 3990. The mine foreman shall each day enter in a record book the conditions of the mine, signed by himself, which shall clearly state any danger that may come under his observation during the day, and shall also state whether he has a proper supply of material on hand for the safe working of the mine, and whether all requirements of the law are strictly complied with. He shall once a week enter, or cause to be entered, plainly with ink in said book a true record of all air measurements required by this chapter,

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and such books shall at all times be kept at the mine office for examination by the mine inspector of the district, and any person working in the mines. All printed rules and notices (1) regulating the stoppage of ventilation fans; (2) regulating the number of persons to be lowered and hoisted on cages at any one time at shaft mines; also all record books required by this chapter, shall be provided by the chief mine inspector, and it shall be the duty of the superintendents and mine foremen to see that said rules, notices and record books are properly cared for and preserved in good condition.

Duties of mine foremen.

SEC. 3991. First. The mine foreman shall attend personally to his duties in the mine and carry out all the instructions set forth in this chapter, and see that the regulations prescribed for each class of workmen under his charge are carried out in the strictest manner possible, and see that any deviations from or infringements of any of them are properly adjusted.

Second. He shall cause all stoppings along the airways to be properly built.

Third. He shall see that the entries at such places, where road grades necessitate, are supplied with sprays [sprags] or brakes to be used to allow the driver to pass his trip safely and keep clear of the cars thereto.

Fourth. In case of accident to a ventilating fan or its machinery whereby the ventilation of the mine would be seriously interrupted it shall be his duty to order the men to immediately withdraw from the mine and not allow their return to their work until the ventilation has been restored, and the mine has been thoroughly examined by him or his assistant and reported to be safe.

Fifth. He shall see that all dangerous places are properly fenced off and proper danger signals plainly shown on the fencing. He, or his assistant shall also travel and examine all air roads and shall make a record of their condition in the daily record book, at least once each week, and examine all openings that give access to old workings as often as it is necessary to insure safety.

Sixth. He shall, on blank forms provided by the chief mine inspector for the purpose, within ten days after their occurrence, report to the mine inspector all fatal and serious accidents occurring in or about the mines, giving age, nationality, and occupation of the injured persons, together with the facts as to the families or dependents affected, and such other facts as he may deem material, but he shall, as hereinbefore provided, give immediate notice of all fatal accidents.

Duties of fire boss.

SEC. 3992. First. The fire boss shall enter the mine before the men have entered it and before proceeding to examine the same he shall see that the air current is traveling in its proper course and then he shall proceed to examine the workings.

Second. He shall not allow any persons, except those duly authorized, to enter or remain in any part of the mine through which a dangerous accumulation of gas is being passed in the ventilation current from any other part of the mine.

Third. He shall frequently examine the edge and accessible parts of new falls and old gobs and air courses, and shall strictly conform to all the requirements of this chapter, relative to his duties, and he shall report at once any violation of this chapter to the mine foreman.

Records.

SEC. 3993. A suitable record book with printed headlines, prepared by the chief mine inspector, shall be kept at every mine, and immediately after each examination of such mine made by the fire boss or bosses, a record of the same shall be entered in said book, signed by the person or persons making such examination, which shall clearly state the nature and location of any danger which may have been discovered, and the fire boss of the mine, or mine foreman, whose duty it shall be to remove the danger, or to cause the same to be removed, as far as practicable;

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and the mine foreman shall also each day carefully countersign all reports entered by the fire boss or fire bosses.

Shot firers. SEC. 3994. All owners, lessees, operators or any other persons having the control and management of any coal shaft, drift, slope or pit in this State, employing ten or more miners to work therein, shall employ shot firers at operators' expense, to fire the shots therein. Said shots shall be fired at the end of each shift, but not until all miners and other employees, working therein, are out of said mine.

Violations. SEC. 3995. Any miner, or other person, who shall fire any shot in violation of the preceding section shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or imprisonment in the county jail, not to exceed thirty days, or by both such fine and imprisonment.

Explosives. SEC. 3996. All explosives taken into the mine shall be delivered at the working place of each miner by the company and all explosives shall be taken into the mine before the miner enters and the surplus powder or explosives shall be taken out by the company from each working place before shots are fired; and no explosives shall be taken out of the mine until the end of the shift and all miners have gone out, and the method, where jack, canister, or kegs are used, also the amount per day, shall be determined between the mine foreman and the inspector of the district.

Duties of shot firers. SEC. 3997. No shot firers shall enter any mine, for the purpose of firing shots, nor shall any shots be fired until all employees shall have left the mines. No person, other than a shot firer shall tamp any hole, and in the process of charging and tamping a hole, where needles are used, no iron or steel pointed needle shall be used; the needle used in tamping the shot shall be made of copper, and the tamping bar shall be tipped with at least five inches of copper.

Tamping holes. SEC. 3998. All holes shall be tamped with fire clay, or other noninflammable material, suitable for use in tamping, and in no case shall coal drillings, coal dust, or small pieces of coal be used in tamping, and it shall be the duty of the mine owner, operator, lessee or agent of all coal mines to furnish the miner with suitable tamping material, delivered to his working place, to be prepared by the miner and placed at the mouth of each hole ready for the shot firer to use in tamping.

Firing shots. SEC. 3999. It shall be unlawful for any shot firer to light shots in more than one working place at any one time in any one split of air.

Weighing and screening coal. SEC. 4000. It shall be unlawful for any mine owner, lessee, or operator of any coal mine employing miners who are paid by the quantity of coal mined by them, to use any other than a recognized standard scale or to pass the output of coal mined by said miners, over any screen or any other device until the same shall have been weighed and duly credited to the miner sending the same to the surface and accounted for at the legal rate of weights; and no miner within the meaning of this article shall be deemed to have waived any right accruing to him under this section by any contract he may make contrary to the provisions thereof, and any provisions, contract or agreement between owners or operators of mines and the miners employed therein, whereby the provisions of this article are waived, modified or annulled, shall be void and of no effect; and the coal sent to the surface shall be accepted or rejected, and if accepted shall be weighed in accordance with the provisions of this article, and the right of action shall not be invalidated by reason of any contract or agreement, and any owner, agent or operator of any coal mine who shall knowingly violate any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars for each offense, or by imprisonment in the county jail for a period of not less than sixty days nor more than six months or by both such fine and imprisonment.

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Weighmen.

SEC. 4001. The weighmen employed at any mine shall, before some person authorized to administer oaths, take and subscribe to an oath, to do justice between the employer and employee and to weigh truly and correctly the output of coal from the mines as herein provided.

Checkweighmen.

SEC. 4002. The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this State, shall have the privilege, if they desire, of employing, at their own expense, a checkweighman, who shall have equal rights, powers and privileges in the weighing of coal with the regular weighman, who shall subscribe to the same oath as regular weighman. Said oath shall be kept conspicuously posted in the weigh office and any regular weigher of coal or person so employed who shall knowingly violate any of the provisions of this or the next preceding section, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using checkweighman, in the discharge of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense or by imprisonment, of not less than thirty days nor more than six months. Whenever the chief mine inspector shall be satisfied that the provisions of this section have been so violated it shall be his duty to prosecute the person guilty thereof.

Weighing.

SEC. 4003. Every owner, operator or agent of any coal mine in this State employing miners at bushel or ton rates, shall provide at such mine accurate and suitable scales, of standard manufacture, upon which shall be accurately weighed all coal coming out of such mine before being screened or placed in railroad cars; said scales to be located at a reasonable distance from the point where the coal is delivered to the surface opening of the mine; and any owner, agent or operator, having or using any scales for the purpose of weighing the product of the miner's labor, who shall by arrangement or construction of scales, or by any contrivance therewith connected, cause any fraudulent weighing of such coal, or who shall knowingly resort to, permit or employ any person or means whatever, by reason of which said product of the miners' labor is not correctly weighed and the true weight reported in accordance with the provisions of this article, shall be deemed guilty of a misdemeanor, and shall upon conviction for each offense be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than sixty days nor more than six months, or by both such fine and imprisonment.

Duty of mine inspector as to scales, etc.

SEC. 4004. The chief mine inspector and assistant mine inspectors shall be ex officio inspectors of weights, measures and scales used at coal mines, and it shall be their duty to test all scales, and if defects or irregularities are found in such scales which prevent correct weights and measurements, the inspector shall call the attention of the mine owner, agent or operator to said defects and shall direct the same to be at once properly adjusted and corrected, and if such owner, agent or operator shall refuse to put such scales in proper adjustment and condition, so that the same shall correctly weigh the coal, after being notified by the inspector to do so, such owner, agent or operator shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not exceeding five hundred dollars or be confined not exceeding six months in the county jail, or both.

Hours of labor.

SEC. 4005. Except in cases of emergency, eight hours shall constitute a day's work underground in all mines of this State.

Employment of convicts.

SEC. 4006. In no event shall convicts in this State ever be employed in any coal or mineral mines of this State, other than stone, or such other material as will be necessary for the construction and maintenance of the public highways or public works of the State.

Monthly reports.

SEC. 4008. On or before the fifth day of each month the operator superintendent of every coal or other mine shall send to the mine

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inspector of the district in which said mine is located, a correct report, specifying with respect to the month preceding, the name of the operator and officer of the mine and quantity of coal or other mineral mined, number of tons of coke manufactured, the number of different employees classified, total number of days worked during the month. The report shall be in such form and give such information regarding said mines as may be from time to time required and prescribed by the chief mine inspector. Blank forms for such reports shall be furnished by the State. Said statistical reports returned to the mine inspector shall, on approval by him, be forwarded by him to the chief mine inspector, for compilation and direct entry into the annual, general report of the chief mine inspector to the governor of the State.

Rules to be posted.

SEC. 4009. All operators of coal or other mines shall keep posted in a conspicuous place the special and general rules embodied in, and made a part of this chapter, defining the duties of all persons employed in and about said mine, which said rules shall be printed in the English language at the expense of the State, and in such other languages as are used by any ten persons working therein, at the expense of the operator. It shall be the duty of the mine inspector to furnish to the operator printed copies of such rules in the English language as are required by this section, and to certify their correctness over his signature; said rules shall be furnished the chief mine inspector by the State.

Provisions for accidents.

SEC. 4010. It shall be the duty of the operators or superintendents to keep at the mouth of the shaft, drift or slope, or at such other place about the mine as shall be designated by the mine inspector, stretchers properly constructed, and woolen and waterproof blankets in good condition for use in carrying away any person who may be injured in the mine, and a sufficient quantity of linseed oil, olive oil, bandages, linen and such other remedial agents as may be prescribed by the county board of health, shall be kept in relief stores in the mine for use in emergency. Bandages shall be kept in all mines. In mines extending a mile or more from means of egress, one or more inside or outside relief stores shall be fitted up under arrangement of the mine officer with the inspector.

Definitions.

SEC. 4013. The term "mine committee" as used in this chapter shall be construed to mean the committee selected by the miners of each mine. The terms "assistant inspector," "district inspector," and "district mine inspector" as used in this chapter shall be construed to mean "assistant mine inspector." The term "operator" as used in this act [chapter] means any firm, corporation, association or individual operating any coal or other mine in this State.

Violations.

SEC. 4014. The neglect, failure or refusal to perform any of the duties required by any section of this chapter, by any firm, association, corporation, person or parties required to perform them, shall be a misdemeanor, and where the duty so neglected, failed or refused to be performed is by the terms of this chapter required of a corporation, then its officer or agent in charge of the mine, shall be guilty, as hereinbefore provided for in this section, and, except as herein otherwise provided, shall, upon conviction thereof, be punished by a fine of not exceeding five hundred dollars, or imprisonment in the county jail, for a period not exceeding six months, or both such fine and imprisonment; and in addition thereto, such corporation or other mine operator violating any of the provisions of this chapter shall be civilly liable to any person injured thereby to the extent of such injury.

Earnings of minors.

Payment to minors valid, when.

SECTION 4381. The wages of a minor employed in service may be paid to him until the parent or guardian entitled thereto gives the employer notice that he claims such wages.

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Exemption of wages from garnishment, etc.

Three months' earnings exempt from garnishment, when.

SECTION 5198. The judge may order any property of the judgment debtor, not exempt by law, in the hands either of himself or any other person or corporation, or due to the judgment debtor, to be applied toward the satisfaction of the judgment, and may enforce the same by proceedings for contempt in case of refusal or disobedience; but the earnings of the debtor for his personal services, at any time within three months next preceding the order, can not be so applied, when it is made to appear, by the debtor's affidavit or otherwise, that such earnings are necessary for the use of a family supported wholly or partly by his labor.

Same subject.

SEC. 5199. The earnings of a debtor, who is a resident of this State, for his personal services at any time within three months next preceding the issuing of an execution, attachment or garnishment process, can not be applied to the payment of his debts when it is made to appear by the debtor's affidavit or otherwise that such earnings are necessary for the maintenance of a family supported wholly or partly by his labor: *Provided*, That at the time of filing such affidavit the debtor shall notify the plaintiff or his agents or attorneys thereof in writing: *Provided, further*, That nothing herein contained shall prevent the adverse party from controverting the matters sought to be proven by such affidavit by counter affidavit, or if sought to be proven in any other manner the same may be controverted by any competent evidence: *And, provided further*, That such counter affidavit shall be filed within twenty-four hours after the notice of the filing of the said debtor's affidavit, and final hearing shall be had thereon at a time to be fixed by the court, within ten days from the notice of the filing of the debtor's affidavit, if pending in the justice's court, and if pending in the district, superior or county court, it shall be tried at the first term held after filing such affidavit.

Provisos.

Three months' earnings exempt from execution, when.

SEC. 5501. The earnings of the debtor for his personal services, at any time within three months next preceding the issuing of an execution, can not be applied to the payment of his debts, when it is made to appear, by the debtor's affidavit or otherwise, that such earnings are necessary for the maintenance of a family supported wholly or partly by his labor.

Fire escapes on factories, etc.

Fire escapes required.

SECTION 6850. * * * all buildings more than two stories in height, used for manufacturing purposes, * * * shall have at least one fire escape for every thirty persons for which working * * * accommodations are provided above the second stories of said buildings, * * *

Enforcement.

SEC. 6854. It shall be the duty of the chief of the fire department in all cities and towns to visit all public buildings, hotels, lodging houses and buildings described herein, and which have and maintain fire escapes, at least once every three months, and to investigate whether the provisions of this article are duly observed, and to report all violations of the same to the city or prosecuting attorney for prosecution. In cities or towns not having a chief of fire department, it shall be the duty of the marshal to perform the duties imposed by this section.

Inspection and regulation of factories, etc.—Explosives.

Statement of manufacturers, etc., to be filed.

SECTION 6968. Any person, partnership or corporation within the State of Oklahoma engaged or engaging in manufacturing, handling or storing gunpowder, blasting powder, dynamite, nyalite, jovite, dynalite, nasurite, fulminates, nitroglycerine, any nitro-explosive compound, any chlorate of potash explosive compound, any picric acid explosive compound, or any other explosive substance, shall file with the chief mine inspector, upon blanks furnished by him upon application, a complete statement of the

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location of such factory, storehouse or magazine owned or controlled by such person, partnership or corporation, together with the kind and character of the explosive substance manufactured, handled or stored and intended to be manufactured, handled or stored thereat, the number of persons employed at each factory, storehouse or magazine, and the number of persons intended to be employed thereat, and the distance which such factory, storehouse or magazine is located or will be located from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, building in which people are accustomed to assemble, railroad or public highway.

Examination of factories, etc.

SEC. 6969. Such statement, when filed, shall be examined by the chief mine inspector or deputy, who shall make a personal examination of each such factory, storehouse or magazine, and if such site, storehouse or magazine is found to be located at a safe distance from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, schoolhouse, church, building in which people are accustomed to assemble, railroad or public highway, and to be so planned and managed as to insure as great safety as is consistent with the nature of the business, and if the facts required in such statement are fully set out therein and found to be true, then the said chief mine inspector shall grant a certificate approving the plans, location and maintenance of such factory, storehouse or magazine, as set forth in such statement; but such certificate shall not be granted for the manufacturing or storing of nitroglycerine nearer than two and one-half miles to any incorporated city or town.

Certificate.

Employment of intemperate drivers on public conveyances.

Intemperate drivers not to be employed.

SECTION 7637. No person owning or having the direction or control of any coach or other vehicle running or traveling upon any of the streets or alleys of any town or city for the conveyance of passengers, shall employ or continue in employment any person to drive such coach or other vehicle who is addicted to drunkenness or to the excessive use of intoxicating liquors; and if any such person shall violate the provisions of this section, he shall forfeit a sum not less than ten and not exceeding fifty dollars, and shall be liable for all damages sustained.

Mothers' pensions—Aid for children attending school.

Provision for support.

SECTION 7933. If any widowed mother shall make affidavit to the effect that the wages of her child, under sixteen years of age, are necessary to her support, the county superintendent of public instruction may, after careful investigation, in his discretion, upon the recommendation of the school district board, or the board of education, furnish such child a certificate called a "Scholarship," stating the amount of wages such child is receiving, or so much of such wages as shall be deemed necessary so long as such child shall attend the public school in accordance with the provisions of this article; and aid to that amount may be allowed and paid upon the certificate of the county superintendent of public instruction to the child holding such scholarship, by the board of county commissioners of the county in which such child resides.

ACTS OF 1911.

CHAPTER 125.—*Inspection and regulation of factories, etc.—Manufacture, etc., of food products.*

Drainage and ventilation.

SECTION 1. Every room or building occupied as a bakery or confectionery, canning, packing, pickling or preserving establishment, or for the manufacture of any food product, shall be drained and plumbed in a manner conductive [conducive] to its healthful and sanitary condition, and constructed with air shafts and windows

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or ventilating pipes sufficient to insure ventilation, as the factory inspector shall direct. No cellar or basement shall hereafter be used as a bakery, and no cellar occupied by a bakery on or before the passage of this act, when once closed, shall be again opened for such use. Every bakery shall be provided with a wash room and a water-closet apart from the bake room and rooms where the manufacturing of such food products is conducted; no water-closet, earth closet or privy shall be within, or communicate directly with, a bakeshop. Rooms used for the manufacture of flour or meal food shall be at least eight feet in height. The side walls of such rooms shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and, if required by the factory inspector, shall be whitewashed at least once in three months; the furniture, utensils and floor of such room shall be kept in a healthful sanitary condition. The manufactured flour or meal products shall be kept in dry, clean and airy rooms. The sleeping places for persons employed in a bakery shall be separate from the rooms where food products are manufactured or stored.

Use of basements.

Wash rooms, etc.

Sleeping places.

SEC. 2. No employer shall permit any person to work in his bakeshop or other institution in which foodstuffs are manufactured who is affected with pulmonary tuberculosis, scrofulous or venal [venereal] diseases, or with a communicable skin affection, and every employer shall maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling or sale of such food products. Every owner, agent or lessee of any establishment where food products are manufactured shall provide cuspidors or vessels to be used for expectoration purposes by employees; chairs shall also be furnished, and employees are hereby prohibited from sitting on any dough boards or tables used for the purpose of manufacturing, in any way whatever, any food products.

Infectious and contagious diseases.

Cuspidors.

SEC. 3. The owner, agent or lessee of any property used as a bakery or in manufacturing food stuff, shall within thirty days after the service of notice upon him of an order issued by the factory inspector, comply therewith, or cease to use or allow the use of such premises as a bakeshop. Such notice shall be in writing and may be served upon such owner, agent or lessee either personally or by mail, and a notice of registered letter, mailed to the last known address of such owner, agent or lessee shall be sufficient service. A copy of the foregoing sections shall be conspicuously posted in each workroom of every establishment affected by the provision of this act.

Time for compliance.

SEC. 4. There shall be sufficient means of ventilation provided in each workroom of every manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office within this State, and the factory inspector shall notify the owner, agent or lessee, in writing, to provide, or cause to be provided, ample and proper means of ventilation for such workroom, and shall prosecute such owner, agent or lessee if such notification be not complied with within the time specified by the factory inspector, after service of such notice.

Ventilation.

SEC. 5. The chief factory inspector, and deputy factory inspector, are hereby empowered to act as police officers with full power to arrest and detain any person found violating any of the provisions of this act, or any laws pertaining to factory inspection or parts thereof, or against whom there is found any evidence of a previous violation of such laws: *Provided, however*, That no such person shall be detained for any period of time longer than twenty-four hours without warrant or the filing of a charge against him in a court of competent jurisdiction.

Enforcement.

SEC. 6. If, in the opinion of the factory inspector, or deputy factory inspector, any building being used as a manufacturing establishment or workshop is in an unsafe or dilapidated condition, thereby endangering human life or property, he shall immediately notify the owner, agent or lessee thereof, specifying the defect, and require such repairs and improvements to be made as

Repairs, etc., may be required.

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he may deem necessary, and the owner of said premises shall immediately repair or correct such defects.

Duty of owner.

SEC. 7. Every owner or person in charge of any manufacturing establishment, factory or workshop, shall comply with any order issued by the factory inspector, or deputy factory inspector, within the time specified by such inspector, and notify the department of labor upon affidavit when such order has been complied with.

Violations.

SEC. 8. Any person, firm or corporation who fails to comply with any provisions of this act except as otherwise provided, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than ten dollars ($10) nor more than one hundred dollars ($100), for each offense.

CHAPTER 128.—*Department of labor—Hindering commissioner, etc.*

Hindering commissioner.

SECTION 3. No person shall interfere with, obstruct or hinder by force or otherwise the commissioner of labor, his deputies, assistants, or special agents, or factory inspectors while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the laws over which he has supervision under the provisions of this act, or refuse them admittance to any place where and when labor is being performed which is affected by the provisions of this act.

ACTS OF 1913—REGULAR AND EXTRA SESSIONS.

CHAPTER 46.—*Payment of wages—Semimonthly pay day.*

Semimonthly pay day required.

SECTION 1. Every railroad corporation, telephone and telegraph company, express company, street railway company, and every transportation or transmission company operating and doing business in the State of Oklahoma, shall pay each employee of such railroad, telephone and telegraph, street railway, transportation or transmission company, or employee of such corporation, association, company, firm, person or persons, at least twice each calendar month.

Violation.

SEC. 2. Any corporation that shall, through its president, or otherwise, violate section one 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.

CHAPTER 125.—*Mine regulations.*

Wash rooms.

SECTION 1. It shall be the duty of every person, corporation or company, and of his or its agents, officers, representatives or other persons or person in charge, owning and operating or operating as lessee any coal mine within the State of Oklahoma, wherein ten or more miners are employed in digging coal, to provide within six months after the approval of this act, a suitable building of sufficient size to accommodate all the men employed in said mine, which shall be convenient to the principal entrance of such mine, equipped with individual lockers, proper light, heat, hot and cold water, and shower baths, and to maintain the same in good and sanitary condition and order, for the use of persons employed in such mine as a place for washing and bathing themselves, and changing clothing when going to and returning from the mine. The baths and lockers for the negroes shall be separate from the white race, but may be in the same building. The said employees shall furnish their own towels, soap and lock for lockers and shall exercise control over and be responsible for all property by them left therein.

Liability for lost property.

SEC. 2. No person, corporation or company, its agents, officers or representatives, maintaining such a bathhouse at his or its mines as required in section one hereof shall be legally liable for

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the loss or destruction of any property left at or in said bathhouse.

Violation.

SEC. 3. Any person, corporation or company, its officers or agents failing, neglecting or refusing to comply with the provisions of section one of this act shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than fifty dollars ($50), nor more than two hundred dollars ($200) or imprisoned in the county jail for a period of not less than ten and not more than ninety days, or both such fine and imprisonment, for each violation of the provisions of said section one of this act. Each week that such person, corporation or company fails and neglects to comply with the provisions of said section shall constitute a separate offense.

Telephone system required.

SEC. 5. After six months from the date of the approval of this act it shall be unlawful for any person, company, corporation, owner, lessee, officer or agent to operate or permit to be operated any coal mine within the State of Oklahoma not equipped with party line telephone system as hereinafter provided.

Telephones.

SEC. 6. In every coal mine where as many as fifteen (15) men are engaged in digging coal there shall be a party line telephone system, which shall include, in either shaft, slope or drift mines, one telephone on the surface, to be located in the office occupied by the weigh boss and checkman; and in addition thereto, in slope or drift mines, there shall be one telephone at each lift along the slope or drift, and the same shall be placed at or in the mouth of either of the entries and there shall be one telephone at a distance of not more than one hundred and fifty (150) feet from the face of each entry and an additional telephone at intervals of one thousand (1,000) feet along each entry: *Provided*, That it shall not be necessary to maintain said telephones at said intervals of one thousand (1,000) feet along the worked-out portions of any entry, but only where work is being done. In shaft mines, in addition to the telephones provided for on the surface, there shall be one telephone at the bottom of the shaft not to exceed one hundred (100) feet therefrom; and in addition thereto there shall be one telephone at each lift along the plane and main entry or slope, and the same shall be placed at or in the mouth of either of the entries and there shall be one telephone at a distance of not more than one hundred fifty (150) feet from the face of each entry; and an additional telephone at intervals of one thousand (1,000) feet along each entry: *Provided*, It shall not be necessary to maintain said telephones at intervals of one thousand (1,000) feet along the worked-out portions of any entry, but only where work is being done.

Removal.

SEC. 7. It shall not be necessary to retain telephones in worked-out portions of any mine, but the same may be removed therefrom when work therein is discontinued.

Wires, etc.

SEC. 8. All wires or conductors used in such telephone system shall be protected so as to prevent their destruction or breakage from explosions or falling rocks and to avoid injury therefrom to the employees in such mine. The telephones used inside the mine shall be specially adapted for underground or mining service and equipped with loud ringing extension bells.

Alarms.

SEC. 9. In case of a danger signal or alarm being given, it shall be the duty of all drivers, motormen and trip riders, to notify all other drivers, motormen, trip riders or miners from whom they haul coal, and it shall be the duty of every person in the mine receiving such danger signal to cooperate in giving notice thereof to all the other persons in the mine.

Violations.

SEC. 10. Any willful neglect or refusal to obey the requirements or provisions of section nine of this act, or willfully giving a false danger signal, or tampering with or destruction of any of the appliances required to be kept by the provisions of this act, shall be deemed a misdemeanor, punishable by a fine of not less than ten dollars ($10) and not to exceed two hundred dollars ($200), or by imprisonment in the county jail not to exceed three (3) months, or both, in the discretion of the court.

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Same.

SEC. 11. A violation of any of the provisions of section five, six, seven and eight of this act, shall be a misdemeanor and the punishment therefor shall be a fine of not less than one hundred dollars ($100) and not more than five hundred dollars ($500), or imprisonment in the county jail not less than sixty days and not more than twelve (12) months or both such fine and imprisonment, and each week of such failure or neglect to comply with said provisions of said sections, shall constitute a separate offense.

Check numbers.

SEC. 12. It shall be unlawful for any person to change, exchange, substitute, alter or remove any number or check number placed upon any car or pit car in or about any mine in the State of Oklahoma, with intent to cheat or defraud any other person out of the value of his services in mining or unloading the coal or mineral contained in such car or pit car; and it shall be unlawful for any person, with the intent to cheat or defraud another, to place any number or check number upon any car or pit car unloaded by any other person in or about any mine.

Violation.

SEC. 13. Every person who shall violate any of the provisions of section twelve of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not more than one hundred dollars ($100) or imprisoned not to exceed one month in the county jail or both such fine and imprisonment in the discretion of the court.

Qualifications of inspectors.

SEC. 14. No person shall be eligible to the office of chief mine inspector, or to the office of assistant mine inspector in the State of Oklahoma, unless he shall be at least thirty years of age, and shall have been a bona fide resident of this State for at least two years next before his election, and shall have had at least eight years' actual experience as a practical miner, and shall have passed the regular examination given by the State Mining Board of Oklahoma for mine superintendent and received from said board a certificate of competency as mine superintendent. An assistant mine inspector shall be a resident of the mining district from which he is elected. No person lacking any of the above qualifications shall be permitted to hold the office of mine inspector, or assistant mine inspector of this State after the first Monday in January, 1915. In addition to the above qualifications, neither the chief mine inspector, nor any assistant mine inspector, while in office, shall be interested in any way, either directly or indirectly, in any coal mine, oil or gas, or other mining interest of whatsoever kind.

Assistant to mine foreman.

SEC. 15. It is hereby provided that at any time where conditions are such as to render it impossible for the mine foreman, in person, to perform the duties imposed upon him by the mining laws of the State of Oklahoma, the company shall employ a competent and able assistant who shall represent the mine foreman and assist in performing the duties imposed by law upon such foreman, and such assistant shall be required to hold a certificate of competency as gas man or mine foreman: *Provided*, That this act shall not apply to and operate to control, govern or affect in any way the work and operations in surface or strip mining.

Hindering fire boss.

SEC. 16. It shall be unlawful for any person, company or corporation owning and operating any mine in the State or operating as lessee, any mine in this State, or any officer, agent, representative, or mine foreman of such company or corporation or labor organization to interfere, or attempt to interfere in any way with the fire boss, of any mine in this State, in the performance of his duties, or by any sort of threat or threats, or duress, to intimidate, or attempt to intimidate such fire boss in the performance of his duties or by persuasion or promise, or of extending hope of reward in any way to such fire boss in the performance of his duties, or to attempt in any way to cause or induce such fire boss to fail or neglect to perform any duty required of him by the mining laws of this State.

Penalty.

SEC. 17. A violation of section 16 hereof, or of any part thereof, shall be a misdemeanor, and anyone convicted of such violation

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shall be fined not less than one hundred dollars ($100) and not more than five hundred dollars ($500), or imprisoned in the county jail not less than thirty days, and not more than twelve months, or by both such fine and imprisonment.

Blasting.

SEC. 18. The shooting of coal off the solid, except as herein provided, is hereby declared to be unlawful. In the preparation of every shot to be fired in any slope, plane, air course, crosscut, entry or room neck in any coal mine in this State, the coal to be shot down shall be cut to a depth at least six inches greater than the depth of the hole in which the explosive is to be placed. No shot shall be fired by any person in any slope, plane, crosscut, entry or room neck in any coal mine in this State, unless the coal has been first cut to a depth of at least six inches greater than the depth of the hole prepared for the shot.

In the preparation of the shots to be fired in any room or rooms in any coal mine in this State, no shot shall be prepared or made where the block of coal sought to be removed is greater in width than the perpendicular height of the coal, and it shall be one-half mined for the full length of the hole, and no person shall fire any shot in any room in any coal mine in this State until the same has been prepared as above specified.

Violation.

Any person, firm corporation or association violating any provision of section 18 of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in the sum of not less than fifty nor more than two hundred dollars: *Provided*, That this section shall not become effective until July 31, 1914.

CHAPTER 164.—*Protection of employees as members of the National Guard.*

Interfering with employment of guardsmen.

SECTION 41. 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 of [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 to 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 more than sixty days in the county jail, or by both such fine and imprisonment.

CHAPTER 219.—ARTICLE 13.—*Mothers' pensions—Aid for children attending school.*

Provision for support.

SECTION 4. If any widowed mother shall make affidavit to the effect that the wages of her child or children, under sixteen years of age are necessary to the support of such widowed mother, then the county superintendent of public instruction shall after careful investigation, upon the recommendation of the school district board, or board of education, furnish such child or children a certificate called a "scholarship" stating the amount of wages such child or children are receiving, or so much of such wages as shall be deemed necessary so long as such child or children shall attend the public school in accordance with the provisions of this article, which aid shall be allowed and paid upon certificate of the county superintendent of public instruction to the child or children holding such scholarship, by the county commissioners.

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OREGON.

LORD'S OREGON LAWS—1910.

Exemption of wages from execution, etc.

What wages exempt.

SECTION 228. The earnings of any debtor for personal services performed by such debtor at any time within thirty days next preceding service of an attachment, execution, garnishment, or other process amounting to the sum of seventy-five dollars, or less, shall be exempt from the effect of such process when it shall be made to appear to the satisfaction of the court by the affidavit of such debtor, or otherwise, that such earnings are necessary for the use of the family supported wholly or partly by the labor of said debtor; except when the debt is incurred for family expenses fifty per centum of such earnings shall be subject to such attachment, execution, garnishment, or other process: *Provided, however*, That no earnings of any debtor shall be exempt against an execution or other process issued upon a debt or demand incurred for property or money obtained by fraud or under false pretenses.

Garnishment of wages—Public employees.

Garnishment allowed.

SECTION 258. Any salary, wages, credits, or other personal property in the possession or under the control of the State of Oregon or of any county, city, incorporated town, school district or other political subdivision therein or thereof, or any board, institution, commission, or officer of the same, belonging or owed to any person, firm or corporation whatsoever, shall be subject to attachment, garnishment and execution in the same manner and with the same effect as property in the possession of individuals is now subject to attachment, garnishment and execution: *Provided, however*, That process in such proceedings may be served on the officer by or through whom such salary, wages, credits, or other property is paid or delivered in the ordinary course of business, or on the officer whose duty it is to audit or to issue a warrant for such salary, wages, money, or other personal property: *And provided further*, That no clerk or officer of any court shall be required to answer as garnishee as to any moneys or property in his possession in the custody of the law.

Proviso.

Payment of wages by receivers.

Wages to be paid first.

SECTION 1110. Whenever the business or property of any person, company, or corporation in this State shall be placed by any court in this State in the hands of a receiver, whether upon foreclosure or creditor's bill, it shall be the duty of such receiver to report immediately to the court so appointing him, the amount due by said person, company, or corporation, at the date of such receiver's appointment, to employees and laborers of such person, company, or corporation; and it shall be the duty of said court to order the said receiver to pay out of the first receipts and earnings of said person, company, or corporation, after paying current operating expenses under his administration, the wages of all employees and laborers which had accrued within six months prior to the appointment of such receiver. It shall also be the duty of such court to order such receiver to pay the wages of all employees and laborers employed by him, at least once every *thirty* days, out of the first receipts and earnings of such person, company, or corporation while under his management; but should such receiver not take in sufficient moneys from the receipts and

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earnings of such person, company, or corporation to pay such employees and laborers, at least once every thirty days, then such receiver shall issue and deliver to each of such employees and laborers, upon demand, a receiver's certificate, showing the amount due such employee or laborer in money, which certificate shall draw interest at the rate of eight per cent per annum from the date of its issuance until paid; and such receiver shall thereafter pay such certificates out of the first moneys coming into his hands from the receipts and earnings of the properties under his charge in the order of their issuance.

Wages as preferred claims—In administration.

Order of payment of demands.

SECTION 1295. The charges and claims against the estate which have been presented and allowed, or presented and disallowed, but subsequently established by judgment or decree within the first six months after the date of the notice of appointment of the executor or administrator, shall be paid in the following order, and those presented and allowed or established in like manner within each succeeding period of six months thereafter, during the continuance of the administration, in the same manner:

1. Funeral charges;
2. Taxes of whatever nature due the United States;
3. Expenses of last sickness;
4. Taxes of whatever nature due the State, or any county or other public corporation therein;
5. Debts preferred by the laws of the United States;
6. Debts which, at the death of the deceased, were a lien upon his property, or any right or interest therein, according to the priority of their several liens;
7. Debts due employees of decedent for wages earned within the ninety days immediately preceding the death of the decedent;
8. All other claims against the estate.

Negligence of employees on steamboats, etc.

Negligence endangering life.

SECTION 1928. If any person or persons in control or management of a steamboat or other water craft shall willfully or negligently so conduct or manage said steamboat as to injure or destroy the property of another, thereby endangering human life, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one and not exceeding five years, or by fine of not less than $500 and not exceeding $1,000, or both.

Protection of employees as voters.

Attempting to influence vote.

SECTION 2060. Any person or corporation who directly or indirectly uses any force, violence, or restraint, or inflicts or threatens to inflict any injury, damage, harm, or loss, or in any other manner practices intimidation upon or against any person in his or its employ, in order to induce or compel such person to refrain from voting at any election, or to vote or to refrain from voting for or against any person or persons, or for or against any proposition submitted to the voters at such election, or to place or cause to be placed, or refrain from placing or causing to be placed, his name upon a registry of voters, or on account of any person having so voted or refrained from voting at such election, or having registered or refrained from registering as a voter; or by abduction, duress, or any forcible or fraudulent device or contrivance whatsoever impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any such employee; or compels, induces, or prevails upon any voter to give or refrain from giving his vote for or against any particular person or proposition, at any election; or, being an employer, pays his employee the salary or wages due him in pay envelopes upon which there is written or printed any political motto, device, or argument containing threats,

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expressed or implied, intended or calculated to influence the political opinions or actions of such employees; or within ninety days of a general election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor, any handbill or placard containing any threat, notice, or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease in whole or in part, his establishment be closed up or the wages of his employees reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his or its employee, is guilty of a misdemeanor.

Sunday labor.

Trafficking, etc., forbidden.

SECTION 2125. If any person shall keep open any store, shop, grocery, bowling alley, billiard room, or tippling house, for the purpose of labor or traffic, or any place of amusement, on the first day of the week, commonly called "Sunday" or the "Lord's Day," such person, upon conviction thereof, shall be punished by a fine not less than $5 nor more than $50: *Provided, however,* That the above provision shall not apply to theaters, the keepers of drug stores, doctor shops, undertakers, livery-stable keepers, butchers, and bakers; and all circumstances of necessity and mercy may be pleaded in defense, which shall be treated as questions of fact for the jury to determine when the offense is tried by jury.

Exceptions.

Barbering.

SEC. 2126. It shall be a misdemeanor for any person or persons to carry on the business of barbering on Sunday in Oregon.

Penalty.

SEC. 2127. Any person or persons found guilty of violating * * * [section 2126] shall be punished by a fine of $10 or by imprisonment in the county jail for five days for the first offense; and by a fine of not less than $25 nor more than $50, or by imprisonment in the county jail for not less than ten days nor more than twenty-five days, for the second offense, and for each subsequent offense.

This act is constitutional. 69 Pac. 445.

Intimidation, etc., of employers and employees.

Interference with employment of labor, etc.

SECTION 2176. If any person shall, by force, threats, or intimidation, prevent, or endeavor to prevent, any person employed by another from continuing or performing his work, or from accepting any new work or employment; or if any person shall circulate any false written or printed matter, or be concerned in the circulation of any such matter, to induce others not to buy from or sell to or have dealings with any person, for the purpose or with the intent to prevent such person from employing any person, or to force or compel him to employ or discharge from his employment anyone, or to alter his mode of carrying on his business, or to limit or increase the number of his employees or their rate of wages or time of service, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not more than six nor less than one month, or by fine of not less than $10 nor more than $200.

The action of the executive committee of a labor union in going to an establishment and directing the members of the union at work there to cease their work under penalty of being dealt with according to the rules of the union, is not, in the absence of acts of intimidation and violence, unlawful under this section. 26 Oreg. 544.

Protection of employees as traders, etc.

Use of threats, etc.

SECTION 2177. It shall be unlawful for any person or corporation to compel by threats or intimidation, or threats of discharge, or to use any means to compel an employee against his will to board at any particular hotel, boarding house, or other place where lodgings or board may be provided, or to require an employee to purchase goods and supplies at any particular store.

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Penalty.

SEC. 2178. Any person 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 in the sum of not less than $25 nor more than $100, or by imprisonment in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment.

Blacklisting—Joining labor organizations.

Blacklisting forbidden.

SECTION 2179. No corporation, company, or individual shall blacklist or publish, or cause to be blacklisted or published, any employee, mechanic, or laborer, discharged by such corporation, company, or individual, with intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company, or individual.

Penalty.

SEC. 2180. If any officer or agent of any corporation, company, or individual, or other person, shall blacklist or publish, or cause to be blacklisted or published, any employee, mechanic, or laborer, with intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any corporation, company, or individual, or shall, in any manner, conspire or contrive, by correspondence or otherwise, to prevent such discharged employee from securing employment, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $50 nor more than $250, or imprisoned in the county jail not less than thirty nor more than ninety days, or both, at the discretion of the court.

Preventing employees from joining unions.

SEC. 2181. It shall be unlawful for any person, by threats, intimidation, or coercion, to prevent, or attempt to prevent, or to compel, or attempt to compel, another to join, belong to, or refrain from belonging to any labor or other lawful organization. Any person violating any of the provisions of this act [sec. 2181] shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $100 or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Bureau of labor statistics—Inspection and regulation of factories, etc.

Bureau established.

SECTION 5014. There is hereby established a separate and distinct department in this State, to be known as the "Bureau of Labor Statistics and Inspector of Factories and Workshops," to be in charge and under control of a commissioner of the bureau of labor statistics, which office is hereby created.

Commissioner.

SEC. 5015. At the general election in the year 1906, there shall be elected, as other State officers are elected, a citizen of the State of Oregon, who has been a resident of the State over five years, to fill the office of commissioner of labor statistics and inspector of factories and workshops, whose term of office shall be four years, and until his successor shall be elected and qualified. At the general election every fourth year thereafter, there shall be elected a commissioner of labor statistics and inspector of workshops and factories, whose term of office shall be four years, and until his successor is elected and has qualified.

Duties.

SEC. 5016. It shall be the duty of such officer to cause to be enforced all the laws regulating the employment of children, minors, and women; all laws established for the protection of the health, lives, and limbs of operatives in workshops, factories, mills, and other places, and all laws enacted for the protection of the working classes; laws which declare it to be a misdemeanor on the part of the employers to require as a condition of employment the surrender of any rights of citizenship; laws regulating and

Reports.

prescribing the qualifications of persons in trades and handcrafts, and similar laws now in force or hereafter to be enacted. It

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shall also be the duty of the officers to collect, assort, arrange, and present, in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all the departments of labor in the State; to the subject of corporations, strikes, or other labor difficulties; to trade-unions and other labor organizations, and their effect upon labor or capital; the number and condition of the Japanese and Chinese in the State, their social and sanitary habits; number of married, and of single; the number employed, and the nature of their employment; the average wages per day at each employment, and the gross amount yearly; the amount expended by them in rent, food, and clothing, and in what proportion such amounts are expended for foreign and home productions, respectively; to what extent their employment comes in competition with the white industrial classes of the State; and to such other matters relating to the commercial, industrial, social, educational, moral, and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the State as the bureau may be able to gather. In its biennial report the bureau shall also give account of all the proceedings of its officers which have been taken in accordance with the provisions of this act, herein referred to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such amounts [accounts] and such remarks, suggestions and recommendations as the commissioner may deem necessary.

Reports from factories, etc.

SEC. 5017. It shall be the duty of every owner, operator, or manager of every factory, workshop, mill, or other establishment, excepting mines, where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by said commissioner, and shall certify to the correctness of the same. In the report of said bureau no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section; such information shall be deemed confidential, and not for the purpose of disclosing personal affairs. Any officer, agent, or employee of said bureau violating this provision shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding $500, or be imprisoned for not more than one year in the county jail.

Powers of commissioner.

SEC. 5018. Said commissioner shall have the power to issue subpœnas, administer oaths, and take testimony in all matters relating to the duties herein required by such bureau, and such testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpœnaed and testifying before any officer of the said bureau shall be paid the same fees as witnesses before a circuit court, such payment to be made from the fund appropriated for the use of the bureau, and in the manner provided in section 5022 for the payment of other expenses of the bureau. Any person duly subpœnaed under the provisions of this section, who shall willfully neglect or refuse to attend, or testify, at the time and place named in the subpœna, shall be guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than $25 or more than $100, or by imprisonment in the county jail not exceeding thirty days.

Same subject.

Inspection.

SEC. 5019. Said commissioner of the bureau of labor shall have power to enter any factory, mill, office, workshop, or public or private works, at any reasonable time, for the purpose of gathering facts and statistics, such as are contemplated by this act; and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof; and any owner or occupant of said factory, mill, office, or workshop, or public or private works, or his agent, or agents, who shall refuse to allow an inspector or employee of said bureau to enter shall be guilty of a

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misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than $25 nor more than $100, or be imprisoned in the county jail not to exceed ninety days for each and every offense.

Schedules, etc., to be destroyed.

SEC. 5020. At the expiration of two years all records, schedules, and papers accumulating in said bureau that may be considered of no value by the commissioner may be destroyed: *Provided*, The authority of the governor be first obtained for such destruction.

Publication of reports.

SEC. 5021. The biennial reports of said commissioner, provided for in section 5016, shall be printed in the same manner, and under the same regulations, as the reports of the executive officers of the State: *Provided*, That no less than four hundred and eighty copies of the report shall be distributed as the judgment of the commissioner may deem best. The blanks and stationery required by the bureau of labor statistics, in accordance with the provisions of this act, shall be furnished by the secretary of state and shall be paid for from the printing fund of the State.

Salary.

SEC. 5022. The commissioner of the bureau of labor statistics and inspector of workshops and factories shall * * *, receive an annual salary of $3,000, payable quarterly, and is authorized

Expenses.

to incur such expense and employ such clerical aid as may be necessary to carry out the provisions of this act. The secretary of state is hereby authorized to draw warrants on the State treasurer for the payment of such expense upon properly verified vouchers approved by the commissioner: *Provided, however*, That said expense shall not exceed at any time the amount appro-

Bond.

priated therefor. Said commissioner shall, before entering upon the duties of his office, execute a bond to the State of Oregon in the sum of $3,000, conditioned upon the faithful, honest, and impartial performance of his duties under this act, which bond shall be approved by the secretary of state and filed in his office. Such commissioner shall include in his biennial report to the governor and legislature an itemized statement of the expense of the bureau incurred by him.

Employment of children—General provisions.

(As amended by chapter 138, Acts of 1911.)

Age limit.

SECTION 5023. No child under fourteen years of age shall be employed, permitted, or suffered to work in, or in connection with, any factory, workshop, mercantile establishment, store, business office, restaurant, bakery, hotel, or apartment house. No child under the age of sixteen shall be employed, permitted or suffered to work in the telegraph, telephone, or public messenger service.

Employment during school time.

SEC. 5024. No child under the age of fourteen years shall be employed in any work, or labor of any form, for wages or other compensation to whomsoever payable, during the term when the public schools of the town, district, or city in which he or she resides are in session.

School attendance required.

SEC. 5025. Attendance at school shall be compulsory upon all children between the ages of nine and fourteen years in all cities, towns, and villages of the State of Oregon during the whole of the school term in the city, town or village in which the child resides, and upon all children in such cities, towns and villages between the ages of fourteen and sixteen years who are not legally employed in some lawful work.

Nightwork.

Hours of labor.

SEC. 5026. No child under sixteen years of age shall be employed at any work before the hour of seven in the morning, or after the hour of six at night, nor employed for longer than 10 hours for any one day, nor more than six days in any one week; and every such child, under sixteen years of age, shall be entitled to not less than thirty minutes for mealtime at noon, but such mealtime shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place where such minors are employed, a printed notice stating the maximum work hours required in one week, and in every day of the week from such minors.

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Certificate to be on file.

SEC. 5027. No child under sixteen years of age shall be employed, permitted or suffered to work in any employment enumerated in section 2 [5023] unless the person or corporation employing him procures and keeps on file and accessible to the school authorities of the district where such child resides, and to the police and board of inspectors of child labor an age and schooling certificate as hereinafter prescribed, and keep a complete list of all such children employed therein.

The act is constitutional; a sawmill is a factory within its meaning. Failure to provide the certificate required makes the employment of a child unlawful, so as to take him out of a policy of insurance carried by the employer and covering only lawful employment, though his employment would have been lawful if the certificate had been obtained. 196 Fed. 340.

Who may issue.

SEC. 5028. An age and schooling certificate shall be executed, issued and approved only by the secretary of the board of inspection of child labor, or by a person authorized by him or her in writing: *Provided*, That no person authorized as aforesaid shall have authority to approve such certificate 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. The person approving the certificate shall have authority to administer the oath provided for therein, but no fees shall be charged therefor, but in case of the loss of such certificate a certified copy may be furnished, for which a fee of fifty cents may be charged.

Evidence of age.

SEC. 5029. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the passport, the duly attested transcript of the certificate of birth or baptism of such child or other religious record, or the register of birth of such child with a town or city, that such child is of the age stated in the certificate.

Duplicate copy.

SEC. 5030. A duplicate of each age and schooling certificate shall be filled out and kept on file by the secretary of the board of inspection of child labor. Any explanatory matter may be printed with such certificate in the discretion of the secretary. The age and schooling certificate shall be printed and shall be filled out, signed and held or surrendered as indicated in the following form:

AGE AND SCHOOLING CERTIFICATE.

Form.

This certifies that I am the (father, mother, guardian or custodian) of (name of child) _____, and that (he or she) was born at (name of town or city) _____, in the county of (name of county, if known), and State (or country) of _____ on the (day and year of birth) _____ _____, and is now (number of years and months) _____ _____ old.

_____ _____.

(Signature of father, mother, guardian or custodian.)

(Town or city and date.)

Then personally appeared before me the above named (name of person signing),_____, and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child)_____ height (feet and inches) _____ eyes (color)_____, complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified. I hereby certify that (he or she) can read at sight and (can or can not) write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools or a school equivalent thereto, for not less than 160 days during the school year previous to arriving at the age of 14 years, or during the school year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and

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geography, and is familiar with the fundamental operations of arithmetic to and including fractions.

This certificate belongs to (name of child in whose behalf it is drawn)_____, and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same, but if not claimed by said child within thirty days from such time it shall be returned to the secretary of the board of inspectors of child labor.

_____

(Signature of person authorized to approve and sign, with official character or authority.)

(Town or city and date.)

Evidence of illegal employment.

SEC. 5031. A failure to produce to the school authorities of the district where such child resides and to the police and to the board of inspectors of child labor any age and schooling certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section 5 [5026], of this act shall be fined $10. Every person authorized to sign the certificate prescribed by section 5 of this act who knowingly certifies to any material false statement therein shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $5 and not more than $50.

Enforcement.

SEC. 5032. The board of inspectors of child labor or any one or more of them or any one authorized by such board in writing may visit the factories, workshops and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the proper school authorities and to the district attorney of the county. The board of inspectors of child labor may require that the age and schooling certificates and lists provided for by this act, of minors employed in such factories, workshops, or mercantile establishments, shall be produced for their inspection. Complaints for offenses under this act shall be brought by the board of inspectors of child labor to the attention of the proper district attorney and offenses hereunder shall be prosecuted by such district attorney.

Violations by employers.

SEC. 5033. Any person or corporation who shall employ a minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than $10 nor more than $25 for the first offense, nor less than $25 nor more than $50 for the second offense, and be imprisoned for not less than ten nor more than 30 days for the third and each succeeding offense.

By parents.

SEC. 5034. Any parent or guardian who shall violate any of the provisions of this act or allow any child under their custody or control to be employed contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $5 and not more than $25.

Vacation employment.

SEC. 5035. The board of inspectors of child labor may in its discretion allow children between the ages of twelve and fourteen to be employed in any suitable work during any school vacation extending over a term of two weeks and may issue permits therefor. It shall be the duty of such board to exercise careful discretion as to the character of such employment and its effect on the physical and moral well-being of the child.

Board not compensated.

SEC. 5036. The board of inspectors of child labor of the State of Oregon, heretofore appointed such board under the provisions of the act of which this is amendatory, and now serving are hereby appointed a board of inspectors of child labor of the State of Oregon, and shall serve without compensation, except

Secretary.

that the secretary of such board of inspectors who shall be a member of such board, shall be allowed a yearly salary not exceeding one thousand five hundred dollars. The term for which

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such inspectors shall serve shall be one, two, three, four and five years, respectively, from the time of their original appointment, the terms to remain as already determined by lot under said original act, and upon the expiration of the term of any one of said inspectors the governor shall appoint his or her successor to serve for a term of five years. Appointments shall be so made that three at least of said inspectors shall always be women.

Night messenger service.

SEC. [5036a?] (Added by chapter 138, Acts of 1911.) No person under the age of eighteen years shall be employed or permitted to work as a messenger for a telegraph or messenger company or any one engaged in such a business 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.

Employment of women.

Ten hours a day's work.

SECTION 5037. No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this State more than ten hours during any one day or more than sixty hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of one day, or sixty hours during any one week.

Seats to be provided.

SEC. 5038. Every employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

Violations.

SEC. 5039. Any employer who shall require any female to work in any of the places mentioned in section 5037 more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect or refuse to provide suitable seats, as provided in section 5038, or who shall permit or suffer any overseer, superintendent, or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than $25 nor more than $100.

Inspection and regulation of factories, etc.

Belt shifters, guards, etc.

SECTION 5040. Any person, firm, corporation, or association operating a factory, mill or workshop where machinery is used, shall provide and maintain in use belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, beltings, shafting, coupling, set screw, live rollers, conveyors, mangles in laundries, and machinery of other or similar descriptions, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employees therefrom, and with which the employees of any such factory, mill or workshop are liable to come in contact while in the performance of their duties; and if any machine, or any part thereof, is in a defective condition and its operation would be extra hazardous because of such defect, or if any machine is not safeguarded as provided in this act [secs. 5040–5057], the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer immediately on receiving notice of such defect or lack

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of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

Ventilation. SEC. 5041. Every factory, mill or workshop where machinery is used and manual labor is exercised by the way of trade for the purpose of gain within an enclosed room (private houses in which the employees live, excepted) shall be provided in each workroom thereof with good and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust, or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if in any factory, mill, or workshop any process is carried on in any enclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

Hoistways, etc. SEC. 5042. The openings of all hoistways, hatchways, elevators, and wellholes and stairways in factories, mills, workshops, storehouses, warerooms, or stores, shall be protected, where practicable, by good and sufficient trapdoors, hatches, fences, gates, or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open that the same may be used.

Annual inspections. SEC. 5043. It shall be the duty of the labor commissioner, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually and from time to time, all factories, mills, workshops, storehouses, warerooms, stores, and buildings and the machinery and appliances therein contained to which the provisions of this act are applicable for the purpose of determining whether they do conform to such provisions, and of granting or refusing certificates of approval, as hereinafter provided.

Requests for inspection. SEC. 5044. Any person, firm, corporation, or association carrying on business to which the provisions of this act are applicable, shall have the right to make written request to said labor commissioner to inspect any factory, mill, or workshop, and the machinery therein used, and any storehouse, wareroom or store, which said applicant is operating, occupying or using, and to issue his certificate of approval thereof; and said labor commissioner, by himself or his deputy, shall forthwith make said inspection. Upon receiving such application the labor commissioner shall issue to the person making the same an acknowledgment that such certificate has been applied for, and thirty days after such acknowledgment by said labor commissioner, and pending the granting of such certificate, such acknowledgment shall have the same effect as such certificate, till the granting of such certificate by said labor commissioner.

Duty of employees. SEC. 5045. Any employee of any person, firm, corporation or association shall notify his employer of any defect in or failure to guard the machinery, appliances, ways, works, and plants, with which or in or about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employee, and if said employer shall fail to remedy such defects then said employee may complain in writing to the labor commissioner of any such alleged defects in or failure to guard the machinery, appliances, ways, works, and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this act, in the machinery and appliances and premises used by such person, firm, corporation or association, and with or about which such employee is working, and upon receiving such complaint, it shall be the duty of the labor commissioner, by himself, or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

Certificate of inspection. SEC. 5046. Whenever upon any examination or reexamination of any factory, mill, or workshop, store or building, or the ma-

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chinery or appliances therein to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform, in the judgment of said labor commissioner, to the requirements of this act, he shall thereupon issue to the owner, lessee, or operator of such factory, mill or workshop, or to the owner, lessee or occupant of any such storehouse, wareroom or store, a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force, of compliance on the part of the person, firm, corporation, or association to whom it is issued, with the provisions of this act. Such certificates may be revoked by said labor commissioner at any time upon written notice to the person, firm, corporation, or association holding the same, whenever in his opinion, after reexamination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, storehouses, warerooms or stores to which the provisions of this act are applicable.

Copy to be posted.

SEC. 5047. If, in the judgment of said labor commissioner, such factory, mill or workshop, or the machinery and appliances therein contained, or such storehouse, wareroom or store does not conform to the requirements of this act, he shall forthwith, personally or by mail, serve on the person, firm, corporation or association operating or using such machinery or appliances, or occupying such premises, a written statement of the requirements of said labor commissioner, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with, within a period of thirty days after said requirements have been served as aforesaid, the said labor commissioner shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances, or occupying such premises, shall consider the requirements of said labor commissioner unreasonable and impracticable or unnecessarily expensive, he may, within ten days after the requirements of said labor commissioner have been served upon him, appeal therefrom or from any part thereof, to three arbitrators, to whom shall be submitted the matters and things in dispute, and their findings shall be binding upon said applicant and upon the labor commissioner.

Notice of defects.

Appeals.

SEC. 5048. Such appeals shall be in writing, addressed to the labor commissioner, and shall set forth the objection to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon receipt of such notice of appeal, it shall be the duty of the labor commissioner to appoint a competent person as arbitrator, resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause for arbitration, and the place, date and time of meeting. These two arbitrators shall select a third, and as soon thereafter as practicable, give a hearing on the matters of said appeal, and the findings of these arbitrators, by a majority vote, shall be reported to the labor commissioner, and to the applicant, and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said labor commissioner or any part thereof, said applicant shall, within thirty days, comply with the findings of said arbitrators, and thereupon said labor commissioner shall issue his certificate as hereinbefore provided in section 5043; but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said labor commissioner; and any such person, firm, corporation or association shall, within thirty days after the findings of the board of arbitrators, comply with the requirements of the labor commissioner, as amended by said arbitrators, if so amended as herein provided for, and thereupon said labor commissioner shall forthwith issue

Arbitration of appeal.

Findings.

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to any such person, firm, corporation or association his certificate as provided for in section 5043.

Fee to be paid.

SEC. 5049 (as amended by chapter 48, Acts of 1911). The labor commissioner shall not issue any certificate of inspection to any person, firm, corporation or association who has not paid for that year the inspection fee herein provided for. Every person, firm, corporation and association being the owner, operator[,] lessee or occupant of any factory, mill, workshop, storehouse, wareroom or store coming within the provisions of this act shall pay to the State treasurer, and take his receipt therefor, an annual inspection fee, determined as follows: For each place of business operated by him and which may be inspected under the provisions of this act in which are employed two persons or less, $2; not less than three nor more than seven persons, $5; not less than eight nor more than twenty persons, $10; not less than twenty-one nor more than forty persons, $15; more than forty persons, $20. Any person, firm, corporation or association whose factory, mill, workshop, storehouse, wareroom or store, etc., which, on account of the nature of the business, is not operated more than four months during the year shall not be required to pay more than $10, regardless of the number of persons employed: *Provided, however*, The provisions of this act shall not apply to plants of any kind which use not to exceed two horsepower.

Fee a debt.

SEC. 5050. The payment of such annual inspection fee by every such person, firm, corporation, and association shall constitute an obligation in favor of the State and shall be a debt due and owing by every such person, firm, corporation, and association to the State from and after the time of the first inspection, herein provided for and annually thereafter, and shall be enforced in the same manner that other debts are collected by the State.

Fee covers one year's inspections.

SEC. 5051 (as amended by chapter 48, Acts of 1911). The State treasurer shall issue his receipt for all moneys so received. Upon presentation of said receipt to said labor commissioner and compliance with the requirements of the labor commissioner and the provisions of this act, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm[,] corporation or association paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom or store, and the machinery and appliances contained in any such premises, owned or operated by the party paying said fee, that may be necessary, for a period of one year subsequent to the time when its payment becomes due, and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the State treasury, and be converted into a special factory inspection fund: *Provided, however*, That all sums in excess of three thousand dollars ($3,000) remaining in said fund at the end of each fiscal year shall be transferred to the general fund.

Factory inspection fund.

SEC. 5052 (as amended by chapter 48, Acts of 1911). The salaries and expenses of the deputy labor commissioners, required to enforce the provisions of this act, the salaries of not more than two clerks or stenographers, whom the labor commissioner is hereby authorized to employ, in his discretion, and all other expenses of every kind incurred in carrying out the provisions of this act, shall be paid from the special factory inspection fund in the same manner as other State salaries and expenses are paid, for which purpose said fund is hereby permanently appropriated.

Compensation of deputies.

Each of said deputy labor commissioners shall receive $5 per day and actual traveling expenses for the time during which he is actually employed under the term of this act, upon the presentation of vouchers, approved by the labor commissioner.

Violations.

SEC. 5053. Any person, firm, corporation or association who violates or omits to comply with any of the foregoing requirements or provisions of this act, and such violation or omission shall be the approximate cause of any injury to any employee, shall be liable in damages to any employee who sustains injuries

Liability.

by reason thereof: *Provided*, The amount of damages which any one person may recover in an action for or [on] account of in-

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juries received by reason of any alleged violation of any of the provisions of this act, is hereby expressly limited to the sum of $7,500.

Action.

SEC. 5054. No action for the recovery of compensation for injury under this act shall be maintained unless notice of the time, place, and cause of injury is given to the employer within six months, and the action is commenced within one year from the occurrence of the accident causing the injury. The notice required by this section shall be in writing, signed by the person injured, or by some one in his behalf; but if from mental or physical incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give the same within ninety days after such incapacity is removed; and in case of his death without having given the notice because of mental or physical incapacity, his executor or administrator may give such notice within thirty days after his appointment.

Penalty.

SEC. 5055. Any person, firm, corporation or association who violates or fails to comply with 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 $25 nor more than $100.

Law to be posted.

SEC. 5056. A copy of this act, together with the name and address of the labor commissioner, printed in a legible manner, shall be kept posted in a conspicuous place on each floor of every factory, mill, workshop, storehouse, wareroom or store, and at the office of every public and private work to which the provisions of this act are applicable. The labor commissioners shall supply such operators, owners, lessees or occupants with a sufficient number of said copies to enable such persons to comply with this section.

Definition.

SEC. 5057. Wherever in this act the term labor commissioner or commissioner of labor is used, it shall be understood to mean the commissioner of labor statistics and inspector of factories and workshops.

Protection of employees on buildings, etc.

Scope of law.

SECTION 5057a. 1. All owners, contractors, subcontractors, corporations, or persons whatsoever, engaged in the construction, repairing, alteration, removal, or painting of any building, bridge, viaduct, or other structure, or in the erection or operation of any machinery, or in the manufacture, transmission and use of electricity, or in the manufacture or use of any dangerous appliance or substructure, shall see that all metal, wood, rope, glass, rubber, gutta-percha, or other material whatever, shall be carefully selected and inspected and tested so as to detect any defects, and all scaffolding, staging, false work, or other temporary structure shall be constructed to bear four times the maximum weight to be sustained by said structure, and such structure shall not at any time be overloaded or overcrowded; and all scaffolding, staging or other structure more than twenty feet from the ground or floor shall be secured from swaying and provided with a strong and efficient safety rail or other contrivance, so as to prevent any person from falling therefrom, and all dangerous machinery shall be securely covered and protected to the fullest extent that the proper operation of the machinery permits, and all shafts, wells, floor openings, and similar places of danger shall be enclosed, and all machinery other than that operated by hand power shall, whenever necessary for the safety of persons employed in or about the same, or for the safety of the general public, be provided with a system of communication by means of signals, so that at all times there may be prompt and efficient communication between the employees or other persons and the operator of the motive power, and in the transmission and use of electricity of a dangerous voltage full and complete insulation shall be provided at all points where the public or the employees of the owner, contractor or subcontractor transmitting or using said electricity are liable to come in contact

Inspection.

Scaffolds, etc.

Guards for machinery.

Signals.

Electric installation.

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with the wire, and dead wires shall not be mingled with live wires, nor strung upon the same support, and the arms or supports bearing live wires shall be especially designated by a color or other designation which is instantly apparent and live electrical wires carrying a dangerous voltage shall be strung at such distance from the poles or supports as to permit repair men to freely engage in their work without danger of shock; and generally, all owners, contractors, or subcontractors, and other persons having charge of, or responsible for, any work involving a risk or danger to the employees or the public, shall use every device, care, and precaution which it is practicable to use for the protection and safety of life and limb, limited only by the necessity for preserving the efficiency of the structure, machine, or other apparatus or device, and without regard to the additional cost of suitable material or safety appliance and devices.

Managers, etc. 2. The manager, superintendent, foreman or other person in charge or control of the construction or works or operation, or any part thereof, shall be held to be the agent of the employer in all suits for damages for death or injury suffered by an employee.

Duty of owners, etc. 3. It shall be the duty of owners, contractors, subcontractors, foremen, architects, or other persons having charge of the particular work, to see that the requirements of this act are complied with, and for any failure in this respect the person or persons delinquent shall, upon conviction of violating any of the provisions of this act [sec. 5057a], be fined not less than $10, nor more than $1,000, or imprisoned not less than ten days, nor more than one year, or both, in the discretion of the court, and this shall not affect or lessen the civil liability of such persons as the case may be.

Right of action. 4. If there shall be any loss of life by reason of the neglects or failures or violations of the provisions of this act by any owner, contractor, or subcontractor, or any person liable under the provisions of this act, the widow of the person so killed, his lineal heirs or adopted children, or the husband, mother, or father, as the case may be, shall have a right of action without any limit as to the amount of damages which may be awarded.

Defense of fellow-service. 5. In all actions brought to recover from an employer for injuries suffered by an employee the negligence of a fellow servant shall not be a defense where the injury was caused or contributed to by any of the following causes, namely: Any defect in the structure, materials, works, plant or machinery of which the employer or his agent could have had knowledge by the exercise of ordinary care; the neglect of any person engaged as superintendent, manager, foreman, or other person in charge or control of the works, plant, machinery, or appliances; the incompetence or negligence of any person in charge of, or directing the particular work in which the employee was engaged at the time of the injury or death; the incompetence or negligence of any person to whose orders the employee was bound to conform and did conform and by reason of his having conformed thereto the injury or death resulted; the act of any fellow servant done in obedience to the rules, instructions, or orders given by the employer or any other person who has authority to direct the doing of said act.

Negligence to be measured. 6. The contributory negligence of the person injured shall not be a defense, but may be taken into account by the jury in fixing the amount of the damage.

This statute imposes an absolute duty, for the violation of which the employer is penally as well as civilly liable, and the employee does not assume the risk of injury. 133 Pac. 351.

Hours of labor—Employees in mines—Public works.

Limit of eight hours in mines. SECTION 5058. No person who operates any underground mine yielding gold or silver or copper or lead or other metal shall permit or require any person to work in such underground mine for more than eight hours in any twenty-four hours and the hours of employment in such employment or workday shall be consecutive

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excluding, however, any intermission of time for lunch or meals; but, in the case of emergency, where life or property is in imminent danger, persons may work in such underground mines for a longer time during the continuance of the exigency or emergency. This act [secs. 5058, 5059,] shall not apply to mines in their first stages of development, such as tunnel work to a length of 200 feet, or shaft work to a depth of 150 feet, or to any surface excavation.

Violations.

SEC. 5059. Any person, persons, body corporate, general manager or employer who shall violate or cause to be violated any of the provisions of section 5058 of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $50 nor more than $300, or by imprisonment of not less than thirty days, nor more than three months. And the court shall have discretion to impose both fine and imprisonment as herein provided.

Limit of eight hours on public works

SEC. 5060. Eight hours shall constitute a day's work for all laborers and mechanics now employed or who may hereafter be employed by the State of Oregon, or by any county in said State, unless otherwise ordered as to any county by vote of the legal electors of said county, except in cases of extraordinary emergency when it may be necessary to work more than eight hours per calendar day for the protection of property or human life: *Provided,* That in all such cases such laborers and mechanics so employed and working to exceed eight hours per calendar day shall, for such overtime, be paid at the rate of one and one-half times the rate of pay allowed for the same amount of time during the eight hours' service: *And provided, further,* That the provisions of this act [secs. 5060, 5061] shall not apply to any employees of any State institution except the penitentiary.

Provisos.

Violations.

SEC. 5061. Any person violating any of the provisions of this act shall for each offense be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not more than six months, or by both fine and imprisonment, in the discretion of the court.

Employment of children—Elevators.

Age limit.

SECTION 5062. No person, firm, or corporation shall employ or allow any person under the age of eighteen (18) years to run, operate, or have charge of, any elevator used for the purpose of carrying either persons or property.

Violation.

SEC. 5063. Any person, either for himself or as manager, agent, or officer of any corporation, who is guilty of 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 $10 nor more than $100, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

Employment of labor—False representations.

Deception.

SECTION 5064. Any person, firm, company, corporation, or association of any kind employing labor, who shall, either in person, or by or through any agent, manager, or other legal representatives, by any false or deceptive representation or false advertising, concerning the amount or character of the compensation to be paid for any work, or as to the existence or nonexistence of a strike, lockout, or other labor troubles pending between employer or employees; or who shall neglect to state in such advertisement, proposal, or inducement for the employment of workmen that there is a strike, lockout, or unsettled condition of labor, when such strike, lockout, or unsettled condition of labor actually exists, shall induce, influence, persuade, or engage workmen to change from one place to another in this State; or who shall bring workmen of any class or calling into this State to work in any of the departments of labor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a

Notice of strikes.

Bringing workmen from outside State.

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sum not exceeding $1,000, or confined in the county jail not exceeding one year, or both.

Recovery.

SEC. 5065. Any workmen of this State, or any workmen of another State, who has [have been] or shall be influenced, induced, or persuaded to engage with any persons mentioned in section 5064, through or by means of any of the things therein prohibited, each of such workmen shall have a right of action for recovery of all damages that each such workman has sustained in consequence of the false or deceptive representations, false advertising, and false pretenses used to induce him to change his place of employment against any person or persons, corporations, companies, or associations, directly or indirectly causing such damages; and, in addition to all actual damages such workmen may have sustained, shall be entitled to recover such reasonable attorney's fees as the court shall fix to be taxed as costs in any judgment recovered.

Payment of wages in scrip—Attorneys' fees in suits for wages.

Orders, etc., to be negotiable.

SECTION 5066. No person or corporation engaged in any business or enterprise of any kind in this State shall issue, in payment of or as evidence of indebtedness for wages due an employee, any order, check, memorandum, or other acknowledgment of indebtedness, unless the same is negotiable, and is payable without discount in cash on demand at some bank or other established place of business in the county where the same is issued; and such person or corporation shall, upon presentation and demand, pay any such order, check, memorandum, or other acknowledgment of indebtedness, in lawful money of the United States: *Provided, however*, That nothing herein contained shall in any way limit or interfere with the right of any such employee to accept from any such person or corporation, as an evidence or acknowledgment of indebtedness for wages due him, a negotiable instrument, payable at some future date with interest.

Wages due discharged employees.

SEC. 5067. Whenever an employer discharges an employee, all wages earned and unpaid at the time of such discharge, shall become due and payable immediately. When any such employee, not having a contract for a definite period, shall see fit to quit or resign his employment, all wages earned and unpaid at the time of such quitting or resignation shall become due and payable immediately: *Provided*, Such employee shall have given not less than three days' notice of his intention to quit his employment; but when any number of employees enter upon a strike, the wages due such striking employees at the time of entering upon such strike, shall not become due and payable until the next regular pay day after commencement of such strike: *Provided*, That the time between the commencement of the strike and such next regular pay day does not exceed a period of thirty days.

Actions.

SEC. 5068. In any action for the collection of any such order, check, memorandum, or other acknowledgment of indebtedness, or in any action by an employee against an employer for the collection of wages, if it is shown that such order, check, memorandum, or other acknowledgment of indebtedness, or said wages were not paid for a period of forty-eight hours after proper demand for the payment thereof, the court may, in its discretion, upon entering judgment for the plaintiff, include in such judgment, in addition to the costs and disbursements otherwise prescribed by statute, a reasonable sum for attorney's fees for prosecuting said action: *Provided*, Such employee shall have given not less than three days' notice of his intention to quit his employment.

Attorneys' fees.

Mine regulations—Signals—Rules.

Mine signals.

SECTION 5152. The following bell signals shall be used in all mines in the State of Oregon operating a steam, electric, gasoline, or other hoisting plant, to wit:

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1 bell, hoist (see Rule 2); 1 bell, stop (see Rule 2); 2 bells, lower (see Rule 2); 2–2 bells, calls top man to collar of shaft; 3 bells, man to be moved, run slow (see Rule 2); 3–1 bells, man to be hoisted, run slow (see Rule 2); 3–2 bells, man to be lowered, run slow (see Rule 2); 4 bells, move bucket or cage very slow; 4–1 bells, start pump; 4–2 bells, stop pump; 1–3 bells, start air compressor; 2–3 bells, stop air compressor; 5 bells, send down tools (see Rule 4); 6 bells, send down timbers (see Rule 4); 7 bells, accident; 1–4 bells, foreman wanted; 2–2–2 bells, change bucket from ore to water or vice versa; 3–2–1 bells, ready to shoot in shaft (see Rule 3).

Engineer's signal that he is ready to hoist, raise bucket, or cage two feet and lower it again (see Rule 3). The bucket or cage must be raised from station six feet when not in use, notice being given to engineer to that effect, as follows: Ring one bell, hoist; and when bucket or cage up six feet, one bell, stop. Levels shall be designated and inserted in notice hereinafter mentioned (see Rule 1).

SEC. 5153. For the purpose of enforcing and properly understanding the above code of signals, the following rules are hereby established:

Rules.

Rule 1.—In giving signals make strokes on bell at regular intervals. The bar (–) must take the same time as for one stroke on the bell, and no more. If timber, tools, the foreman, bucket, or cage are wanted to stop at any level in the mine, signal by number of strokes on the bell, the number of the level first before giving the signal for timber, tools, etc. The time between the signals to be double bars (––). Examples: 6 –– 5, would mean, stop at the sixth level with tools; 2 –– 3 – 1, would mean, stop at the second level, man on bucket or cage, hoist; 4 –– 3 – 1, would mean, stop at the fourth level, man on bucket or cage, hoist; 2 –– 3 – 2, would mean, stop at the second level, man on bucket or cage, lower.

Rule 2.—No person must get on or off the bucket or cage while in motion. When men are to be hoisted or lowered, give the signal for men; men must then get on bucket or cage; then give the signal to hoist or lower. Bell cord must be at all times within reach of man on bucket or cage.

Rule 3.—After the signal, "ready to shoot in shaft," engineer must give his signal, when he is ready to hoist, i. e., raise the bucket or cage two feet, then lower it again. Miners must then give signal, "men to be hoisted," then "spit fuse," get on bucket or cage, and give the signal to hoist.

Rule 4.—All timbers, tools, etc., "longer than the depth of the bucket or cage," to be hoisted or lowered, must be securely lashed at the upper end to the cable. Miners must know that they will ride up or down the shaft without catching on rocks or timbers and be [being] thrown out.

Rule 5.—The foreman will see that one printed sheet of these signals and rules for each level, one for the collar of the shaft, and one for the engine room, are attached to a board not less than twelve inches wide by thirty-six inches long, and securely fasten the board up where the signals can be easily read at the places above stated.

Obedience required.

SEC. 5154. The above signals must be obeyed. Any violation of the same will be grounds for discharge of the party or parties so doing. No person, company, corporation, or individuals operating a mine within the State of Oregon, shall be responsible for accidents that may happen to men disobeying the above rules and signals. Said rules and signals, on notice as above set out, shall be signed by the superintendent or person having charge of the mine, who shall designate the corporation or owner of the said mine.

Penalty.

SEC. 5155. Any person, company, corporation, or individuals operating any mine within the State of Oregon having in operation a steam, electrical, gasoline, or other hoisting plant as above described, who shall fail to comply with the terms of this act

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shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $25 nor more than $250.

Chinese labor—Employment on public works.

Chinese not to be employed.

SECTION 6267. It shall be unlawful to employ any Chinese laborers on any street or part of street of any city or incorporated town of this State, or any public works or public improvement of any character except as a punishment for crime; and all contracts which any person or corporation may have for the improvement of any such street or part of street, or public works or improvements of any character, shall be null and void from and after the date of any employment of any Chinese laborers thereon by the contractor: *Provided*, That nothing in this act shall be so construed as to prevent any Chinese laborer working his own or any other Chinaman's property or poll road tax under the direction of any supervisor of roads in this State.

Railroads—Inspection—Wages and hours—Accidents.

Inspection.

SECTION 6897. * * * The commission shall also, from time to time, and as often as once each year, carefully examine and inspect the physical condition of each railroad in the State, its roadbed, stations, equipment, and the manner of its conduct and management with reference to the safety of the public and the employees of such railroad, and the convenience of the public, and shall report the result of its investigations to the railroad company, together with its recommendations thereon: *Provided*, That this section shall not be construed as repealing any existing law on the subject.

Investigation.

SEC. 6924. * * * The commission shall also ascertain * * * the amount paid for salaries to the officers of the road, and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this section is obtained, it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any State board or officer.

Accidents to be reported.

SEC. 6939. Every railroad shall, whenever an accident attended with loss of human life or limb, or with serious injury to person or property, occurs within this State upon its line of road or on its depot grounds or yards, give immediate notice thereof to the [railroad] commission, stating the particulars thereof: *Provided*, That neither said report nor any part thereof shall be used as evidence or used for any purpose against such railroad so making such report in any suit or action for damages growing out of any matter mentioned in said report. In the event of any such accident the commission, if it deem the 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 greater convenience of those concerned, it shall order such 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 seasonably notify an officer or station agent of the company of the time and place of the investigation. The cost of such investigation shall be certified by the commission and the same shall be audited and paid by the State in the same manner as other expenses are audited and paid.

Investigation.

Liability of railroad companies for injuries to employees.

Company liable, when.

SECTION 6946. 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

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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 on another train of cars, 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 an 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 an injury to any employee of such corporation received as aforesaid, the personal representative 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.

Contributory negligence.

SEC. 6947. 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.

Railroads—Height of wires crossing tracks.

Consent of county court.

SECTION 6962. It shall hereafter be unlawful for any corporation or person to string any wire, electric or other, over the tracks of any railroad company, except at such places and in such manner as shall be authorized and approved by the county court of the county wherein such crossing with such wire is proposed, said county court sitting for the transacting of county business, and any corporation or person desiring to so string any wire shall give such railroad company notice in writing of the place and manner in which it desires to string the same, and the place where and the time when it will apply to said county court sitting for the transaction of county business for approval and authority as above required, which notice shall be served at least ten days before the time of hearing of such application.

Investigation ordered.

SEC. 6963. The county courts of the several counties in the State of Oregon shall, as soon as possible after the passage of this act, either by personal examination or otherwise, obtain information as to all places where the tracks of railroad are crossed by wires strung over said tracks, and whenever in its judgment such wires should be raised to a greater height, or other thing done with reference thereto to guard against accidents, shall order such change or changes to be made, and shall apportion any expense incident thereto between the companies or persons affected as may be deemed just and reasonable: *Provided*, That in no case shall the height of any wire strung or to be strung across or over such or any railroad tracks be less than twenty-five feet, excepting trolley wires, which shall not be less than twenty-three feet from the top of the rail of said railroad tracks.

Changes.

SEC. 6964. It shall be the duty of every corporation and person to whom an order made by the county court of the respective counties in said State under this act shall be directed, to comply with such order in accordance with its terms, and for any neglect to so comply therewith any such corporation or person shall be liable to a penalty of $100, and to a like penalty for every ten days during which said neglect shall continue. Any such penalty may be recovered by an appropriate action instituted by the county where such violation or disobedience has been committed, and said

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penalty shall be recovered by said county, and it shall be the duty of the prosecuting attorney of the district in which said county is located to bring and prosecute any such action in the name of the county at the request of the said county court sitting for the transaction of county business.

Street railways—Seats for employees—Inclosed vestibules.

Seats to be provided.

SECTION 7010. Each person, firm, or corporation owning, managing or operating any intrastate, interurban and city electric street railway line in the State of Oregon shall provide all cars run or used on his, their or its respective roads with good, substantial and sufficient seats for the use of motormen operating passenger cars. Said motormen shall be permitted to occupy said seats at least one-half the time while operating said cars.

Use.

Violations.

SEC. 7011. Any violation of the provisions of this act shall be deemed a misdemeanor, and shall subject the owner or manager of such street railway line to a penalty of $50 fine for the first offense, and $100 for each and every subsequent violation thereof, and each car run one day when not so equipped shall constitute a separate violation thereof.

Platform to be inclosed, when.

SEC. 7012. Each corporation, company, and individual owning, managing, or operating any street railway line in the State of Oregon shall provide, during the months of November, December, January, February, and March of each year, all cars run or used on its or their respective roads with good, substantial, and sufficient vestibules or weather guards for the reasonable protection of the employees operating passenger cars of such corporation, company, or individual.

Construction of platforms.

SEC. 7013. The vestibules or weather guards provided for in section 7012 shall be so constructed and so maintained and adjusted upon each car during each of the said months as to reasonably protect the employees of such corporation, company, or individual operating said passenger car from the wind, rain, or snow.

Penalty.

SEC. 7014. Any violation of the provisions of this act shall be deemed a misdemeanor, and shall subject the owner or manager of such street railway line to a penalty of $100 fine for the first offense, and $100 for each and every subsequent violation thereof, and each car run one day when not so equipped shall constitute a separate violation hereof.

Wages as preferred claims—In receiverships, etc.

Wages to be paid first.

SECTION 7435. Hereafter, when the property of any company, corporation, firm, or person shall be seized upon by any process of any court of this State, or where their business or property shall be placed in the hands of a receiver, or whenever any assignment for the benefit of creditors under the laws of this State shall be made, then in all such cases the debts owing to laborers or employees, which have accrued by reason of their labor or employment to an amount not exceeding $100 to each employee for work or labor performed within ninety days next preceding the seizure or transfer or assignment of such property, shall be considered and treated as preferred debts, and such laborers or employees shall be preferred creditors, and shall first be paid in full, but if there be not sufficient to pay them in full, then the same shall be paid to them, pro rata, after paying costs. Any such laborer or employee desiring to enforce his or her claim for wages under this act shall present a statement under oath showing the amount due after allowing all just credits and set-offs, the kind of work for which said wages are due, and when performed, to the officer or person charged with the execution of said process, within ten days after the seizure thereof on any execution or writ of attachment, or to such receiver or assignee within thirty days after the same may have been placed in the hands of any such assignee or receiver; * * *

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Thereupon such person claiming the benefit of this act shall serve upon the debtor, or upon the officer, assignee, or receiver for the debtor where personal service can not be had, a copy of such verified claim aforesaid, and thereafter it shall be the duty of the person receiving such statement to report the amount of such claim or claims to the court having jurisdiction of such officer, receiver, or assignee, together with a statement of all costs occasioned by the seizure of said property or of such receivership or assignment; and such court shall order said claims to be paid after payment of the costs and expenses of such seizure and sale, and the costs and disbursements which shall have accrued before the filing of the notice hereinbefore provided and of assignment or receivership, out of the proceeds of the sale of the property so seized, assigned, or placed in the hands of an assignee or receiver: *Provided*, That any person interested may contest any such claim or claims, or any part thereof, by filing in said court exceptions thereto, supported by affidavit, and thereupon the claimant shall be required to establish his or her claim, by judgment in such court, before any part thereof shall be paid. When any claim is excepted to as herein provided, the person desiring to establish the same shall file in said court his verified complaint as in an action at law, and serve the same upon such person excepting, or his attorney of record, and upon the principal debtor for said claim, or his attorney of record, and thereafter said cause shall proceed to final judgment between said parties as an action at law.

The section applies to those who earn wages by personal, manual labor. 27 Oreg. 256.

The claim for wages, after presentation, is assignable, and an assignee may sue thereon in his own name. 31 Oreg. 146.

Costs and attorneys' fees allowed, when.

SEC. 7436. Whenever any claim shall have been excepted to as hereinbefore provided, if the same shall be established by judgment, then the claimant in such action shall be entitled to have the costs of such action, including such sum as the court may adjudge reasonable as attorney's fees, enforced by execution against such person objecting as a judgment debtor in the first instance: *Provided*, That the court rendering such judgment shall be satisfied that said exceptions were made without probable cause, or that said person so excepting could have ascertained with reasonable diligence that such claim was true and just. However, if the court do not so find, or if such execution, when issued, be returned nulla bona, then in either case such costs and attorney's fees shall be ordered paid out of the proceeds of the property sold next after the payment of all claims presented under this act.

Attachment continues until settlement.

SEC. 7437. No attachment or execution shall be discharged or the seizure or sale of property seized, abandoned, or assignee or receiver discharged, until every claimant presenting his or her claims under this act shall have been paid in full, or pro rata, as above provided, or shall have consented to such discharge or abandonment.

Priority of claims for wages.

SEC. 7438. Every sale or transfer of any property in payment of any preexisting debt or obligation, and every mortgage or lien created or executed to secure the payment of a preexisting debt, shall be void as against laborers or employees of such vendor, mortgagee, or other lien creditor, to the extent of their claims for wages, not exceeding the sum of $100 to each of said laborers which may be owing for work or labor performed within ninety days next preceding such sale and transfer or the execution of such lien or mortgage: *Provided*, That the laborer or employee claiming the benefit of this section against the owner or holder of such lien or such vendor shall, within ten days after the actual delivery of the property, or within thirty days after the recording of any such deed, transfer, mortgage, or lien, give such owner or holder of such lien or such vendor notice of his claim substantially in the form and verified as in section 7435, which notice shall be served by delivering the same or a copy thereof to such owner or holder of such lien or such vendor in person; or in case he can not be found within the county in which such lien or deed may be of

Proviso.

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record after diligent inquiry, then by delivering the said notice or a copy thereof to the clerk of the county court aforesaid for such owner or holder of such lien or such vendee, and within thirty days shall commence a suit to establish said claim and shall prosecute the same to judgment. Such vendee or mortgagee or lien holder, or his assignee, may pay such claim or claims, and thereby and thereupon be subrogated to the rights and lien of such laborer or employee, as against the vendor, principal debtor, or mortgagor, and as against subsequent mortgagees or other subsequent lien creditors. This section shall not be construed to apply to any mortgage or lien given in renewal of a preexisting mortgage or lien.

ACTS OF 1911.

CHAPTER 25.—*Sale of intoxicants near construction camps.*

Six-mile limit.

SECTION 1. It shall be unlawful hereafter for any person, firm or corporation to locate any saloon, sell or give, or offer to sell or give away, dispose of or furnish any person with any vinous, malt or spirituous liquor, within six miles of any public work being constructed within the State of Oregon, by the Government of the United States or of the State of Oregon, their contractors, authorized agents or representatives.

Same.

SEC. 2. No person shall be permitted to sell, offer to sell or give away or dispose of or furnish any person with any spirituous, malt or vinous liquors or fermented cider, commonly known as hard cider, within six miles of any public work being constructed within the State of Oregon by the Government of the United States or by the State of Oregon, and in no case shall a license be granted for such sale within a distance of six miles from said public work: *Provided*, That the provisions of this act shall not apply to any city or town within this State now incorporated or that may hereafter be incorporated.

Proviso.

Violations.

SEC. 3. Any person violating the provisions of this act shall be fined in the sum of not less than $50 or more than $250, or by imprisonment in the county jail for not less than two months or not more than six months, or by both fine and imprisonment.

CHAPTER 39.—*Railroads—Shelters for employees at division points.*

Sheds to be constructed.

SECTION 1. It shall be unlawful for any railroad company, corporation, association or other person owning, controlling or operating any line of railroad in the State of Oregon, to build, construct, or repair railroad car equipment in the State without first erecting and maintaining at every division terminal or other point where five men or more, not including car inspectors, are regularly employed on such repair work, a shed over a sufficient portion of the tracks used for such repair work, so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad car equipment, shall be sheltered and protected from rain and other inclement weather: *Provided, however*, That the provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at points where it is necessary to make light repairs only on cars, nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of cars.

Proviso.

Violations.

SEC. 2. Any railroad company or officer or agent thereof, or any other person, who shall violate the provisions of this act, by failing or refusing to comply with its provisions, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than $50 nor more than $100, and each day's failure or refusal to comply with the provisions of this act, shall be considered a separate offense.

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CHAPTER 73.—*Labor organizations—Unauthorized use of badges.*

SECTION 1. It is unlawful for any person not a member thereof to wear or display any badge, button, insignia, rosette or other emblem of any order, society or organization. Use of badge by nonmembers.

SEC. 2. It is unlawful for any person not a member of any order, society or organization to use the name of any such order, society or organization to seek or obtain aid or assistance from any member thereof or from the public by virtue of claiming or representing himself, herself or itself to be entitled thereto as a member of any such order, society or organization when not a member thereof. Seeking aid.

SEC. 3. The word "person" hereinafter used in this act shall include every man, woman and every association voluntary or incorporated and every corporation whatsoever in this State or coming into the State. The words "order, society or organization" hereinafter used in this act shall include every labor organizaton or association * * * Definitions.

CHAPTER 74.—*Logging engineers, etc.—Age limit.*

SECTION 1. It shall be unlawful for any person, firm or corporation to employ or allow any person under the age of eighteen years to act as engineer of or have charge of or operate any logging engine or engines used in logging operations, or to employ or allow any person under the age of sixteen years to act in the capacity of giving signals to the engineer in logging operations or receiving and forwarding such signals. Any person, firm or corporation, and the agent, manager, or superintendent thereof, violating 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 ten dollars ($10) nor more than one hundred ($100), or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment. Eighteen years, minimum; Sixteen years. Violations.

CHAPTER 102.—*Accidents to be reported.*

SECTION 1. Any person, firm or corporation, employing labor, who employs more than three persons at the same time shall report to the commissioner of labor statistics and inspector of factories and workshops any and all accidents happening to any person in their employment, directly or indirectly, due to said employment, and said person, firm or corporation are required to give the name, sex, age, and the particular employment of the person so injured and explain the nature of the accident and the date and place of occurrence of the same: *Provided, however*, That no such report need be made if the person be not in any way incapacitated from immediate continuance of his duties, and the services of a physician be not required. When any personal injury, of which notice is required be sent to the commissioner of labor statistics and inspector of factories and workshops under this act, results in the death of the person injured, notice in writing of the death of such person shall be sent forthwith to the commissioner of labor statistics and inspector of factories and workshops. Who to report accidents. Death.

SEC. 2. It shall be the duty of the commissioner of labor statistics and inspector of factories and workshops to keep a correct record of all accidents and deaths reported to his office, giving the cause of the accident, or death, the particular industry or employment in which the person was injured, where the accident, or death occurred, and publish the same in his biennial report. Records.

SEC. 3. Any employer of labor who shall fail to report such accident within five days from its occurrence shall be liable to a fine of not less than $25 and not to exceed $500 or to imprisonment in the county jail for not less than five (5) days nor more than six (6) months, or both, in the discretion of the court. Violations.

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CHAPTER 135.—*Intoxicants—Use on engines, etc.*

Use of liquor forbidden.

SECTION 1. It shall be unlawful for any person to enter or be found in a state of intoxication or to drink intoxicating liquors of any kind as a beverage in or upon any engine, car, train of cars, or depot of any common carrier within the State of Oregon: *Provided*, That nothing in this act shall be so construed as to prevent the use or sale of liquors upon any buffet, dining or private cars.

CHAPTER 137.—*Hours of labor of employees on railroads.*

Scope of law.

SECTION 1. The provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad wholly within the State of Oregon. The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement or lease; and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

Definitions.

Fourteen-hour day.

SEC. 2. It shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than fourteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for fourteen 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 fourteen 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*, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches, reports, transmits, receives or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in any towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week.

Ten hours' rest.

Nine-hour day.

Violations.

SEC. 3. Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof, shall be liable to a penalty of not to exceed five hundred dollars for each and every violation, to be recovered in a suit or suits to be brought by the attorney general or the district attorney in the district where such violation shall have been committed; and it shall be the duty of such attorney general or district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the railroad commission of Oregon, to lodge with the attorney general or proper district attorneys information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been forseen [foreseen]: *Provided, further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains.

Exceptions.

Enforcement.

SEC. 4. It shall be the duty of the railroad commission to execute and enforce the provisions of this act, and all powers granted

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to the railroad commission are hereby extended to it in the execution of this act.

CHAPTER 139.—*Railroads—Discharge of bonded employees.*

Statement of cause to be furnished.

SECTION 1. In case of any dispute or disagreement between any bonded employee, or employees, of any railroad, as the word "railroad" is defined in section 11 of chapter 53 of the General Laws of Oregon for the year 1907, which dispute shall result in the discharge or termination of the services of said bonded employee, or employees, it shall be the duty of the said railroad to furnish to such bonded employee, or employees, so discharged, upon request, a copy of the charges filed against said employee, or employees, as a result of which the services of said employee, or employees, shall have been discontinued: *Provided, however,* That if no written charges have been filed against such employee, or employees, as a result of which their services shall have been terminated, it shall be the duty of said railroad to furnish the employee, or employees, so discharged, with a written statement of the reasons for the discharge of said employee, or employees, within five days from the date of the termination of the services of said employee, or employees.

Failure to furnish statement.

SEC. 2. Should the said railroad fail to furnish to said bonded employee, or employees, a copy of the charges filed against said employee, or employees, or fail to furnish in writing to said employee, or employees, a written statement of the charges against him, giving the reasons for his, or their, discharge, within five days from the date of the termination of said services, then and in that event the said employee, or employees, shall have the right to complain thereof to the railroad commission of the State of Oregon, for the purpose of determining the reasons for said discharge, and in case said bonded employee or employees are charged with any offense involving moral turpitude upon complaint being made by any bonded employee, or employees, as aforesaid, that the cause of discharge of said employee, or employees, was untrue, the commission shall notify the railroad complained of that complaint has been made, and ten days after such complaint has been made, the railroad commission shall proceed to investigate the same: *Provided, however,* That before proceeding to make such investigation, the commission shall give the railroad and the complainant, or complainants, ten days' notice of the time and place when and where such complaint will be considered and determined, and said parties shall be entitled to be heard, and shall have process to enforce attendance of witnesses, and to compel the said railroad to present before the commission at the time and place of said hearing all the documentary evidence in the possession of said railroad bearing upon the complaint filed against it, and if upon such investigation and hearing it shall appear to the commission that the charge against said employee, or employees, was untrue, the commission shall make a finding of fact to that effect recommending the reinstatement of said employee or employees, and furnish a copy thereof to the complainant.

Investigation.

Powers of commission.

SEC. 3. The railroad commissioners for the purpose mentioned in this act shall have the power: (a) To administer oaths; (b) to certify to official acts; (c) issue subpœnas to compel the attendance of witnesses; (d) to provide for the production of papers, contracts, books, accounts, documents and testimony; (e) to provide for the disobedience on the part of any person, or persons, to comply with the orders of the commission, or any commissioner, in respect thereto, or any refusal of any witness to testify to any matter regarding which he may be lawfully interrogated; (f) to provide for the fees and mileage of witnesses; (g) to punish said witness, or witnesses for the disobedience of any subpœna issued by the commission upon any hearing held in accordance with this act; and (h) generally to provide for the taking of testimony, and

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for the recording of the proceedings held before said railroad commission in accordance with the provisions of this act.

Attendance of witnesses.

SEC. 4. It shall be the duty of the circuit court of any county of the State, or the judge thereof, on application of the railroad commission, or of any commissioner, to compel the attendance of witnesses before the railroad commission in hearings in accordance with this act, by attachment proceeding, or contempt, as in the case of the disobedience of the requirements of a subpœna issued from said court, or a refusal to testify therein.

Failure to appear.

SEC. 5. Any person, or persons, who shall neglect or refuse to attend before the railroad commission in accordance with this act, and testify or to answer any legal inquiry, or to produce books, papers, contracts, accounts, or documents within his power to do so, in obedience to the subpœna or lawful requirements of the railroad commission as herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not less than $100, or more than $1,000, or by imprisonment in the county jail of not more than one year, or by both said fine and imprisonment.

CHAPTER 173.—*Accident insurance.*

Provisions required.

SECTION 1. On and after September 1, 1911, no policy of insurance against loss or damage from disease or by the bodily injury by accident, or both, * * * unless it contains in substance the following provisions:

* * * * *

Change of occupation.

(*f*) A provision that if the insured is injured or contracts disease after having changed his occupation to one classified by the corporation as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified (except ordinary duties after [about] his residence or while engaged in recreation) the corporation shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits fixed by the corporation for such more hazardous occupation according to the corporation's rates and classification of risks filed with the insurance commissioner in this State prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed:

Blanket policies.

SEC. 6. Nothing in this act, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association or individual employer, policy [police] or fire department, underwriter's corps, salvage bureau, or like associations or organizations, when [where] the officers, members or employees or classes or departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise for a premium intended to cover the risks of all the persons insured under such policy; * * *

CHAPTER 219.—*Railroads—Safety appliances.*

Guards for frogs, etc.

SECTION 1. Every person or corporation owning or operating a railroad in this State, shall be and is hereby required on or before the first day of July, 1912, to so adjust, fill, block and securely guard the frogs, switches and guardrails of their roads as to protect and prevent the feet of employees and other persons from being caught therein. No person or corporation owning or operating a railroad within this State shall employ or use as a flagman on or in connection with the operation of any passenger train any person who can not read and write and speak the English language or any person who is less than 21 years of age.

Liability.

SEC. 2. Any person or corporation owning or operating a railroad in this State, shall be liable for any damage caused from a failure to comply with the provisions of this act.

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SEC. 3. Any person or corporation owning or operating any railroad in this State, failing to comply with the provisions of this act within the time limited, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five hundred dollars nor more than two thousand dollars. Violations.

CHAPTER 266.—*Rates of wages of employees of State printing office.*

SECTION 7. The State printer may employ such foremen, proofreaders, compositors, pressmen and laborers as may be required for the prompt and efficient operation of the State printing department and may discharge the same whenever he deems it advisable for the business-like conduct of the State printing department. He shall contract in the name of the State of Oregon for the service of all persons employed, at the rate paid by printing establishments generally throughout the State of Oregon, for similar services, and he shall not pay or contract to pay, any premiums, bonuses or any amount in excess of the regular scale of wages so generally paid throughout the State to any employee without first and in each and every case, obtaining permission so to do from the State printing board. State printer. Rates of wages.

CHAPTER 279.—*Accidents on railroads, etc.—Reports and investigations.*

SECTION 73. Every public utility shall, whenever an accident attended with loss of human life occurs within this State upon its premises or directly or indirectly arises from or connected with its maintenance or operation, give immediate notice thereof to the [railroad] commission. In the event of any such accident the commission, if it deem the public interest require it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless for greater convenience of those concerned it shall order such 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 seasonably notify the public utility of the time and place of the investigation. Reports of fatal accidents. Investigations.

ACTS OF 1913.

CHAPTER 1.—*Employment of labor on public works—Protection of wages—Eight-hour day.*

SECTION 1. Every contract made with the State, county, school district, municipality, municipal corporation or subdivision shall contain a condition that the contractor shall promptly, as due, make payment to all persons supplying to such contractor labor or material for the prosecution of the work provided for in such contract, and that said contractor shall not permit any lien or claim to be filed or prosecuted against the State, county, school district, municipality, municipal corporation or subdivision, for account of any material or labor furnished, and a penal bond, with good and sufficient sureties, shall be required of each and every such contractor, to secure that faithful performance of all of the usual or particular obligations of such contract, especially the conditions herein mentioned, and every such contract shall contain a condition that no person shall be employed for more than eight hours in any one day or forty-eight hours in any one week, unless in cases of emergency when no other competent labor is available, and in such cases such laborers shall be paid double wages for all overtime. Contractor to make prompt payments. Bond.

SEC. 2. Any person who has supplied labor or material under the conditions herein provided, on making application to the proper officer in charge of such contract, together with a showing under oath what relation such person bears to such contract or its performance, shall receive a certified copy of such contract and bond, Actions.

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as herein provided, and is hereby authorized to institute an action against said contractor and sureties on his own relation, but, in the name of the State of Oregon or the county, school district, municipality, municipal corporation, or other subdivision concerned, and to prosecute the same to final judgment and execution, for his own use and benefit, as the fact may appear.

Cancellation of contract.

SEC. 3. Every such contract herein referred to shall contain a condition that the contract may be cancelled at the election of the State, county, school district, municipality, municipal corporation, or other subdivision concerned, for any willful failure or refusal on the part of the contractor to faithfully perform the contract according to its terms as herein provided.

Limit of eight hours.

SEC. 4. In all cases where labor is employed by the State, county, school district, municipality, municipal corporation or subdivision, either directly or through another, as a contractor, no person shall be required or permitted to labor more than eight hours in any one day, or forty-eight hours in any one week, except in cases of necessity, emergency, or where public policy absolutely requires it, in which event the person or persons so employed for excessive hours shall receive double pay for the overtime so employed; and no emergency, necessity, or public policy shall be presumed to exist when other labor of like skill and efficiency which has not been employed full time is available.

Eight hours a day's labor.

SEC. 5. Eight hours shall constitute a day's labor in all cases where the State, county, school district, or any municipality, municipal corporation or subdivision is the employer of the labor, either directly or indirectly, by contract with another.

Violation.

SEC. 6. All contractors, subcontractors, or agents, or persons whatsoever in authority or in charge, who shall violate the provisions of this act as to the hours of employment of labor as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than fifty dollars nor more than one thousand dollars, or with imprisonment in the county jail for a period of not less than five days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

CHAPTER 42.—*Mothers' pensions—Aid for dependent children.*

Provision for support.

SECTION 1. Every woman, who has one or more children under the age of sixteen years and whose husband is either dead or is an inmate of some Oregon State institution, or by reason of physical or mental disease is wholly unable to work, and whose support and the support of whose child or children is dependent wholly or partly upon her labor, shall be entitled to the assistance as provided for in this act for the support of herself and of her child or children.

Amount.

SEC. 2. Subject to subsequent provisions of this act, every woman, as provided in section 1, who is herself, and all of whose children are wholly dependent upon her labor for support shall receive from the public moneys of the county in which she and her child or children reside the sum of ten dollars per month for one child, and if she have more than one residing with her, seven dollars and fifty cents per month for each of such additional children.

Partial dependents.

SEC. 3. Subject to subsequent provisions of this act every woman, as provided by section 1, who is herself and all of whose children are, partly dependent upon her labor for support shall receive from the public moneys of the county in which she and her child or children shall reside, such a sum per month as, added to her other income (other than that derived from her labor), shall be equal to the amount which she would receive if she was subject to the provisions of section 2 of this act.

Exceptions.

SEC. 4. The provisions of this act shall not apply to any child which has property of its own sufficient for its support, nor to any child which does not reside with its mother.

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Regulations.

SEC. 5. It is the purpose and intention of this act to keep the children, to which it is applicable, together under the guidance and control of their mother, and that the mother shall make a home for the children; and if, in the judgment of the tribunal which is to administer this law as hereinafter provided, any mother of such children is improvident, careless or negligent in the expenditure of the money received pursuant to this act, such tribunal may direct that such money shall be paid to some person, whom it shall designate, to be used for the support of such mother and children.

Administration.

SEC. 6. The juvenile court in each county or whatever tribunal is charged by law with the discharge of the duties of such court, shall have exclusive jurisdiction in carrying out and administering the provisions of this act.

Orders.

SEC. 7. Whenever the tribunal, mentioned in section 6, shall determine that an allowance under this act shall be made, it shall make an order to that effect which order, among other things, shall set out in full the name of the mother, her place of residence, the names and ages of each of the children, and the amount allowed to each child, and upon presentation of such order, the county court shall direct monthly warrants to be drawn therefor.

Witnesses.

SEC. 8. For the purpose of carrying out the provisions of this act, the tribunal, mentioned in section 6, shall have power to summon witnesses and compel their attendance and pay them the same as witnesses in criminal cases are paid.

Discontinuance.

SEC. 9. Whenever any woman on whose account any allowance shall have been made under the provisions of this act, shall marry, such allowance shall cease. No allowance for any child shall continue after such child shall have reached the age of sixteen years.

Residential requirement.

SEC. 10. This act shall apply only to women who are residents of this State at the time this act is passed or who were residents of the State at the time of the occurrence of the events which entitle them to the benefits of this act as provided by section 1.

CHAPTER 62.—*Employment of women and children—Minimum wages.*

Hours of labor.

SECTION 1. It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State of Oregon under such surroundings or conditions—sanitary or otherwise—as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

Wages.

Industrial welfare commission.

SEC. 2. There is hereby created a commission composed of three commissioners, which shall be known as the "Industrial Welfare Commission"; and the word commission as hereinafter used refers to and means said industrial welfare commission; and the word "commissioner" as hereinafter used refers to and means a member of said "industrial welfare commission". Said commissioners shall be appointed by the governor. The governor shall make his first appointments hereunder within thirty days after this bill becomes a law; and of the three commissioners first appointed, one shall hold office until January 1, 1914, and another shall hold office until January 1, 1915, and the third shall hold office until January 1, 1916; and the governor shall designate the terms of each of said three first appointees. On or before the first day of January of each year, beginning with the year 1914, the governor shall appoint a commissioner to succeed the commissioner whose term expires on said first day of January; and such new appointee shall hold office for the term of three years from said first day of January. Each commissioner shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of said commis-

Appointment.

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sion shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. A majority of said commissioners shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of said commission; and no vacancy shall impair the right of the remaining commissioners to exercise all the powers of said commission. The governor shall, so far as practicable, so select and appoint said commissioners—both the original appointments and all subsequent appointments—that at all times one of said commissioners shall represent the interests of the employing class and one of said commissioners shall represent the interests of the employed class and the third of said commissioners shall be one who will be fair and impartial between employers and employees and work for the best interests of the public as a whole.

Selection.

Organization. SEC. 3. The first commissioners appointed under this act shall, within twenty days after their appointment, meet and organize said commission by electing one of their number as chairman thereof and by choosing a secretary of said commission; and by or before the 10th day of January of each year, beginning with the year 1914, said commissioners shall elect a chairman and choose a secretary for the ensuing year. Each such chairman and each such secretary shall hold his or her position until his or her successor is elected or chosen; but said commission may at any time remove any secretary chosen hereunder. Said secretary shall not be a commissioner; and said secretary shall perform such duties as may be prescribed and receive such salary as may be fixed by said commission None of said commissioners shall receive any salary as such. All authorized and necessary expenses of said commission and all authorized and necessary expenditures incurred by said commission shall be audited and paid as other State expenses and expenditures are audited and paid.

Duties. SEC. 4. Said commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (*a*) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the State of Oregon; (*b*) Standards of conditions of labor for women or for minors in any occupation within the State of Oregon and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women or of minors in any such occupation; (*c*) Standards of minimum wages for women in any occupation within the State of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; and (*d*) Standards of minimum wages for minors in any occupation within the State of Oregon and what wages are unreasonably low for any such minor workers.

Investigations. SEC. 5. Said commission shall have full power and authority to investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in the different occupations in which they are employed in the State of Oregon; and said commission shall have full power and authority, either through any authorized representative or any commissioner to inspect and examine any and all books and pay rolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of wages or hours of labor or conditions of labor of any such women workers or minor workers in any of said occupations and to require from any such employer full and true statements of the wages paid to and the hours of labor of and the conditions of labor of all women and minors in his employment.

Register of women and children employed. SEC. 6. Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said commission to inspect and examine such register. The word "minor," as used in this act, refers to and

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means any person of either sex under the age of eighteen years; and the word "women," as used in this act, refers to and means a female person of or over the age of eighteen years.

Meetings. SEC. 7. Said commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said commission shall have power to subpœna and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpœnaed by said commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the circuit court of Multnomah County.

Hearings.

Injurious conditions. SEC. 8. If, after investigation, said commission is of opinon that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health, said commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said commission shall name and appoint all the members of such conference and designate the chairman thereof. Said commission shall present to such conference all information and evidence in the possession or under the control of said commission which relates to the subject of the inquiry by such conference; and said commission shall cause to be brought before such conference any witnesses whose testimony said commission deems material to the subject of the inquiry by such conference. After completing its consideration of and inquiry into the subject submitted to it by said commission, such conference shall make and transmit to said commission a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to wit: (*a*) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (*b*) Standards of conditions of labor for women workers and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women workers; (*c*) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health. In its recommendations on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health; and in its recommendations on a question of wages such conference shall, when it appears proper or necessary, recommend suitable minimum wages for learners

Conferences.

Recommendations.

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and apprentices and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which said wages shall be less than the regular minimum wages recommended for the regular women workers in the occupation under inquiry. Two thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such a two-thirds on any subject submitted shall be deemed the decision or recommendations or report of such conference.

Powers of commission.

SEC. 9. Upon receipt of any report from any conference said commission shall consider and review the recommendations contained in said report; and said commission may approve any or all of said recommendations or disapprove any or all of said recommendations; and said commission may resubmit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said commission approves any recommendations contained in any report from any conference, said commission shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in Multnomah County, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at lower wages than are authorized or permitted by said order. Said commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby: and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said commission shall authorize or permit the employment of any woman for more hours per day or per week than the maximum now fixed by law.

Special license.

SEC. 10. For any occupation in which only a minimum time rate wage has been established, said commission may issue to a woman physically defective or crippled by age or otherwise a special license authorizing her employment at such wage less than said minimum time rate wage as shall be fixed by said commission and stated in said license.

Minors.

SEC. 11. Said commission may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said commission has made such determination, it may issue an obligatory order in the manner provided for in section 9 of this act; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

Definition.

SEC. 12. The word "occupation" as used in this act shall be so construed as to include any and every vocation and pursuit and trade and industry. Any conference may make a separate inquiry into and report on any branch of any occupation; and said commission may make a separate order affecting any branch of any

Local, etc., conditions.

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occupation. Any conference may make different recommendations and said commission may make different orders for the same occupation in different localities in the State when, in the judgment of such conference or said commission, different conditions in different localities justify such different recommendations or different orders.

Prosecutions.

SEC. 13. Said commission shall, from time to time, investigate and ascertain whether or not employers in the State of Oregon are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

Duties of officials.

SEC. 14. The "commissioner of labor statistics and inspector of factories and workshops" and the several officers of the "board of inspection of child labor" shall, at any and all times, give to said commission any information or statistics in their respective offices that would assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

Rules.

SEC. 15. Said commission is hereby authorized and empowered to prepare and adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences.

Appeals.

SEC. 16. All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said commission, and there shall be no appeal from the decision of said commission on any such question of fact; but there shall be a right of appeal from said commission to the Circuit Court of the State of Oregon for Multnomah County from any ruling or holding on a question of law included in or embodied in any decision or order of said commission, and, on the same question of law, from said Circuit court to the Supreme Court of the State of Oregon. In all such appeals the attorney general shall appear for and represent said commission.

Violations.

SEC. 17. Any person who violates any of the foregoing 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 twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars or by imprisonment in the county jail for not less than 10 days nor more than three months or by both such fine and imprisonment in the discretion of the court.

Discharge of employees.

SEC. 18. 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 such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars.

Actions by woman employees.

SEC. 19. If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said commission, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorneys fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

Report.

SEC. 20. Said commission shall, on or before the first day of January of the year 1915 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

Annual appropriation.

SEC. 21. There is hereby appropriated out of the general fund of the State of Oregon the sum of thirty-five hundred ($3500.00) dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this act and to pay

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the expenses and expenditures authorized by or incurred under this act.

This act does not delegate legislative authority to the commission created by it, and is a proper exercise of the police power of the State. The fact that an order of the commission relates to but a single locality does not render it invalid as an unequal operation of law, nor does the act deprive employers of due process of law. 139 Pac. 743.

CHAPTER 80.—*Railroads—Headlights on locomotives.*

Headlights required.

SECTION 1. It shall be the duty of every individual, firm or corporation operating any line of railroad of more than fifty miles of track within this State, to equip within twelve months after the passage of this act, every locomotive, power vehicle, power car and other equipment used as the equivalent of or in the place of locomotives, except as are used exclusively for switching services in the railroad yard, and not elsewhere, with an electric headlight of sufficient candlepower, measured with a reflector, to throw a light in clear weather, that will enable the operator of the same to plainly discern an object the size of a man at a distance of not less than eight hundred feet, and thereafter to maintain and use such headlight upon every such locomotive, vehicle, car or other equipment, when the same is operated in the nighttime: *Provided*, That this act shall not apply to a gas or gasoline motor car.

Standard.

Violations.

SEC. 2. Any individual, firm or corporation 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 and not more than five hundred dollars for each offense, and in addition shall be liable for all damage resulting, in whole or in part, directly or indirectly from such violation.

CHAPTER 102.—*Hours of labor in factories, etc.*

Ten hours a day's labor.

SECTION 1. It is the public policy of the State of Oregon that no person shall be hired, nor permitted to work for wages, under any conditions or terms, for longer hours or days of service than is consistent with his health and physical well-being and ability to promote the general welfare by his increasing usefulness as a healthy and intelligent citizen. It is hereby declared that the working of any person more than ten hours in one day, in any mill, factory or manufacturing establishment is injurious to the physical health and well-being of such person, and tends to prevent him from acquiring that degree of intelligence that is necessary to make him a useful and desirable citizen of the State.

Limit of ten hours.

Exceptions.

SEC. 2. No person shall be employed in any mill, factory or manufacturing establishment in this State more than ten hours in any one day, except watchmen and employees when engaged in making necessary repairs, or in case of emergency, where life or property is in imminent danger: *Provided, however*, Employees may work overtime not to exceed three hours in any one day, conditioned that payment be made for said overtime at the rate of time and one-half the regular wage.

Violations.

SEC. 3. Any employer who shall require or permit any person to work in any of the places mentioned in section 2 of this act more than the number of hours in said section provided for, during any day of 24 hours, or who shall permit or suffer any overseer, superintendent, or other agent of any such employer, to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined for such offense not less than $50 nor more than $500: *Provided*, That each day's violation of this act or any part thereof shall be deemed a separate offense.

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CHAPTER 162.—*Railroads—Sufficient crews for trains.*

Crew required for passenger, etc., trains;

SECTION 1. It shall be unlawful for any person, corporation, company or officer of court operating any steam railroad or railway in the State of Oregon and engaged as a common carrier in the transportation of freight or passengers to operate over its road, or any part thereof, in excess of fifteen continuous miles, or suffer or permit to be run over the same, outside of yard limits, any passenger, mail or express train consisting of four or more cars with less than a full passenger crew consisting of five men, to wit: One engineer, one fireman, one conductor, one brakeman and one flagman (such flagman to have had at least six months' experience in train service) and none of said crew shall be required or permitted to perform the duties of train baggageman or express messenger while on such road.

Freight trains.

SEC. 2. It shall be unlawful for any person, corporation, company or officer of court operating any steam railroad or railway in the State of Oregon, and engaged as a common carrier in the transportation of freight or passengers to operate over its road or any part thereof in excess of fifteen continuous miles, or suffer or permit to be run over the same outside of yard limits, any freight train consisting of forty or more cars, exclusive of locomotive and caboose, with less than a full train crew consisting of six men, to wit: One engineer, one fireman, one conductor, two brakemen and one flagman (such flagman to have had at least six months' experience in train service): *Provided, however*, That all main line local freight trains shall have a full crew consisting of six men, to wit: One engineer, one fireman, one conductor, two brakemen, and one flagman (such flagman to have had at least six months' experience in train service): *Provided further*, That light engines operated outside of yard limits, will be provided with a full crew of three men, to wit: One engineer, one fireman, and one pilot, but this provision is not to apply to helper engines within helper districts.

Violation.

SEC. 3. Any person, corporation, company or officer of court operating any railroad or railway, or part of any railroad or railway, in the State of Oregon, and engaged, as a common carrier, in the transportation of freight or passengers, who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars ($20) nor more than one hundred dollars ($100) for each offense.

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PENNSYLVANIA.

CONSTITUTION.

Labor legislation—Provisions of constitution.

Certain laws forbidden.

SECTION 52. The general assembly shall not pass any local or special law: * * * regulating labor, trade, mining or manufacturing; * * *

Actions for personal injuries.

SEC. 68. No act of the general assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in case of death from such injuries, the right of action shall survive, and the general assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons; and such acts now existing are avoided.

Suits against corporations.

BRIGHTLY'S PURDON'S DIGEST, TWELFTH EDITION—1894.

Protection of employes on buildings.

(Page 273.)

Protective floors to be laid.

SECTION 1. On and after the passage of this act it shall be the duty of the party or parties having charge of the construction of any new building hereafter erected in this Commonwealth, to have the joists or girders of each floor above the third story covered with rough scaffold boards or other suitable material, as the building progresses, so as to sufficiently protect the workmen either from falling through such joists or girders, or to protect the workmen or others who may be under or below each floor from falling bricks, tools, mortar or other substances whereby accidents happen, injuries occur and life and limb are endangered.

Penalty.

SEC. 2. For every violation of this act a penalty, not exceeding one hundred dollars for each floor of joists or girders left uncovered, shall be imposed, to be collected as fines and penalties are usually collected.

Pensions for employes.

(Page 424.)

Corporations may grant pensions.

SECTION 106. * * * Corporations organized for profit under the laws of the Commonwealth of Pennsylvania may, out of the earnings of said corporations, grant allowances or pensions to employees for faithful and long-continued service, who have, in such service, become old, infirm or disabled: *Provided*, That the provisions of this act shall not apply to any director or officer of any such company or corporation.

Protection of employes as voters.

(Page 480.)

Threatening discharge, etc.

SECTION 52. Any person who shall, directly or indirectly, give, or offer to give any such gift or reward to any such [authorized] elector, with the intent to induce him to vote for any particular

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candidate or candidates at such election, or shall, directly or indirectly, procure or agree to give any such gift or reward to such elector, with the intent aforesaid, or shall, with the intent to influence or intimidate such elector to give his vote for any particular candidate or candidates at such election, give, offer or promise to give such elector, any office, place, appointment or employment, or threaten such elector with dismissal or discharge from any office, place, appointment or employment, public or private, then held by him, in case of his refusal to vote for any particular candidate or candidates at such election, the person so offending shall be guilty of a misdemeanor, and, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding two years.

Labor combinations not unlawful, etc.

(Page 484.)

Organizations of workingmen not conspiracy.

SECTION 72. It shall be lawful for any laborer or laborers, workingman or workingmen, journeyman or journeymen, acting either as individuals or as the member of any club, society or association, to refuse to work or labor for any person or persons, whenever, in his, her or their opinion, the wages paid are insufficient, or the treatment of such laborer or laborers, workingman or workingmen, journeyman or journeymen, by his, her or their employer is brutal or offensive, or the continued labor by such laborer or laborers, workingman or workingmen, journeyman or journeymen, would be contrary to the rules, regulations or by-laws of any club, society or organization to which he, she or they might belong, without subjecting any person or persons, so refusing to work or labor, to prosecution or indictment for conspiracy under the criminal laws of this Commonwealth: *Provided*, That this act shall not be held to apply to the member or members of any club, society or organization, the constitution, by-laws, rules and regulations of which are not in strict conformity to the constitution of the State of Pennsylvania, and to the Constitution of the United States: *Provided*, That nothing herein contained shall prevent the prosecution and punishment, under existing laws, of any person or persons who shall, in any way, hinder persons who desire to labor for their employers from so doing, or other persons from being employed as laborers.

Provisos.

This statute does not authorize an interference, by members of a labor union, with workmen or apprentices bound by a contract for a specified term and obligated not to join a union. 48 Atl. Rep. 894.

Employees may refuse to work.

SEC. 73. It shall be lawful for employees, acting either as individuals or collectively, or as the members of any club, assembly, association or organization, to refuse to work or labor for any person, persons, corporation or corporations, whenever in his, her or their opinion the wages paid are insufficient, or his, her or their treatment is offensive or unjust, or whenever the continued labor or work by him, her or them would be contrary to the constitution, rules, regulations, by-laws, resolution or resolutions of any club, assembly, association, organization or meeting of which he, she or they may be a member or may have attended, and as such individuals or members or as having attended any meeting, it shall be lawful for him, her or them to devise and adopt ways and means to make such rules, regulations, by-laws, resolution or resolutions effective, without subjecting them to indictment for conspiracy at common law or under the criminal laws of this Commonwealth:

Provisos.

Provided, first, That this act shall not be held to apply to the member or members of any club, assembly, association, organization or meeting, the constitution, rules, regulations, by-laws, resolution or resolutions of which are not in conformity with the Constitution of the United States and to the constitution of the Commonwealth:

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Provided, second, That nothing herein contained shall prevent the prosecution and punishment, under any law, other than that of conspiracy, of any person or persons who shall, by the use of force, threats or menace of harm to person or property, hinder or attempt to hinder any person or persons who may desire to labor or work for any employer from so doing for such wages and upon such terms and conditions as he, she or they may deem proper:

And provided, third, That nothing herein contained shall prevent the prosecution and punishment of any persons conspiring to commit a felony.

Under these sections a committee of a trade-union may notify members to quit work without making themselves liable for conspiracy, unless force, threats or menaces are used to hinder those wishing to work. 15 Phil. Rep. 393.

The maintenance of a boycott by the use of injurious and threatening acts that caused plaintiff's business to fall off greatly is not protected by these sections, and the parties thereto may be enjoined. 5 Co. C. Rep. 163.

Strikes of railroad employees.

(Page 533.)

Abandonment of locomotives.

SECTION 357. If any locomotive engineer, or other railroad employee, upon any railroad within this State, engaged in any strike, or with a view to incite others to such strike, or in furtherance of any combination or preconcerted arrangement with any other person to bring about a strike, shall abandon the locomotive engine in his charge, when attached either to a passenger or freight train, at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to continue to discharge his duty, or to proceed with said train to the place of destination as aforesaid, he shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Refusing to move cars.

SEC. 358. If any locomotive engineer, or other railroad employee, within this State, for the purpose of furthering the object of, or lending aid to any strike or strikes, organized or attempted to be maintained on any other railroad, either within or without this State, shall refuse or neglect, in the course of his employment, to aid in the movement over and upon the tracks of the company employing him, [of] the cars of such other railroad company, received therefrom in the course of transit, he shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Interfering with employees.

SEC. 359. If any person, in aid or furtherance of the objects of any strike upon any railroad, shall interfere with, molest or obstruct any locomotive engineer, or other railroad employee, engaged in the discharge and performance of his duty as such, every person so offending shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined not less than one hundred nor more than two hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Obstructing tracks, etc.

SEC. 360. If any person or persons, in aid or furtherance of the objects of any strike, shall obstruct any railroad track within this State, or shall injure or destroy the rolling stock or any other property of any railroad company, or shall take possession of, or remove any such property, or shall prevent or attempt to prevent the use thereof by such railroad company or its employees, every such person so offending shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars, and may be imprisoned not less than six months nor more than one year, at the discretion of the court.

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Negligence of employees on railroads.

(Page 534.)

Violation of rules, etc.

SECTION 365. If any person or persons in the service or employ of a railroad or other transportation company, doing business in this State, shall refuse or neglect to obey any rule or regulation of such company, or, by reason of negligence or willful misconduct, shall fail to observe any precaution or rule, which it was his duty to obey and observe, and injury or death to any person or persons shall thereby result, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine, not exceeding five thousand dollars, and to undergo an imprisonment in the county jail or in the State penitentiary, not exceeding five years: *Provided*, That nothing in this act shall be construed to be a bar to a trial and conviction for any other or higher offense, or to relieve such person or persons from liability in a civil action for such damages as may have been sustained.

Proviso.

Prosecution.

SEC. 366. It shall be the duty of the prosecuting attorney of the city or county where any such injuries may have happened, as soon as he shall have notice of the same, to take immediate action and legal measures for the apprehension and arrest of the person or persons who may be charged with causing the injuries as aforesaid, and to direct subpœnas to issue from any justice of the peace to witnesses, to appear and testify on the part of the Commonwealth touching such offenses charged as aforesaid, and to prosecute the offenders as in other cases of misdemeanor: *And provided further*, That no conviction of the employees shall relieve the company from any liability for any such injuries or death.

Mere neglect or refusal to observe rules, whether willful or not, is an offense under this act. 3 Brewst. 554.

Wages as preferred claims—In administration.

(Page 591.)

Wages a claim of first rank.

SECTION 109. All debts owing by any person within this State, at the time of his decease, shall be paid by his executors or administrators, so far as they have assets, in the manner and order following, viz.: 1. Funeral expenses, medicine furnished and medical attendance given during the last illness of the decedent, and servants' wages, not exceeding one year; * * *

Exemption of wages—Unlawful assignment of claims.

(Page 834.)

Sending claims outside of State.

SECTION 40. It shall be unlawful for any person or persons, being a citizen or citizens of this Commonwealth, to assign or transfer any claim for debt against a resident of this Commonwealth for the purpose of having the same collected by proceedings in attachment in courts outside of this Commonwealth, or to send out of this Commonwealth by assignment, transfer or other manner whatsoever, either for or without value, any claim for debt against any resident thereof, for the purpose or with the intent to deprive such persons of the right to have his personal earnings or property exempt from application to the payment of his debts according to the laws of this Commonwealth, where the creditor and debtor and the person or corporation owing the money intended to be reached by such proceedings are within the jurisdiction of the courts of this Commonwealth.

Liability of assignor.

SEC. 41. The person or persons assigning or transferring any such claim for the purpose or with the intent aforesaid, shall be liable in an action of debt to the person or persons from whom any such claim shall have been collected by attachment or otherwise outside of the courts of this Commonwealth, for the full amount of debt, interest and costs so collected, and the defendant

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or defendants therein shall not be entitled to the benefit of the exemption laws of this Commonwealth upon any execution process issued upon any judgment recovered in any such action.

This act is constitutional. 145 Pa. S. 363.

Exemption of wages from attachment.

(Page 836.)

SECTION 49. The wages of any laborers, or the salary of any person in public or private employment, shall not be liable to attachment in the hands of the employer. Wages, etc., not to be attached.

This includes nonresident laborers. 3 Co. C. Rep. 450.

Inspection and regulation of factories, etc.

Page 865.

SECTION 16. It shall be the duty of the owner, agent or lessee of any such factory, manufacturing or mercantile establishment, where hoisting shafts or wellholes are used, to cause the same to be properly and substantially enclosed or secured, if, in the opinion of the inspector, it is necessary to protect the life or limbs of those employed in such establishments. It shall be the duty of the owners, agent or lessee, to provide, or cause to be provided, such proper trap or automatic doors so fastened in or at all elevator ways as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage either ascending or descending. Hoisting shafts, etc.

SEC. 17. It shall also be the duty of the owner of such factory, mercantile industry or manufacturing establishment, or his agent, superintendent or other person in charge of the same, to furnish and supply, or cause to be furnished and supplied, in the discretion of the inspector, where dangerous machinery is in use, automatic shifters, or other mechanical contrivances, for the purpose of throwing on or off belts or pulleys. And no minor under sixteen years of age shall be allowed to clean machinery while in motion. All gearing and belting shall be provided with proper safeguard. Belt shifters, etc. Cleaning moving machinery.

SEC. 18. It shall be the duty of the owner or superintendent to report, in writing, to the factory inspector all accidents or serious injury done to any person employed in such factory within twenty-four hours after the accident occurs, stating as fully as possible the cause of such injury. Accidents.

SEC. 21. If the inspector of factories find that the heating, lighting, ventilation or sanitary arrangement of any shop, or factory, is such as to be injurious to the health of persons employed therein, or that the means of egress in case of fire or other disaster is not sufficient or in accordance with all the requirements of law, or that the belting, shafting, gearing, elevators, drums and machinery, in shops and factories are located so as to be dangerous to employees and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, he shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within sixty days, and any factory requiring exits or other safeguards provided for in fire-escape law in case of fire, the same shall be erected by order of factory inspector regardless [of] the exemption granted by any board of county commissioners, fire marshals or other authorities, and if such alterations and additions are not made within sixty days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of such proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act. Defective conditions. Notice of alterations.

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Penalty.

SEC. 26. Any person who violates any of the provisions of this act, or who suffers or permits any child or female to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not more than five hundred dollars.

Copy of act to be posted.

SEC. 27. A printed copy of this act shall be furnished by the inspector for each workroom of every factory, manufacturing or mercantile house, where persons are employed who are affected by the provisions of this act, and it shall be the duty of the employer of the people employed therein to post and keep posted said printed copy of the law in each room.

[The attorney general has ruled that this act does not apply to factories wherein men only are employed.]

Fire escapes on factories, etc.

(Page 914.)

Chains and ropes to be provided on certain buildings.

SECTION 1. In addition to the means of escape required in section one [now secs. 10 to 14, below] of the act to which this is a supplement, it shall be the duty of the owner or owners, in fee or for life, of every building constructed more than two stories high and used or intended to be used as a hotel, factory, manufactory, workshop, * * * and of the trustee or trustees of every estate, association, society, * * * owning or using any building constructed more than two stories high and used, or intended to be used, for any of said purposes, * * * to provide and cause to be securely affixed to a bolt through the wall over the windowhead, inside of at least one window in each room on the third floor, and in each room on each higher floor, of every such building, a chain at least ten feet in length, with a rope at least one inch in diameter, securely attached thereto, of sufficient length to extend to the ground, or such other appliances as may be approved by the board of fire commissioners of any city or county having a board of fire commissioners, or by the county commissioners of any county where there is no board of fire commissioners.

When floor is not subdivided.

SEC. 2. When the third floor or any higher floor of any such building is not subdivided into rooms, then at least six windows of each of such floors shall be provided with such chains and ropes, or such other appliances as may be approved by any board of fire commissioners, or by the county commissioners of any county where no board of fire commissioners shall exist.

Rooms with more than three windows.

SEC. 3. Whenever any room on the third floor, or on any higher floor of any such building, shall contain more than three windows, then at least one window out of every three windows in every such room, shall be provided with such chain and rope, or other such appliances as may be approved by any board of fire commissioners, or by the county commissioners of any county having no board of fire commissioners.

Position of ropes.

SEC. 4. Each of such ropes shall be coiled and kept in an unlocked box, in an unobstructed place, near the inside sill of the window to which such rope is attached.

Hallways to be lighted.

SEC. 5. In all hotels, factories, manufactories, workshops, * * * the hallways and stairways shall be promptly lighted at night, and at the head and foot of each flight of stairs, and at the intersection of all hallways with main corridors, shall be kept

Alarms.

during the night, a red light, and one or more proper alarms or gongs, capable of being heard throughout the building, shall always remain easy of access and ready for use in each of said buildings, to give notice to the inmates in case of fire.

Notices to be posted.

SEC. 6. Every keeper of such hotel, factory, manufactory, workshop, * * * shall keep posted in a conspicuous place in every sleeping room, a notice descriptive of such means of escape.

Location of chains, etc.

SEC. 7. The board of fire commissioners, and county commissioners of any county having no board of fire commissioners, shall have the right to designate the location of the chains and ropes or

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other such appliance, in conformity with this act, to be attached to any building under the provisions of this act [secs. 1 to 9], and shall grant certificates of approval to every person, firm, corporation, trustees, * * * complying with the requirements of this act; which certificates shall relieve the party or parties to whom the same shall be issued from the liabilities, fines, damages and imprisonment imposed by this act.

Penalty.

SEC. 9. Every person, corporation, trustee, * * * neglecting or refusing to comply with the requirements of the first section of this act, shall be liable to a fine not exceeding three hundred dollars, to be collected as fines are now by law collectible, and shall also be deemed guilty of a misdemeanor, punishable by imprisonment for not less than one month, nor more than twelve months. And in case of fire occurring in any such building not provided with the chains and ropes, or such other appliances as may be required by any board of fire commissioners, or by the county commissioners of any county where no board of fire commissioners shall exist, in accordance with the requirements with [of] the first section of this act, the person, persons, trustee, trustees, corporation, * * * who or which, neglected or refused to provide such building with the chains and ropes, or such other appliances as aforesaid, shall be liable in an action for damages in case of death or personal injury being caused in consequence of such fire breaking out in said building, and such action may be maintained by any person or persons now authorized by law to sue in other cases for injuries caused by neglect of duty.

Damages.

Fire escapes to be provided.

SEC. 10 (as amended by act No. 204, Acts of 1897). All the following described buildings within this Commonwealth, to wit: * * * every storehouse, factory, manufactory or workshop of any kind in which employees or operatives are usually employed at work in the third or any higher story, * * * shall be provided with a permanent, safe, external means of escape therefrom in case of fire, independent of all internal stairways; the number and location of such escapes to be governed by the size of the building and the number of its inmates, and arranged in such a way as to make them readily accessible, safe and adequate for the escape of said inmates.

Description.

SEC. 11 (as amended by act No. 204, Acts of 1897). Such escapes to consist of outside open iron stairway of not more than forty-five degrees slant, with steps not less than six inches in width and twenty-four inches in length.

Two escapes to be provided, when.

SEC. 12 (as amended by act No. 204, Acts of 1897). And all of said buildings, capable of accommodating from one hundred to five hundred or more persons as operatives, * * * shall be provided with two such stairways, and more than two stairways if such be necessary to secure the speedy and safe escape of said inmates in case the internal stairways are cut off by fire or smoke.

Duty of owners, etc.

SEC. 13 (as amended by act No. 204, Acts of 1897). And it shall be the duty of the owner or owners in fee [or] for life, of every such building, and of the trustee or trustees of every estate, association, society, * * * owning or using any such building, * * * to provide and cause to be securely affixed outside of every such building such permanent, external, unenclosed fire escape.

Erection of other escapes.

SEC. 14 (as amended by act No. 204, Acts of 1897). Nothing herein contained shall prohibit any person whose duty it is under this act to erect fire escapes from selecting and erecting any other and different device, design or instrument, being a permanent, safe, external means of escape, subject to the inspection and approval of the constituted authorities for that purpose.

Inspection.

SEC. 15. It shall be the duty of the board of fire commissioners, in conjunction with the fire marshal of the district, where such commissioners and fire marshal are elected or appointed, to first examine and test such fire escape or escapes, and, after [if] upon trial said fire escape or escapes should prove to be in accordance with the requirements of section one of this act [secs. 10 to 14,

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above], then the said fire marshal, in connection with the fire commissioners, or a majority of them, shall grant a certificate approving said fire escape, thereby relieving the party or parties to whom such certificate is issued from the liabilities of fines, damages and imprisonment imposed by this act: *Provided, further*, That in counties where no such fire marshal or fire commissioners exist, then the county commissioners in each said county shall be the board of examiners, and shall grant certificates of approval when escapes are erected in accordance with the requirements of section one of this act [secs. 10 to 14, above].

Penalty.

SEC. 16. Every person, corporation, trustee, * * * neglecting or refusing to comply with the requirements of section one of this act [secs. 10 to 14, above], in erecting said fire escape or escapes, shall be liable to a fine not exceeding three hundred dollars, and also be deemed guilty of a misdemeanor punishable by imprisonment for not less than one month or more than two months. And in case of fire occurring in any of said buildings in the absence of such fire escape or escapes, approved by certificate of said officials, the said person or corporations shall be liable in an action for damages in case of death or personal injuries sustained in consequence of such fire breaking out in said building, and shall also be deemed guilty of a misdemeanor punishable by imprisonment for not less than six months nor more than twelve months; and such action for damages may be maintained by any person now authorized by law to sue, as in other cases of similar injuries.

Escapes now in use.

SEC. 17. Nothing in this act shall interfere with fire escapes now in use, approved by the proper authorities.

Employment of children.

(Page 1015.)

Mendicant occupations forbidden.

SECTION 9. Any person having the care, custody or control, lawful or unlawful, for [of] any minor child under the age of eighteen years, who shall use such minor or apprentice, give away, let out, hire or otherwise dispose of such minor, to any person, for the purpose of singing, playing on musical instruments, begging, or for any mendicant business whatsoever, in the streets, roads or other highways of this Commonwealth, and whosoever shall take, receive, hire, employ, use or have in custody, any such minor, for the vocation, occupation, calling, service or purpose of singing, playing upon musical instruments or begging, upon the street, roads or other highways of the Commonwealth, or for any mendicant business whatever, shall be guilty of a misdemeanor, and upon conviction thereof * * * shall be fined not less than fifty dollars nor more than one hundred dollars.

Employment in dance houses, saloons, etc.

SEC. 10. Any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or permit such child to sing, dance, act, or in any manner exhibit, in any dance house whatever, or in any concert saloon, theatre or place of entertainment, where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected, by any passageway or entrance, and any proprietor of any dance house whatever, or any such concert saloon, theatre or place of entertainment, so employing any such child, shall be guilty of a misdemeanor, and upon conviction thereof * * * shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

Acrobatic, etc., employments.

SEC. 11. Any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or otherwise dispose of such child, and any person who shall take, receive or employ such child for the vocation or occupation of rope or wire walking, or as an acrobat, gymnast, contortionist or rider, and any person who, having the care, custody or control of any minor child whatsoever, shall sell, apprentice, give away or otherwise dispose of such child, or

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who shall take, receive or employ such child, for any obscene, indecent or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor or employ any minor child in or about any assignation house or brothel, or in any place where any obscene, indecent or illegal exhibition takes place, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, magistrate or court of record, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

Minor under 14 not to run elevator.

SEC. 12. No person, firm or corporation shall employ or permit any minor under the age of fourteen years to have the care, custody, management or operation of any elevator. Any person, firm or corporation, employing any minor under the age of fourteen years to operate, manage or otherwise have the care or custody of an elevator, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars.

Women and children in mines.

SEC. 14 (as amended by act No. 266, Acts of 1903). No boy under the age of sixteen years, and no woman or girl of any age, shall be employed or permitted to be in any mine for the purpose of employment therein. Nor shall a boy under the age of fourteen years, or a woman or girl of any age, be employed of [or] permitted to be in or about the outside structures or workings of a colliery for the purpose of employment: *But it is provided, however*, That this prohibition shall not affect the employment of a boy or female, of suitable age, in an office or in the performance of clerical work at a colliery.

Proviso.

Certificate of age.

SEC. 15. When an employer is in doubt as to the age of any boy or youth applying for employment in or about a mine or colliery, he shall demand and receive proof of the said lawful employment age of such boy or youth, by certificate from the parent or guardian, before said boy or youth shall be employed.

What are violations.

SEC. 16. If any person or persons contravene or fail to comply with the provisions of this act [secs. 14 to 16] in respect to the employment of boys, young male persons or females, or if he or they shall connive with or permit others to contravene or fail to comply with said provisions, or if a parent or guardian of a boy or young male person make or give a false certificate of the age of such boy or young male person, or knowingly do or perform any other act for the purpose of securing employment for a boy or young male person under the lawful employment age and in contravention of the provisions of this act, he or they shall be guilty of an offense against this act.

Hours of labor.

(Page 1158.)

Eight hours a day's labor.

SECTION 1. Eight hours of labor between the rising and setting of the sun, shall be deemed and held to be a legal day's work, in all cases of labor and service by the day, where there is no contract or agreement to the contrary.

Exceptions.

SEC. 2. This act shall not apply to or in any way affect farm or agricultural labor or service by the year, month or week; nor shall any person be prevented, by anything herein contained, from working as many hours overtime or extra work, as he or she may see fit; the compensation to be agreed upon between the employer and the employee.

Restriction of powers of manufacturing companies, etc.

(Page 1293.)

May not engage in other business;

SECTION 13. Every manufacturing, mining or quarrying company incorporated under the provisions of this act [relating to manufacturing companies], shall be confined exclusively to the

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purposes of its creation, as specified in its charter, and no such company shall manufacture or sell any commodity or article of merchandise other than those therein specified. No such company shall engage in, nor shall it permit any of its employees or officials to engage in, the buying or selling, upon the lands possessed by it, of any wares, goods or commodities or merchandise, other than those specified in their charter, or necessary for the manufacture of the same. No such company shall permit to be withheld or authorize or direct the withholding of wages due any of its operatives or employees, by reason of the sale or furnishing of goods, wares or merchandise by any person to such operatives or employees, unless the same be withheld by reason of and in obedience to due process of law. But nothing herein contained shall prohibit any such person from supplying to its employees oil, powder or other articles and implements necessary for or used in mining.

Nor furnish goods, etc., to employees.

Proviso.

This section is not unconstitutional. It does not prevent owners of stock of a corporation from engaging in other business and the fact that stockholders in a company are also partners in a store does not make the two identical. If an employee directs his wages to be applied on a debt for goods sold to him it is a valid transaction and he can not afterward recover his wages from the company. 6 Kulp 181.

Mine regulations.

(Page 1340.)

Entombed miners.

SECTION 1. Whenever any workman or workmen shall heretofore have been, or shall hereafter be enclosed, entombed or buried in any coal mine in this Commonwealth, it shall be the duty of the court, sitting in equity, in the county wherein such workman or workmen are enclosed, entombed or buried, upon the petition of any of the relatives of those enclosed, entombed or buried, to make an order of court for the petitioner to take testimony, in order that the court may ascertain whether such workman or workmen, or the body or bodies of such workman or workmen, can be recovered or taken out of said mine. If, after full hearing, it shall appear to the court that such undertaking is feasible or practicable, said court may forthwith issue a peremptory mandamus to the owner or owners, lessee or lessees, operator or operators of such coal company, to forthwith proceed to work for and recover and take out the body or bodies of such workman or workmen, and said court shall have full authority to enforce such peremptory mandamus in the manner already provided for the enforcement of such process.

Miners to be paid for all sizes of coal.

SEC. 17. Any miner employed by an individual, firm or corporation for the purpose of mining coal, shall be entitled to receive from his employer, and failing to receive, then to collect, by due process of law, at such rates as may have been agreed upon between the employer and the employed, full and exact wages accruing to him for the mining of all sizes of merchantable coal so mined by him, whether the same shall exist in the form of nut or lump coal; and in the adjudication of such wages, seventy-six pounds shall be deemed one bushel, and two thousand pounds net, shall be deemed one ton of coal: *Provided*, That nothing contained in this act shall be construed to prevent operators and miners contracting for any method of measuring and screening the coal mined by such miners, as they may contract for.

Standard ton and bushel.

Cars to be of uniform capacity.

SEC. 18. At every bituminous coal mine in this Commonwealth, where coal is mined by measurement, all cars, filled by miners or their laborers, shall be uniform in capacity at each mine; no unbranded car or cars shall enter the mine for a longer period than three months, without being branded by the mine inspector of the district, wherein the mine is situated; and any owner or owners, or their agents, violating the provisions of this section, shall be subject to a fine of not less than one dollar per car, for each and every day, as long as the car is not in conformity with this act; and the mine inspector of the district where the mine is located, on receiving notice from the check measurer or any five miners

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working in the mine, that a car or cars are [sic] not properly branded, or not uniform in capacity, according to law, are used in the mine where he or they are employed, then, inside of three days from the date of receiving said notice, it shall be his duty to enforce the provisions of this section, under penalty of ten dollars for each and every day he permits such car or cars to enter the mine: *Provided*, That nothing contained in this section shall be construed or applied to those mines who (that) do not use more than ten cars. Proviso.

Checkweighman.

SEC. 19. At every bituminous coal mine in this Commonwealth, where coal is mined by weight or measure, the miners, or a majority of those present at a meeting called for that purpose, shall have the right to employ a competent person as checkweighman, or check measurer, as the case may require, who shall be permitted at all times to be present at the weighing or measurement of coal, also have power to weigh or measure the same, and during the regular working hours, to have the privilege to balance and examine the scales, or measure the cars: *Provided*, That all such balancing and examination of scales shall only be done in such way, and in such time, as in no way to interfere with the regular working of the mines. And he shall not be considered a trespasser during working hours, while attending to the interests of his employers. And in no manner shall he be interfered with or intimidated by any person, agent, owner or miner. And any person violating these provisions shall be held and deemed guilty of a misdemeanor, and upon conviction thereof, he shall be punished by a fine of not less than twenty dollars, and not exceeding one hundred dollars, or imprisonment at the discretion of the court. It shall be a further duty of [the] checkweighman or check measurer, to credit each miner with all merchantable coal mined by him, on a proper sheet or book to be kept by him for that purpose. When differences arise between the checkweighman or check measurer and the agent or owners of the mine, as to the uniformity, capacity or correctness of scales or cars used, the same shall be referred to the mine inspector of the district where the mine is located, whose duty it shall be to regulate the same at once; and in the event of said scales or cars proving to be correct, then the party or parties applying for the testing thereof to bear all costs and expenses thereof; but if not correct, then the owner or owners of said mine to pay the cost and charges of making said examination: *Provided further*, That should any weighman or weighmen, agent or check measurer, whether employed by operators or miners, knowingly or willfully adopt or take more or less pounds for a bushel or ton than as provided for in the first section of this act [sec. 17], or willfully neglect the balancing or examining of the scales or cars, or knowingly and willfully weigh coal with an incorrect scale, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the county jail for three months.

Arbitration of differences.

False measures.

Anthracite mines.

SEC. 22. This act [secs. 22 to 224] shall apply to every anthracite coal mine or colliery in the Commonwealth: *Provided*, The said mine or colliery employs more than ten (10) persons.

[Sections 23 to 45, inclusive, were repealed by act No. 255, Acts of 1901; and the sections numbered 1 to 20, following, were enacted in lieu thereof:]

Inspection districts.

SECTION 1 (as amended by act, page 120, Acts of 1911). The counties of Luzerne, Lackawanna, Sullivan, Susquehanna, Wayne, Carbon, Schuylkill, Northumberland, Columbia, and Dauphin shall be divided into eight inspection districts, as follows:

Same subject.

SEC. 2 (as amended by act, page 120, Acts of 1911). First district—The county of Luzerne.

Second district—The county of Lackawanna.

Third district—The county of Carbon.

Fourth district—The county of Schuylkill.

Fifth district—The county of Northumberland.

Sixth district—The county of Columbia.

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Seventh district—The county of Dauphin.

Eigthth district—The counties of Susquehanna, Wayne, and Sullivan.

Vacancies in office of inspector.

SEC. 3 (as amended by act, page 120, Acts of 1911). In order to fill any vacancy that may occur in the office of inspector of mines, by reason of the expiration of term, resignation, removal for cause, or the creation of a new district, or from any other reason whatever, the judges of the court of Lackawanna County shall appoint an examining board for the county of Lackawanna, and the judges of the court of Luzerne County shall appoint an examining board for the counties of Carbon and Luzerne, and the judges of Schuykill County shall appoint an examining board for the counties of Schuylkill, Northumberland, Columbia, and Dauphin, and the judge of the court of Susquehanna County shall appoint an examining board for the counties of Susquehanna, Wayne, and Sullivan. Whenever, owing to the creation of a new district or for any other reason, an inspection district shall be without a board of examiners, the judge or judges of that court in which is vested the appointing power for that district shall appoint a board of examiners for said district as soon as such a vacancy arises. The members of said board or boards shall hold their positions until the first term of said court of the following year, when the successors shall be named as provided by law.

Board of examiners.

SEC. 4. The said board of examiners shall be composed of three reputable coal miners in actual practice and two reputable mining engineers, all of whom shall be appointed at the first term of court in each year, to hold their places during the year. Any vacancies that may occur in the board of examiners shall be filled by the court as they occur. The said board of examiners shall be permitted to engage the services of a clerk, and they, together with the clerk, shall each receive the sum of five ($5) dollars per day for every day they are actually engaged in the discharge of their duties under this appointment, and mileage at the rate of six cents per mile from their home to the place of meeting and return, by the nearest practicable railway route.

Notice of examination.

SEC. 5. Whenever candidates for the office of inspector are to be examined, the said examiner[s] shall give public notice of the fact in not more than five newspapers published in the inspection district, and at least two weeks before the meeting, specifying the time and place where such meeting shall be held. The said examiners shall be sworn to a faithful discharge of their duties, and at least four of them shall sign a certificate, setting forth the fact of the applicants having passed a successful examination, and who have answered ninety per centum of the questions; the names of the applicants, the questions asked and answered [answers] thereto, shall be sent to the secretary of the Commonwealth, and published in at least two papers, daily or weekly, and shall give such certificate [sic] to only such applicant as has passed the required examination.

Examinations.

SEC. 6. The said board of examiners shall hold at least one such examination during each year, at least six months before the date of the general election, in the month of November of each year.

Election of inspectors.

SEC. 7 (as amended by act, page 120, Acts of 1911). The qualified electors of the several inspection districts mentioned in this act shall elect, respectively, the following number of qualified persons to act as mine inspectors of this Commonwealth, namely:

First inspection district—Six inspectors.
Second inspection district—Five inspectors.
Third inspection district—One inspector.
Fourth inspection district—Four inspectors.
Fifth inspection district—Two inspectors.
Sixth inspection district—One inspector.
Seventh inspection district—One inspector.
Eighth inspection district—One inspector.

Assignments.

* * * Said inspectors, elected under this act, shall be under the direction of the chief of the department of mines, who shall assign districts to the several inspectors in the respective counties

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in which they are elected; but where an inspector has not enough work or duty to perform in his own inspection district, then it shall be the right of the chief of the department of mines to assign said inspector to work or duty in another adjoining district or territory, wherein the services of said inspector are necessary.

And provided further, That whenever, owing to the erection of a new district or for any other reason, an inspection district shall be without a duly qualified inspector residing and serving in said district, the judge or judges in whom is vested the power of appointing a board of examiners for that district shall appoint a duly qualified person as inspector of said district, who shall serve as such until his successor is duly elected and qualified. Said appointee shall be one of the persons who shall have filed with the commissioners of that county, in the judge or judges of whose court is vested the appointing power for that district, a certificate from the board of examiners of said district showing that he has passed a successful examination before the said board, and is qualified for the position of inspector.

Candidates to file certificates.

SEC. 8. Candidates for the office of mine inspector shall file with the county commissioners a certificate from the mine examining board, as above set forth, before their names shall be allowed to go upon the ballot as provided by the county commissioners for the general election; and the name of no person shall be placed upon the official ballot except such as has filed the certificate as herein required; and no persons shall be qualified to act as such mine inspector unless such certificate has been previously filed with the county commissioners of his county.

Qualifications.

SEC. 9. The person so elected must be a citizen of Pennsylvania and shall have attained the age of thirty years. He must have a knowledge of the different systems of work in coal mines, and he must produce satisfactory evidence to the board of examiners of having had at least five years' practical experience in anthracite coal mines of Pennsylvania. He must have had experience in coal mines where noxious and explosive gases are evolved.

Before entering upon the duties of his office he shall take an oath or affirmation, before an officer properly qualified to administer the same, that he will perform his duties with fidelity and impartially; which oath or affirmation shall be filed in the office of the prothonotary of the county. He shall provide himself with the most modern instruments and appliances for carrying out the intentions of this act.

Salary.

SEC. 10. The salary of each of the said inspectors shall be three thousand dollars per annum, which salary, together with the expenses incurred in carrying into effect the provisions of this act, shall be paid by the State treasurer out of the treasury of the Commonwealth upon the warrant of the auditor general.

Term.

SEC. 11. Each of the said inspectors shall hold said office for a term of three years from the first Monday of January immediately succeeding his election to said office, and until his successor is duly elected and qualified.

Inspection of mines in other counties.

SEC. 12. It shall be the duty of the chief of bureau of mines and mining to direct one or more of the inspectors who shall be elected under this act, and it shall be the duty of said inspectors to obey said orders of the said chief of bureau of mines and mining, to inspect such collieries as come under the act to which this act is an amendment [see note, p. 1793] in counties not mentioned in this amendment to said act, in such manner and at such times as is required by law, and the inspectors inspecting said collieries shall make and include in his [their] return[s] a due report of said inspection.

Appointment to fill vacancies.

SEC. 13. In case of death, resignation, removal from office, or other vacancies in the office of mine inspector before the expiration of said term of office, the judges of the court of common pleas of the county in which said vacancy occurs shall appoint a duly qualified person to fill said vacancy for the unexpired term. Said appointee to be one of the persons having filed with the county commissioners of said county a certificate from the board

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of examiners, showing he passed a successful examination before the said board, and is duly qualified as hereinbefore mentioned.

Deputy inspectors.

SEC. 14. In case the inspector becomes incapacitated to perform the duties of his office for a longer period than two weeks, it shall be the duty of the judges of the court of common pleas of the county from which said inspector was elected to deputize some competent person, recommended by the board of examiners, to fill the office of inspector until the said inspector shall be able to fulfill the duties of his office, and the person so appointed shall be paid in the same manner as is provided for the inspector of mines.

Duties of inspectors.

SEC. 15 (as amended by act No. 229, Acts of 1905). Each of the said inspectors shall reside in the district for which he is elected, and shall give his whole time and attention to the duties of his office. He shall examine all the collieries in his district at least once every two months; as often in addition thereto as the necessities of the case or the condition of the mines require. He shall see that every necessary precaution is taken to secure the safety of the workmen and that the provisions of this act are observed and obeyed; and he shall personally visit each working face, and see that the air current is carried to the working faces and is of sufficient quantity or volume to thoroughly ventilate the places. He shall every three months make a report of the condition of each working face in each colliery, on a form to be furnished to the inspectors by the chief of the bureau of mines and mining, designating the gangway in which the working is situated, and the breast number of said working, and their condition shall be designated by the words good, fair, or bad, as the circumstances may warrant; and the said report, or a duplicate, shall be placed in a weather or dust-proof case, with a glass front; said case to be furnished by the operator, and placed in a conspicuous place at each mine opening, shaft, slope or drift, so that the workmen have easy access thereto. He shall certify in said report, that the employees are hoisted to the surface of the ground or given access thereto according to law; he shall attend every inquest held by the coroner or his deputy upon the bodies of persons killed in or about the collieries in his district; he shall visit the scene of the accident, for the purpose of making an examination into the particulars of the same, wherever loss of life or serious personal injury occurs, as elsewhere herein provided for, and make an annual report of his proceedings to the secretary of internal affairs of the Commonwealth, at the close of every year, enumerating all the accidents in and about the collieries in his district, marking in tabular form those accidents causing death or serious personal injury, the condition of the workings of the said mines with regard to the safety of the workmen therein and the ventilation thereof, and the results generally shall be fully set forth; and such other duties as now are or hereafter may be required by law.

Elections.

SEC. 16. The nomination and election of said mine inspectors shall be under the general election laws of this Commonwealth.

Access to mines, etc.

SEC. 17. The mine inspector shall have the right, and it is hereby made his duty, to enter, inspect and examine any mine or colliery in the territory allotted to him and the workings and machinery belonging thereto, at all reasonable times, either by day or by night, but not so as to obstruct or impede the working of the colliery, and shall have power to take one or more of his fellow inspectors into or around any mine or colliery in the territory allotted to him, for the purpose of consultation or examination.

He shall also have the right, and it is hereby made his duty, to make inquiry into the condition of such mine or colliery workings, machinery, ventilation, drainage, method of lighting or using lights, and into all matters and things connected with or relating to, as well as to make suggestions providing for, the health and safety of persons employed in or about the same, and especially to make inquiry whether the provisions of this act have been complied with.

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The owner, operator or superintendent of such mine or colliery is hereby required to furnish the means necessary for such entry, inspection, examination, inquiry and exit.

The inspector shall make a record of the visit, noting the time and material circumstances of the inspection.

Not to be concerned in operation of mines, etc.

SEC. 18. No person who shall act or practice as a land agent or as a manager or agent of any coal mine or colliery, who is pecuniarily interested in operating and [any] coal mine or colliery, shall at the same time hold the office of inspector of mines under this act.

Charges of incompetency.

SEC. 19. Whenever a petition signed by fifty or more reputable coal miners, or by fifteen or more reputable coal operators, or more, or both, setting forth that any inspector of mines neglect[s] his duties, or is incompetent, or is guilty of malfeasance in office, it shall be the duty of the court of common pleas [of the county?] from which said inspector was elected to issue a citation, in the name of the Commonwealth, to the said inspector to appear at not less than five days' notice, on a day fixed, before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitions. If the court finds that the said inspector is neglectful of his duties, or is incompetent to perform the duties of his office for any cause that existed previous to his election, or that has arisen since his election, or that he is guilty of malfeasance in office, the court shall declare the said inspector removed from office and proceed to fill the vacancy. The cost of said investigation shall be borne by the removed inspector; but if the allegations in the petition are not sustained, the cost shall be paid by the treasurer of this Commonwealth upon warrant of the auditor general, or by the petitioners in case the court finds that there was no probable ground for said charge.

Maps and plans.

SEC. 20. The maps and plans of the mines and the records thereof, together with all the papers relating thereto, shall be kept by the inspector, properly arranged and preserved, in a convenient place in the territory to which the inspector has been allotted, and shall be transferred by him, with any other property of the Commonwealth that may be in his possession, to his successor in office.

[End of act No. 255, Acts of 1901.]

Maps.

SEC. 46. The owner, operator or superintendent of every coal mine or colliery shall make, or cause to be made, an accurate map or plan of the workings or excavations of such coal mine or colliery, on a scale of one hundred feet to the inch, which map or plan shall exhibit the workings or excavations in each and every seam of coal and the tunnels and passages connecting with such workings or excavations. It shall state in degrees the general inclination of the strata with any material deflection therein in said workings or excavations, and shall also state the tidal elevations of the bottom of each and every shaft, slope, tunnel and gangway, and of any other point in the mine or on the surface where such elevation shall be deemed necessary by the inspector. The map or plan shall show the number of the last survey station and date of each survey on the gangways or the most advanced workings. It shall also accurately show the boundary lines of the lands of the said coal mine or colliery and the proximity of the workings thereto, and in case any mine contains any water dammed up in any part thereof, it shall be the duty of the owner, operator or superintendent to cause the true location of the said dam to be accurately marked on said map or plan, together with the tidal elevation, inclination of strata and area of said workings containing water, and whenever any workings or excavations is [are] approaching the workings where such dam of water is contained or situated, the owner, operator or superintendent shall notify the inspector of the same without delay.

Deposit of copy.

SEC. 47. A true copy of which map or plan the said owner, operator or superintendent shall deposit with the inspector of mines for the district in which the said coal mine or colliery is situated, showing the workings of each seam, if so desired by the inspector,

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on a separate sheet of tracing muslin. One copy of the said map or plan shall be kept at the colliery.

Revision of maps. SEC. 48. The said owner, operator or superintendent shall, as often as once in every six months, place, or cause to be placed, on the said inspector's map or plan of said coal mine or colliery, the plan of the extensions made in such coal mine or colliery during the preceding six months. The said extensions shall be placed on the inspector's map and the map returned to the inspector within two months from the date of the last survey.

Abandoning mines. SEC. 49. When any coal mine or colliery is worked out preparatory to being abandoned, or when any lift thereof is about to be abandoned, the owner, operator or superintendent of such coal mine or colliery shall have the maps or plans thereof extended to include all excavations, as far as practicable, and such portions thereof as have been worked to the boundary lines of adjoining properties; or any part or parts of the workings of which is intended to be allowed to fill with water, must be surveyed in duplicate and such surveys must practically agree, and certified copies be filed with the inspector of the district in which the mines are situated.

Refusing to provide maps. SEC. 50. Whenever the owner, operator or superintendent of any coal mine or colliery shall neglect or refuse, or from any cause not satisfactory to the inspector, shall fail for a period of three months, to furnish to the inspector the map or plan of said colliery or of the extensions thereto, as provided for in this act, the inspector is hereby authorized to cause an accurate map or plan of such coal mine or colliery to be made at the expense of the owner thereof, which cost shall be recoverable from said owner as other debts are by law recoverable.

Order for correction. SEC. 51. If the inspector finds or has reason to believe that any map or plan of any coal mine or colliery, furnished under the provisions of this act, is materially inaccurate, it shall be his duty to make application to the court of common pleas of the county in which such colliery is situate for an order to have an accurate map or plan of said colliery prepared, and if such survey shall prove that the map furnished was materially inaccurate or imperfect, such owner, operator or superintendent shall be liable for the expense incurred in making the same.

State to pay cost, when. SEC. 52. If it shall be found that the map or plan furnished by the owner, operator or superintendent was not materially inaccurate or imperfect, the Commonwealth shall be held liable for the expense incurred in making said test survey.

Incorrect maps. SEC. 53. If it shall be shown that the said owner, operator or superintendent has knowingly or designedly caused or allowed such map or plan, when furnished, to be incorrect or false, such owner, operator or superintendent thus offending, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding three months, at the discretion of the court.

State to own maps. SEC. 54. The maps or plans of the several coal mines or collieries in each district and which are placed in the custody of the inspector, shall be the property of the Commonwealth, and shall remain in the care of the inspector in the district in which the said collieries are situated, to be transferred by him to his successor in office; and in no case shall a copy of the same be made without the consent of the owner, operator or superintendent.

Miners may inspect. SEC. 55. The inspector's map or plan of any particular colliery shall be open for inspection, in the presence of the inspector, to any miner or miners of that colliery, whenever said miner or miners shall have cause to fear that his or their working place or places is becoming dangerous, by reason of its proximity to other workings which may be supposed to contain water or dangerous gases. Said map shall also be open to the inspection and examination of any citizen interested, during business hours.

Pillars between adjoining mines. SEC. 56. It shall be obligatory on the owners of adjoining coal properties to leave, or cause to be left, a pillar of coal in each seam or vein of coal worked by them, along the line of adjoining

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property, of such width, that taken in connection with the pillar to be left by the adjoining property owner, will be a sufficient barrier for the safety of the employees of either mine in case the other shall be abandoned and allowed to fill with water; such width of pillar to be determined by the engineers of the adjoining property owners, together with the inspector of the district in which the mine is situated, and the surveys of the face of the workings along such pillar shall be made in duplicate and must practically agree. A copy of such duplicate surveys, certified to, must be filed with the owners of the adjoining properties and with the inspector of the district in which the mine or property is situated.

Escape shafts.

SEC. 57. It shall not be lawful for the owner, operator or superintendent of any mine to employ any person or persons in such mine or permit any person or persons to be in such mine for the purpose of working therein, unless they are in connection with every seam or stratum of coal; and from every lift thereof, worked in such mine, not less than two openings or outlets separated by a strata [stratum] of not less than sixty (60) feet in breadth underground, and one hundred and fifty (150) feet in breadth at the surface, at which openings or outlets safe and distinct means of ingress and egress are at all times available for the person or persons employed in the said mine, but it shall not be necessary for the said two openings to belong to the same mine if the persons employed therein have safe, ready and available means of ingress and egress by not less than two openings. This section shall not apply to opening a new mine or to opening any new lift of a mine, while being worked for the purpose of making communication between said two outlets, so long as not more than twenty persons are employed at any one time in such mine or new lift of a mine, neither shall it apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final robbing of pillars previous to abandonment, so long as not more than twenty persons are employed therein at any one time. The cage or cages and other means of egress shall, at all times, be available for the persons employed where there is no second outlet.

Shafts on intervening lands.

SEC. 58. The owner, operator or superintendent of any mine to which there is only one shaft, slope or outlet may petition the court of common pleas in and for the county in which such mine is situated, which said court is hereby empowered to act in the premises, setting forth that, in consequence of intervening lands between the working of his mine and the most practicable point, or the only practicable point, as the case may be, at which to make or bring to the surface from the working of his mine, he is unable to make an additional shaft, slope or outlet in accordance with the requirements of this act, whereupon the court may make an order of reference and appoint three disinterested persons, residents of the county, viewers, one or more of whom shall be a practical mining engineer, all of whom, after being sworn to a faithful discharge of their duties, shall view and examine the premises and determine as to whether the owner should have the privilege of making an additional outlet through or upon any intervening lands, as the case may require, and report in writing to the court, which report shall be entered and filed of record. If the finding of the viewers, or any two of them, is in favor of the owner of such coal mine or colliery, he may make an additional shaft, slope or outlet under, through or upon intervening lands, as may be determined upon and provided for by the award. If the finding of the viewers is against the owner, or if no award be made by reason of any default or neglect on the part of the owner, he shall be bound to comply with the provisions of this act in the same manner as if this section had not been enacted.

Same subject.

SEC. 59. In case the said owner, operator or superintendent desires to, and claims that he ought to make an additional opening under, through or upon any adjoining or intervening lands, to meet the requirements of this act, for the ingress and egress of

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the men employed in his or their mine, he or they shall make a statement of the facts in the petition, with a survey, setting forth the point of commencement and the point of termination of the proposed outlet, which he or they, their engineers, agents or employees may enter upon said intervening lands and survey and mark, as he or they shall find it proper to adopt for such additional outlet, doing as little damage as possible to the property explored; and the viewers shall state in their report what damage will be sustained by the owner or owners of the intervening lands by the opening, constructing and using of the outlet, and if the report is not appealed from, it shall be confirmed or rejected by said court as to right and justice shall appertain, and any further and all proceedings in relation thereto shall be in conformity with like proceedings, as in the case of a lateral railroad across or under intervening lands, under the act in relation to lateral railroads, approved the fifth day of May, anno Domini one thousand eight hundred and thirty-two, and the supplements thereto, so far as the provisions of the same are applicable hereto; and the notices to the owner of intervening lands, of the intention to apply for the privilege of making an outlet, and meeting of the viewers shall be given, and the costs of the case shall be paid as provided in the said act of fifth day of May, anno Domini one thousand eight hundred and thirty-two, and the supplements thereto.

Appliances.

SEC. 60. The escapements, shafts or slopes shall be fitted with safe and available appliances by which the persons employed in the mine may readily escape in case an accident occurs deranging the hoisting machinery at the main outlets.

Separate traveling ways.

SEC. 61. In slopes where the angle of inclination is fifteen degrees or less there must be provided a separate traveling way, which shall be maintained in a safe condition for travel and kept free from steam and dangerous gases.

Inflammable structures at openings.

SEC. 62. No inflammable structure, other than a frame to sustain pulleys or sheaves, shall be erected over the entrance of any opening connecting the surface with the underground workings of any mine, and no "breaker" or other inflammable structure for the preparation or storage of coal shall be erected nearer than two hundred (200) feet to any such opening, but this act shall not be construed to prohibit the erection of a fan drift for the purpose of ventilation, or of a trestle for the transportation of cars from any slope to such breaker or structure, neither shall it apply to any shaft or slope until the work of development and shipment of coal has commenced: *Provided*, That this section shall not apply to breakers that are now erected.

Shafts to be fenced.

SEC. 63. The top of each shaft and also of each slope, if dangerous, or any intermediate lift thereof, shall be securely fenced off by railing or by vertical or flat gates.

Abandoned slopes, etc.

SEC. 64. Every abandoned slope, shaft, air hole and drift shall be properly fenced around or across its entrance.

Underground entrances.

SEC. 65. All underground entrances to any places not in actual course of working or extension shall be properly fenced across the whole width of such entrances, so as to prevent persons from inadvertently entering the same.

Speaking tubes.

SEC. 66. The owner, operator or superintendent of any coal mine or colliery which is worked by shaft or slope, shall provide and maintain a suitable appliance by or through which conversation can be held by and between persons at the bottom and at the top

Signals.

of the shaft or slope, and also an efficient means of signaling from the bottom of such shaft or slope to the engineer in charge of the hoisting engine.

Handrails, etc., on cages.

SEC. 67. Handrails and efficient safety catches shall be attached to, and a sufficient cover overhead shall be provided on every cage used for lowering or hoisting persons in any shaft.

Protectors.

SEC. 68. Wherever practicable, every cage or gunboat used for lowering or hoisting persons in any slope, shall be provided with a proper protector, so constructed that persons, while on such cage or gunboat, shall not be struck by anything which may fall or roll down said slope.

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Chains, etc.

SEC. 69. The main link of the chain connecting the rope to the cage, gunboat or car in any shaft or slope, shall be made of the best quality of iron; bridle chains made of the same quality of iron shall be attached to the main link, rope or rope socket from the crosshead of the cage or gunboat when persons are being lowered or hoisted thereon.

Inspection of ropes, etc.

SEC. 70. The ropes, safety catches, links and chains shall be carefully examined every day they are used by a competent person delegated for that purpose, and any defects therein found, by which life or limb may be endangered, shall be immediately remedied.

Brakes.

SEC. 71. An efficient brake shall be attached to every drum that is used for lowering or raising persons or material in any mine.

Flanges.

SEC. 72. Flanges or horns of sufficient dimensions to prevent the rope from slipping off the said drum shall be provided and properly attached to the drum, and all machines used for lowering or hoisting persons in mines shall be provided with an indicator to show the position of the cage, car or gunboat in the shaft or slope.

Supports for pulleys;

SEC. 73. Over all shafts which are being sunk or shall hereafter be sunk, a safe and substantial structure shall be erected to sustain the sheaves or pulleys, at a height of not less than twenty (20) feet above the tipping place, and the top of such shaft shall be arranged in such manner that no material can fall into the shaft while the bucket is being emptied.

To be erected, when.

SEC. 74. The said structure shall be erected as soon as a substantial foundation is obtained, and in no case shall a shaft be sunk to a depth of more than fifty (50) feet without such structure.

Truck.

SEC. 75. If provision is made to land the bucket upon a truck, the said truck shall be constructed in such manner that material can not fall into the shaft.

Safety hook.

SEC. 76. All rock and coal from shafts as they are being sunk, shall not be raised except in a bucket or on a cage, and such bucket or cage must be connected to the rope or chain by a safety hook, clevis or other safe attachment.

Guides for buckets.

SEC. 77. Such shafts shall be provided with guides and guide attachments applied in such manner as to prevent the bucket from swinging while descending or ascending therein, and such guides and guide attachments shall be maintained at a distance of not more than seventy-five (75) feet from the bottom of such shaft, until its sinking shall have been completed, but this section shall not apply to shafts one hundred (100) feet or less in depth.

Casing shafts.

SEC. 78. Where the strata are not safe every shaft shall be securely cased, lined or otherwise made secure.

Rules.

SEC. 79. The following rules shall be observed, as far as practicable, in every shaft to which this act applies:

First. After each and every blast the charge man must see that all loose material is swept down from the timbers before the workmen descend to their work.

Second. After a suspension of work, and also after firing a blast in a shaft where explosive gases are evolved, the person in charge must have the said shaft examined and tested with a safety lamp before the workmen are allowed to descend.

Third. Not more than four persons shall be lowered or hoisted in any shaft on a bucket at the same time, and no person shall ride on a loaded bucket.

Fourth. Whenever persons are employed on platforms in shafts the person in charge must see that the said platforms are properly and safely constructed.

Fifth. While shafts are being sunk all blasts therein must be exploded by an electric battery.

Sixth. Every person who fails to comply with or who violates the provisions of this article [secs. 57 to 79] shall be guilty of an offense against this act [secs. 22 to 224].

Boilers.

SEC. 80. All boilers used for generating steam in and about mines and collieries shall be kept in good order, and the owner, operator or superintendent shall have them examined and in-

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spected by a qualified person as often as once in six months, and oftener if needed. The result of such examination, under oath, shall be certified in writing to the inspector for the district within thirty (30) days thereafter.

Location of boilers. SEC. 81. It shall not be lawful to place any boiler or boilers, for the purpose of generating steam, under nor nearer than one hundred (100) feet to any coal breaker or other structure in which persons are employed in the preparation of coal: *Provided*, That this section shall not apply to boilers or breakers already erected.

Safety valves. SEC. 82. Each nest of boilers shall be provided with a safety valve of sufficient area for the steam to escape and with weights and springs properly adjusted.

Steam gauges. SEC. 83. Every boiler house shall be provided with a steam gauge properly connected with the boilers, to indicate the steam pressure, and another steam gauge shall be attached to the steam pipe in the engine house and placed in such position that the engineer or fireman can readily examine them and see what pressure is carried. Such steam gauges shall be kept in good order, tested and adjusted as often as once in every six months, and their condition reported to the inspector in the same manner as the report of boiler inspection.

Guards for machinery. SEC. 84. All machinery used in or about the mines and collieries, and especially in breakers, such as engines, rollers, wheels, screens, shafting and belting, shall be protected by covering or railing so as to prevent persons from inadvertently walking against or falling upon the same.

Handrails on stairs, etc. SEC. 85. The sides of stairs, trestles and dangerous plank walks in and around the collieries shall be provided with hand and guard railing to prevent persons from falling over their sides. This section shall not forbid the temporary removal of a fence, guardrail or covering for the purpose of repairs or other operations, if proper precautions are used, and the fence, guardrail or covering is replaced immediately thereafter.

Engineers. Age limit. SEC. 86. A sober and competent person, not under eighteen (18) years of age, shall be engaged to run the breaker engine, and he shall attend to said engine while the machinery is in motion.

Signal apparatus. SEC. 87. A signal apparatus shall be established at important points in every breaker, so that in case of an accident the engineer can be promptly notified to stop the machinery.

Oiling machinery by children. SEC. 88. No person under fifteen (15) years of age shall be appointed to oil the machinery, and no person shall oil dangerous parts of such machinery while it is in motion.

The provision as to the employment of children is constitutional. An employer violating the statute can not set up contributory negligence as a defense in a suit for damages for injury, nor does the child assume the risk of its employment. 67 Atl. Rep. 642.

Loitering, etc. SEC. 89. No person shall play with, loiter around or interfere with any machinery in or about any mine or colliery.

Violations. SEC. 90. Failure to comply with the provisions of this article [secs. 80 to 90] shall be deemed an offense against this act [secs. 22 to 224].

Washhouse. SEC. 91. It shall be the duty of the owner, operator or superintendent of each mine or colliery, at the request in writing of twenty or more men employed in any of the mines, to provide a suitable building, not an engine or boiler house, which shall be convenient to the principal entrance of such mine, for the use of the persons employed therein, for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom.

Maintenance. SEC. 92. The said building shall be maintained in good order, be properly lighted and heated, and supplied with pure cold and warm water, and shall be provided with facilities for persons to wash.

Violation. SEC. 93. If any person or persons shall neglect or fail to comply with the provisions of this article [secs. 91 to 93], or maliciously injure or destroy, or cause to be injured or destroyed, the said building or any part thereof, or any of the appliances or fittings

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used for supplying light, heat and water therein, or doing [do] any act tending to the injury or destruction thereof, he or they shall be deemed guilty of an offense against this act [secs. 22 to 224].

Ambulance and stretchers.

SEC. 94. The owner, operator or superintendent of every mine or colliery, except as hereinafter provided, shall provide and keep at such mine or colliery an ambulance and also at least two (2) stretchers, for the purpose of conveying to their places of abode, any person or persons who may be injured while in the discharge of his or their work at such mine or colliery.

Same subject.

SEC. 95. The said ambulance shall be constructed upon good, substantial and easy springs. It shall be covered and closed and shall have windows on the sides or ends. It shall be of sufficient size to convey at least two (2) injured persons with two (2) attendants at one time, and shall be provided with spring mattresses or other comfortable bedding to be placed on roller frames, together with a sufficient covering and protection and convenient movement of the injured [sic]. It shall also be provided with seats for the attendants. The stretchers shall be constructed of such material and in such manner as to afford the greatest ease and comfort in the carriage of the injured person.

Removal of injured persons.

SEC. 96. Whenever any person or persons employed in or about a mine or colliery shall receive such injury by accident or otherwise, while so employed, as would render him or them unable to walk to his or their place of abode, the owner, operator or superintendent of such mine or colliery shall immediately cause such person or persons to be removed to his or their place of abode or to an hospital, as the case may require.

Ambulance not required, when.

SEC 97. *It is provided, however,* That the owner, operator or superintendent of any mine or colliery shall be excepted from the requirement of an ambulance, as aforesaid, if the places of abode of all the workmen at such mine or colliery be within a radius of a half mile from the principal entrance to such mine.

One ambulance for two or more mines.

SEC. 98. *It is provided further,* That where two or more mines or collieries are located within one mile of each other, or the ambulance is located within one mile of each colliery, but one ambulance, as aforesaid, shall be required, if the said mines or collieries have ready and quick means of communication, one with the other, by telegraph or telephone.

Mines employing fewer than twenty persons.

SEC. 99. An ambulance, as aforesaid, shall not be required at any mine or colliery at which less than twenty (20) persons are employed.

Use of railroads.

SEC. 100. In case the distance from any mine or colliery to the place of abode of the person injured, is such as to permit his conveyance to his home or to an hospital more quickly and conveniently by railway, such mode of conveyance shall be permitted, but in such case the conveyance must be under cover and the comfort of the injured person must be provided for.

Foremen to be registered.

SEC. 101. It shall not be lawful, neither shall it be permitted, for any person or persons to act as mine foreman or assistant mine foreman of any coal mines [mine] or colliery, unless they are registered as a holder of a certificate or [of] qualification or service under this act.

Certificates granted, when.

SEC. 102. Certificates of qualification to mine foremen and assistant mine foremen shall be granted by the secretary of internal affairs to every applicant who may be reported by the examiners, as hereinafter provided, as having passed a satisfactory examination and as having given satisfactory evidence of at least five years' practical experience as a miner, and of good conduct, capability and sobriety.

Form of certificate.

SEC. 103. The certificate shall be in manner and form as shall be prescribed by the secretary of internal affairs, and a record of all certificates issued shall be kept in his department.

Board of examiners.

SEC. 104. For the purpose of examination of candidates for such certificates, a board of examiners shall be appointed in each of the inspection districts provided for by this act. The said board shall consist of the district inspector of mines, two (2) practical

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miners and one owner, operator or superintendent of a mine. The said inspector shall act ex officio, and the said engineer and owner, operator or superintendent shall be appointed in like manner and at the same time as the boards of examiners for candidates for mine inspectorship under this act are now appointed. The said board shall act as such for the period of one year from the date of their appointment.

Meetings, rules, etc.

SEC. 105. Meetings of the board may be held at any time, and they may make such rules and conduct such examinations as in their judgment may seem proper for the purpose of such examinations. The said board shall report their action to the secretary of internal affairs, and at least three (3) of the members thereof shall certify to the qualification of each candidate who has passed such examination. The traveling expenses of the members of such board to and from their place of meeting, together with the sum of five dollars per day each to the said two (2) practical miners and [the] owner, operator or superintendent, members of each board, for each day they are actually engaged therein not exceeding ten (10) days in all, during the year, shall be paid by the Commonwealth on an order of the auditor general drawn on the State treasurer upon the certificate of the mine inspector, member of such board.

Certificates.

SEC. 106. Certificates of qualification to mine foreman [foremen] and assistant mine foreman [foremen] shall be granted by the secretary of internal affairs to every applicant who may be reported by the examiners, as heretofore provided, as having passed a satisfactory examination and as having given satisfactory evidence of at least five (5) years' practical experience as a miner, and of good conduct, capability and sobriety. The certificate shall be in manner and form as shall be prescribed by the secretary of internal affairs, and a record of all certificates issued shall be kept in the department. Certificates of qualifications and certificate[s] of service shall contain the full name, age and place of birth of the applicant, as also the length and nature of his previous service in or about the mines.

Fees.

SEC. 107. Before certificate as aforesaid shall be granted, applicants for same shall pay to the secretary of internal affairs the following fee, namely:

For examination, one dollar; for registration of certificate, one dollar; for certificate, one dollar. All fees so received shall be covered into the treasury of the Commonwealth.

Foremen to be employed.

SEC. 108. No mines shall be operated for a longer period than thirty days without the supervision of a mine foreman. In case any mine is worked a longer period than thirty (30) days without such certified mine foreman, the owner, operator or superintendent thereof, shall be subject to a penalty of twenty dollars per day for each day over the said thirty (30) days during which the said mine is operated.

The employer is not liable for the negligence of a foreman employed in compliance with this section. 33 Atl. Rep. 237.

While the employer can not be held for the negligence of the statutory foreman in the performance of the duties devolving upon the latter under the law, he is not relieved by employing such a foreman from the performance of his nondelegable duties, as the instruction of an inexperienced workman. 87 Atl. 295.

So also of the making of a proper passageway. 87 Atl. 568.

Loss of certificate.

SEC. 109. In case of the loss or destruction of a certificate, the secretary of internal affairs may supply a copy thereof to the person losing the same upon the payment of the sum of fifty (50) cents: *Provided*, It shall be shown to the satisfaction of the secretary that the loss has actually occurred.

Forgery.

SEC. 110. If any person or persons shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate, under this act, or in any official copy of same, or shall urge others to do so, or shall utter or use any such forged or false certificate or unofficial copy thereof, or shall make, give, utter, produce or make use of any false declaration, representation or statement in any such certificate or copy thereof or

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any document containing the same, he or they shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined two hundred dollars or imprisoned for a term not exceeding one (1) year, or both, at the discretion of the court trying the case.

Fire boss.

SEC. 111. And no person shall be permitted to act as fire boss in any coal mine or colliery, except he has had five (5) years' practical experience in mines as a miner, three (3) of which he shall have as a miner [in mines] wherein noxious and explosive gases are evolved, and the said fire boss shall certify to the same before entering upon his duties, before an alderman, justice of the peace or other person authorized to administer oaths, and a copy of said deposition shall be filed with the district inspector of mines wherein said person is employed.

Employment of women and children.

SEC. 112 (as amended by act No. 266, Acts of 1903). No boy under the age of sixteen years, and no woman or girl of any age, shall be employed or permitted to be in any mine for the purpose of employment therein. Nor shall a boy under the age of fourteen years, or a woman or girl of any age, be employed or permitted to be in or about the outside structures or workings of a colliery for purpose of employment: *But it is provided, however*, That this prohibition shall not affect the employment of a boy or female, of suitable age, in an office or in the performance of clerical work at a colliery.

Certificate of age.

SEC. 113. When an employer is in doubt as to the age of any boy or youth applying for employment in or about a mine or colliery, he shall demand and receive proof of the said lawful employment age of such boy or youth, by certificate from the parent or guardian, before said boy or youth shall be employed.

Violations.

SEC. 114. If any person or persons contravene or fail to comply with the provisions of this act in respect to the employment of boys, young male persons or females, or if he or they shall connive with or permit others to contravene or fail to comply with said provisions, or if a parent or guardian of a boy or young male person make or give a false certificate of the age of such boy or young male person, or knowingly do or perform any other act for the purpose of securing employment for a boy or young male person under the lawful employment age and in contravention of the provisions of this act, he or they shall be guilty of an offense against this act.

Ventilation.

SEC. 115. The owner, operator or superintendent of every mine shall provide and maintain a constant and adequate supply of pure air for the same, as hereinafter provided.

Furnaces not to be used.

SEC. 116. It shall not be lawful to use a furnace for the purpose of ventilating any mine wherein explosive gases are generated.

Minimum supply of air.

SEC. 117. The minimum quantity of air thus produced, shall not be less than two hundred (200) cubic feet per minute for each and every person employed in any mine, and as much more as the circumstances may require.

Distribution of currents.

SEC. 118. The ventilating currents shall be conducted and circulated to and along the face of each and every working place throughout the entire mine, in sufficient quantities to dilute, render harmless and sweep away smoke and noxious or dangerous gases, to such an extent that all working places and traveling roads shall be in a safe and fit state to work and travel therein.

Abandoned sections.

SEC. 119. All worked-out or abandoned parts of a mine in operation, so far as practicable, shall be kept free of dangerous bodies of gases or water, and if found impracticable to keep the entire mine free from an accumulation of gases or water, the mine inspector must be immediately notified.

Mines to be districted, when.

SEC. 120. Every mine employing more than seventy-five (75) persons must be divided into two or more districts. Each district shall be provided with a separate split of pure air and the ventilation shall be so arranged, that not more than seventy-five persons shall be employed at the same time in any one current or split of air.

Separation of air passages.

SEC. 121. The inlet and return air passages for any particular district must be separated by a pillar of coal or stone, if the

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thickness and dip of the vein will permit, except where it is necessary to cut through said dividing pillar for the purposes of ventilation, traffic or drainage.

Area. SEC. 122. All air passages shall be of sufficient area to allow the free passage of not less than two hundred (200) cubic feet of air per minute for every person working therein; and in no Velocity. case, in mines generating explosive gases, shall the velocity exceed four hundred and fifty (450) lineal feet per minute, in any opening through which the air currents pass, if gauze safety lamps are used, except in the main inlet or outlet airways.

Crosscuts. SEC. 123. All crosscuts connecting the main inlet and outlet air passages of every district, when it becomes necessary to close them permanently, shall be substantially closed with brick or other suitable building material, laid in mortar or cement whenever practicable, but in no case shall said air stoppings be constructed of plank except for temporary purposes.

Automatic doors. SEC. 124. All doors used in assisting or in any way affecting the ventilation shall be so hung and adjusted that they will close automatically.

Attendants required, when. SEC. 125 (as amended by act No. 58, Acts of 1899). All main doors shall have an attendant, whose constant duty it shall be to open them for transportation and travel and prevent them from standing open longer than is necessary for persons or cars to pass Proviso. through, unless a self-acting door is used which is approved by the inspector of the district.

This section has reference solely to ventilation, and not to the safety of persons using the gangways. 61 Atl. Rep. 572.

Position of doors. SEC. 126. All main doors shall be so placed that when one door is open, another, which has the same effect upon the same current, shall be and remain closed and thus prevent any temporary stoppage of the air current.

Extra door. SEC. 127. An extra main door shall be so placed and kept standing open, so as to be out of reach of accident, and so fixed that it can be at once closed in the event of an accident to the doors in use.

Construction. SEC. 128. The framework of such main doors shall be substantially secured in stone or brick, laid in mortar or cement unless otherwise permitted in writing by the inspector.

Air bridges. SEC. 129. All permanent air bridges shall be substantially built of such material and of such strength as the circumstances may require.

Measurements. SEC. 130. The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument; such measurements shall be made by the inside foreman or his assistant once every week at the inlet and outlet airways, also at or near the face of each gangway and at the nearest cross heading Driving headings. to the face of the inside and outside chambers or breast where men are employed, and the headings shall not be driven more than sixty (60) feet from the face of each chamber or breast, and shall be entered in the colliery report book.

Report. SEC. 131. A report of these air measurements shall be sent to the inspector before the twelfth day of each month, for the preceding month, together with a statement of the number of persons employed in each district.

Recording instruments. SEC. 132. All ventilators used at mines shall be provided with recording instruments by which the speed of the ventilators or the ventilating pressure shall be registered for each hour, and such data shall be preserved at the colliery for future reference, for a period of three months.

Violation. SEC. 133. Any person or persons who shall neglect or fail to comply with the provisions of this article [secs. 115 to 133], or who shall make any false report in regard to air measurements, shall be guilty of an offense against this act [secs. 22 to 224].

Timbers. SEC. 134. It shall be the duty of the owner, operator, superintendent or mine foreman of every mine to furnish to the miners

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all props, ties, rails and timbers necessary for the safe mining of coal and for the protection of the lives of the workmen.

Such props, ties, rails and timbers shall be suitably prepared and delivered to the workmen as near to their working places as they can be conveyed in ordinary mine cars, free of charge.

Notice to foremen.

SEC. 135. Every workman in want of props, ties, rails or timbers shall notify the mine foreman or his assistant of the fact at least one day in advance, giving the length of the props or timbers required; and in case of danger from loose roof or sides he shall not continue to cut or load coal until the said props and timber have been properly furnished and the place made secure.

Violation.

SEC. 136. A failure to comply with the provisions of this article [secs. 134 to 136] shall be deemed an offense against this act [secs. 22 to 224], and shall be taken to be negligence per se on the part of the owner, operator, superintendent or mine foreman, as the case may be, of such mine, in action for the recovery of damages for accidents resulting from the insufficient propping of such mine, through failure to furnish the necessary props or timbers.

Rules.

SEC. 137. The following general rules shall be observed in every mine to which this act [secs. 22 to 224] applies:

Mine foremen must be employed.

SEC. 138. The owner, operator or superintendent of a mine or colliery shall use every precaution to insure the safety of the workmen in all cases, whether provided for in this act or not, and he shall place the underground workings thereof, and all that is related to the same, under the charge and daily supervision of a competent person who shall be called "mine foreman."

Assistants.

SEC. 139. Whenever a mine foreman can not personally carry out the provisions of this act so far as they pertain to him, the owner, operator or superintendent shall authorize him to employ a sufficient number of competent persons to act as his assistants, who shall be subject to his orders.

Ventilation.

SEC. 140. The mine foreman shall have charge of all matters pertaining to ventilation, and the speed of the ventilators shall be particularly under his charge and direction; and any superintendent who shall cause the mine foreman to disregard the provisions of this act shall be amenable in the same manner as the mine foreman.

Abandoned sections to be inspected.

SEC. 141. All accessible parts of an abandoned portion of a mine in which explosive gases have been found, shall be carefully examined by the mine foreman or his assistants at least once a week, and all danger found existing therein shall be immediately removed. A report of said examination shall be recorded in a book kept at the colliery for that purpose and signed by the person making the same.

Inspection of gas producing mines.

SEC. 142. In mines generating explosive gases, the mine foreman or his assistant shall make a careful examination every morning of all working places and traveling roads and all other places which might endanger the safety of the workmen, before the workmen shall enter the mine, and such examination shall be made with a safety lamp within three (3) hours at most, before time for commencing work, and a workman shall not enter the mine or his working place until the said mine or part thereof and working place are reported to be safe. Every report shall be recorded without delay in a book which shall be kept at the colliery for the purpose and shall be signed by the person making the examination.

If a vein of coal is known to generate explosive gases, any mine in that vein is within the requirements of this act calling for a daily examination. The care of ventilation is charged upon the mine foreman and can not be delegated. Nor does he retain any discretion as to the minimum quantity of air to be furnished. 4 Co. C. Rep. 18.

Markings.

SEC. 143. The person who makes said examination shall establish proof of the same by marking plainly the date thereof at the face of each working place and all other places examined.

Stations.

SEC. 144. A station or stations shall be established at the entrance to each mine or different parts of each mine, as the case may require, and a workman shall not pass beyond any such sta-

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tion until the mine or part of the mine beyond the same has been inspected and reported to be safe. It shall be the duty of the fire boss to remain at the danger station until relieved by some person authorized by himself or the mine foreman, who shall stand guard until said mine or part of mine shall be reported safe, and he shall not let any person pass without permission from the fire boss.

Workmen to be withdrawn, when.

SEC. 145. If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of noxious gases prevailing in such mine, or such part thereof, or of any cause whatever, the mine or the said part is dangerous, every precaution shall be used to insure the safety of the workmen; and every workman, except such persons as may be required to remove the danger, shall be withdrawn from the mine, or such part thereof as is so found dangerous, until the said mine or said part thereof is examined by a competent person and reported by him to be safe.

This act is penal and is to be strictly construed. Failure on the part of the mine foreman to comply with this rule is negligence and disobedience of the law. 3 Kulp 381.

Safety lamps.

SEC. 146. In every working approaching any place where there is likely to be an accumulation of explosive gases, or in any working in which danger is imminent from explosive gases, no light or fire other than a locked safety lamp shall be allowed or used.

Whenever safety lamps are required in any mine they shall be the property of the owner of said mine, and a competent person, who shall be appointed for the purpose, shall examine every safety lamp immediately before it is taken into the workings for use, and ascertain if it be clear [clean], safe and securely locked, and safety lamps shall not be used until they have been so examined and found safe, clean and securely locked, unless permission be first given by the mine foreman to have the lamps used unlocked.

Keys.

SEC. 147. No one, except a duly authorized person, shall have in his possession a key or any other contrivance for the purpose of unlocking any safety lamp in any mine where locked lamps are used.

Matches.

No lucifer matches or any other apparatus for striking light shall be taken into said mine or parts thereof.

Blasting.

SEC. 148. No blast shall be fired in any mine where locked safety lamps are used except by permission of the mine foreman or his assistants, and before a blast is fired the person in charge must examine the place and adjoining places and satisfy himself that it is safe to fire such blast before such permission is given.

Inspections.

SEC. 149. The mine foreman or his assistant shall visit and examine every working place in the mine at least once every alternate day, while the men of such place are or should be at work, and shall direct that each and every working place is properly secured by props or timber, and that safety in all respects is assured by directing that all loose coal or rock shall be pulled down or secured, and that no person shall be permitted to work in an unsafe place unless it be for the purpose of making it secure.

Inspection of slopes, etc.

SEC. 150. The mine foreman, or some other competent person or persons to be designated by him, shall examine at least once every day all slopes, shafts, main roads, traveling ways, signal apparatus, pulleys and timbering, and see that they are in safe and efficient working condition.

Roofs to be secured.

SEC. 151. Any person having charge of a working place in any mine shall keep the roof and sides thereof properly secured by timber or otherwise, so as to prevent such roof and sides from falling, and he shall not do any work or permit any work to be done under loose or dangerous material except for the purpose of securing the same.

Bore holes.

SEC. 152. Whenever a place is likely to contain a dangerous accumulation of water, the working approaching such place shall not exceed twelve (12) feet in width, and there shall be constantly kept, at a distance of not less than twenty (20) feet in advance, at least one (1) bore hole near the center of the working and sufficient flank bore holes on each side.

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Riding on loaded cars.

SEC. 153. No person shall ride upon or against any loaded car, cage or gunboat in any shaft, slope or plane in or about the mine or colliery.

Not more than ten persons to be hoisted.

SEC. 154. Not more than ten (10) persons shall be hoisted or lowered at any one time in any shaft or slope, and whenever five persons shall arrive at the bottom of any shaft or slope in which persons are regularly hoisted or lowered they shall be furnished with an empty car or cage and be hoisted, except, however, in mines where there is provided a traveling way having an average pitch of fifteen (15) degrees or less and not more than one thousand (1,000) feet in length. This, however, shall not prohibit the hoisting or lowering of twenty (20) persons at one time on slopes where two (2) or more loaded cars are regularly hoisted: *Provided*, That not less than thirty (30) workmen working therein make such a request in writing to the inspector of the district, and if, in his judgment, the hoisting appliances in every respect are of sufficient strength he may comply with the request of the workmen: *Provided*, That in any coal mine or colliery where the hoisting appliances are not of sufficient strength to hoist or lower the number of persons named, he shall have the power to reduce the number of persons to be hoisted or lowered.

Provisos.

Qualifications of engineer.

SEC. 155. An engineer placed in charge of an engine whereby persons are hoisted or lowered in any mine shall be a sober and competent person of not less than twenty-one (21) years of age.

Working of engine.

SEC. 156. Every engineer shall work his engine slowly and with great care when any person is being lowered or hoisted in a shaft or slope, and no one shall interfere with or intimidate him while in the discharge of his duties.

Engineer to be in constant attendance.

SEC. 157. An engineer who has charge of the hoisting machinery by which persons are lowered or hoisted in a mine shall be in constant attendance for that purpose during the whole time any person or persons are below ground, and he shall not allow any person or persons, except such as may be deputed by the owner, operator or superintendent, to handle or meddle with the engine under his charge or any part of its machinery.

Signals.

SEC. 158. When any person is about to descend or ascend a shaft or slope, the headman or footman, as the case may be, shall inform the engineer by signal or otherwise of the fact, and the engineer shall return a signal before moving or starting the engine. In the absence of a headman or footman the person or persons about to descend or ascend shall give and receive the signals in the same manner.

Outside foreman.

SEC. 159. The owner, operator or superintendent of a colliery shall place a competent person to be called "outside foreman," in charge of the breaker and outside work of such colliery, and who shall direct, and, as far as practicable, see that the provisions of this act are complied with in respect to the breaker, outside machinery, ropes, cages and all other things pertaining to the outside work, unless otherwise provided for in this act.

Dust in breakers.

SEC. 160. In all coal breakers where the coal dust is so dense as to be injurious to the health of persons employed therein, the owner, operator or superintendent of said breaker shall, upon the request of the inspector, immediately adopt measures for the removal of the dust, as far as practicable.

Defective conditions to be reported.

SEC. 161. Any miner or other workman who shall discover anything wrong with the ventilating current or with the condition of the roof, side, timber or roadway, or with any other part of the mine in general, such as would lead him to suspect danger to himself or his fellow workmen or to the property of his employer, shall immediately report the same to the mine foreman or other person, for the time being in charge of that portion of the mine.

Injuring equipment, etc.

SEC. 162. Any person or persons who shall knowingly or willfully damage, or without proper authority, remove or render useless any fencing, means of signaling, apparatus, instrument or machine, or shall throw open or obstruct any airway, or open a ventilating door and not have the same closed, or enter a place in or about a mine against caution, or carry fire, open lights or

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matches in places where safety lamps are used, or handle without proper authority, or disturb any machinery or cars, or do any other act or thing whereby the lives or health of persons or the security of the property in or about a mine or colliery are endangered, shall be guilty of an offense against this act.

Explosives; SEC. 163. Gunpowder or any other explosive shall not be stored in a mine, and a workman shall not have at any one time in any one place, more than one keg or box containing twenty-five (25) pounds, unless more is necessary for a person to accomplish one day's work.

To be kept in box. SEC. 164. Every person who has gunpowder or other explosive in a mine, shall keep it in a wooden or metallic box securely locked, and such box shall be kept at least ten (10) feet from the tracks in all cases where room at such a distance is available.

Opening box. SEC. 165. Whenever a workman shall open a box containing explosive or while in any manner handling the same, he shall first place his lamp not less than five (5) feet from such explosive and in such a position that the air current can not convey sparks to it, and a workman shall not approach nearer than five (5) feet to an open box containing powder, with a lamp, lighted pipe or any other thing containing fire.

High explosives. SEC. 166. When high explosives other than gunpowder are used in any mine, the manner of storing, keeping, moving, charging and firing or in any manner using such explosives, shall be in accordance with special rules as furnished by the manufacturers of the same. The said rules shall be indorsed with his or their official signature and shall be approved by the owner, operator, or superintendent of the mine in which such explosives are used.

Tamping bar. SEC. 167. In charging holes for blasting in slate or rock in any mine, no iron or steel pointed needle shall be used, and a tight cartridge shall not be rammed into a hole in coal, slate or rock with an iron or steel tamping bar, unless the end of the tamping bar is tipped with at least six (6) inches of copper or other soft metal.

Missed charges. SEC. 168. A charge of powder or any other explosive in slate or rock which has missed fire shall not be withdrawn or the hole reopened.

Shortening matches, etc. SEC. 169. A minor [miner] or other person who is about to explode a blast by the use of patent or other squibs or matches, shall not shorten the match, nor saturate it with mineral oil, nor turn it down when placed in the hole, nor ignite it except at its extreme end, nor do anything tending to shorten the time the match will burn.

Notice of blast. SEC. 170. When a workman is about to fire a blast he shall be careful to notify all persons who may be in danger therefrom, and shall give sufficient alarm before and after igniting the match so that any person or persons who may be approaching shall be warned of the danger.

Inspection after blast. SEC. 171. Before commencing work and also after the firing of every blast, the miner working a breast or any other place in a mines shall enter such breast or place to examine and ascertain its condition, and his laborer or assistant shall not go to the face of such breast or place until the miner has examined the same and found it to be safe.

Who may blast coal. SEC. 172. No person shall be employed to blast coal or rock unless the mine foreman is satisfied that such person is qualified, by experience and judgment, to perform the work with ordinary safety.

Charging blasts. SEC. 173. A person who is not a practical miner shall not charge or fire a blast in the absence of an experienced miner, unless he has given satisfactory evidence of his ability to do so with safety, and has obtained permission from the mine foreman or person in charge.

Removal of gas. SEC. 174. An accumulation of gas in mines shall not be removed by brushing where it is practicable to remove it by brattice.

Extinguishing ignited gas. SEC. 175. When gases [gas is] ignited by blast or otherwise, the person igniting the same shall immediately extinguish it, if pos-

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sible, and notify the mine foreman or his assistant of the fact, and workmen must see that no gas blowers are left burning upon leaving their working places.

Duties of firemen at boilers.

SEC. 176. Every fireman in charge of a boiler or boilers for the generation of steam, shall keep a constant watch of the same. He shall see that the steam pressure does not at any time exceed the limit allowed by the outside foreman or superintendent. He shall frequently try the safety valve, and shall not increase the weight on the same. He shall maintain a proper depth of water in each boiler, and if anything should happen to prevent this, he shall report the same without delay to the foreman, for the time being in charge, and take such other action as may under the particular circumstances be necessary for the protection of life and preservation of property.

Headmen and footmen at shafts.

SEC. 177. At every shaft or slope in which provision is made in this act for lowering and hoisting persons, a headman and footman shall be designated by the superintendent or foreman to be at their proper places from the time that persons begin to descend, until all the persons who may be at the bottom of said shaft or slope when quitting work shall be hoisted. Such headman and footman shall personally attend to the signals and see that the provisions of this act, in respect to lowering and hoisting persons in shafts or slopes, shall be complied with.

Jumping on car after signal to start.

SEC. 178. No person, except the man giving the signal, shall jump on a car, cage or gunboat after the signal to start has been given, and if any person should enter a car, cage or gunboat in excess of the lawful number, the headman or footman shall notify him of the fact and request him to get off, which request must be immediately complied with. Any violation of this rule must be reported promptly to the mine foreman.

Empty trip to be run, when.

SEC. 179. An empty trip shall be hoisted in any shaft or slope where the engine has been standing idle for one hour or more, before men are hoisted or lowered in said shafts or slopes, and no person or persons shall ascend any shaft or slope when working on the night turn, until one trip shall first be hoisted therein.

Passageways.

SEC. 180. Every passageway used by persons in any mines and also used for transportation of coal or other material shall be made of sufficient width to permit persons to pass moving cars with safety, but if found impracticable to make any passageway of sufficient width, then holes of ampler dimensions, and not more than one hundred and fifty (150) feet apart, shall be made on one side of said passageway. The said passageway and safety holes shall be kept free from obstructions and shall be well drained; the roof and sides of the same shall be made secure.

Safety holes.

The provision of the passageway required by this section is a nondelegable duty of the employer, from which he is not relieved by the employment of a certified foreman (see secs. 108, 138). 87 Atl. 568.

Speed of locomotives.

SEC. 181. When locomotives are used in any mine their speed shall not exceed six (6) miles per hour, and an efficient alarm shall be provided and attached to the front end of every train of cars pushed by a locomotive in any mine or part of a mine.

Locomotives not to be used, where.

SEC. 182. Locomotives propelled by steam, if using fire, shall not be used in any passageway which is also used as an intake airway to any mine or part of a mine where persons are employed, unless there be a sufficient quantity of air circulating therein to maintain a healthy atmosphere.

Coupling cars.

SEC. 183. No person shall couple or uncouple loaded or empty cars while the same are in motion: *Provided, however*, That this shall not apply to the top or bottom men of slope, planes or shafts.

Cars on gravity roads.

SEC. 184. When cars are run on gravity roads by brakes or sprags, the runner shall only ride on the rear end of the last car, and when said cars are run by sprags, a space of not less than two (2) feet from the body of the car shall be made on one or both sides of the track, wherever it may be necessary for the runner to pass along the side of the moving car or cars, and said space or passageway shall always be kept free from obstructions.

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Runners. SEC. 185. No miner or laborer shall run cars out of any breast or chamber or on any gravity road unless he is a suitable person, employed by the mine foreman for that particular work; and no person shall be employed by any mine foreman to perform such work, under the age of sixteen (16) years.

Safety holes. SEC. 186. Safety holes shall be made at the bottom of all slopes and planes and be kept free from obstructions to enable the footman to escape readily in case of danger.

Safety blocks. SEC. 187. Safety blocks or some other device for the purpose of preventing cars from falling into a shaft or running away on a slope or plane, shall be placed at or near the head of every shaft, slope or plane, and said safety blocks or other device must be maintained in good working order.

Travel on gravity plane. SEC. 188. No person shall travel on any gravity train [plane] while cars are being hoisted or lowered thereon. Whenever ten (10) persons arrive at the bottom or top of any plane on which it is necessary for men to travel, traffic thereon shall be suspended for a period of time long enough to permit them to reach the top or bottom of said plane.

Bumpers on cars. SEC. 189. No mine cars shall be used in any mine unless the bumpers are of sufficient length and width to keep the bodies of said cars separated by not less than twelve (12) inches when the cars stand on a straight level road and the bumpers touch each other.

Breakers to be heated. SEC. 190. It shall be the duty of the owner, operator or superintendent of any or all coal breakers to have them properly heated in order to prevent injury to the health of persons employed therein.

Rules to be posted. SEC. 191. For the purpose of making known the rules and the provisions of this act to all persons employed in or about such mine or colliery to which this act applies, an abstract of the act and rules shall be posted up in legible characters in some conspicuous place or places at or near the mine or colliery, where they may be conveniently read by the persons employed, and so often as the same becomes obliterated or destroyed the owner, operator or superintendent shall cause them to be renewed with all reasonable dispatch. Any person who pulls down, injures or defaces such abstract of the act or rules when posted up in pursuance to the provisions of this act shall be guilty of an offense against this act.

Timbers not to be cut. SEC. 192. No person or persons working in any coal mine or colliery shall cut any props or timbers while the same are in position to support the roof or sides. When it becomes necessary to remove any of the said props or timbers for the purpose of mining coal that may be supported by the same, [or] to dislodge any of the said props or timbers, it must be done by blasting.

Who may work in gas-producing mines. SEC. 193. It shall not be lawful for any mine foreman or superintendent of any mine or colliery to employ any person who is not competent to understand the regulations of any mine evolving explosive gases: *Provided*, That this rule will not apply to a section of mine free from the said explosive gases.

Hindering supply of cars. SEC. 194. Any superintendent or mine foreman who prevents the footman from giving an empty car or cage to the number of men designated in a former rule shall, upon information by any person engaged in the mines, given the mine inspector, be fined the sum of fifty dollars for each offense.

Violations. SEC. 195. Every person who fails to comply with any of the foregoing rules, or any of the provisions of this article [secs. 137 to 195] shall be guilty of an offense against this act [secs. 22 to 224].

Fatal accidents to be reported. SEC. 196. Whenever loss of life to a miner or other employee occurs in or about a mine or colliery, notice thereof shall be given promptly to the inspector of mines for the district in which the accident occurred by the mine foreman or outside foreman or other person having immediate charge of the work at the time of the accident; and when death results from personal injury such notice shall be given promptly after the knowledge of the death comes to the said foreman or person in charge.

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Duty of inspector.

SEC. 197. Whenever loss of life occurs or whenever the lives of persons employed in a mine or at a colliery, are in danger from any accident, the inspector of mines shall visit the scene of the accident as soon as possible thereafter and offer such suggestions as in his judgment shall be necessary to protect the lives and secure the safety of the persons employed.

Notice to coroner.

SEC. 198. In case of death from such accident, and after examination he finds it necessary that a coroner's inquest shall be held he shall notify the coroner to hold such inquest without delay, and if no such inquest be held by the coroner within twenty-four (24) hours after such notice the inspector shall institute a further and fuller examination of such accident, and for this purpose he shall have power to compel the attendance of witnesses at such examination and to administer oaths and affirmations to persons testifying thereat. The inspector shall make a record of all such investigations and accidents, which record shall be preserved in his office. The costs of such investigation shall be paid by the county in which the accident occurred in like manner as costs of inquests held by coroners or justices of the peace are now paid.

Inquest to be adjourned, when.

SEC. 199. An inquest held by the coroner upon the body of a person killed by explosion or other accident, shall be adjourned by the coroner if the inspector of mines be not present to watch the proceedings, and the coroner in such case shall notify the inspector, in writing, of such adjourned inquest, and the time and place of holding the same, at least three (3) days previous thereto.

Notice of inquest.

SEC. 200. Due notice of an intended inquest to be held by the coroner shall be given by the coroner to the inspector, and at any such inquest the inspector shall have the right to examine witnesses.

Accidents caused by neglect.

SEC. 201. If, at the inquest held over the body or bodies of persons whose death was caused by an accident in or about a mine or colliery, the inspector be not present, and it is shown by the evidence given at the inquest that the accident was caused by neglect or by any defect in or about the mine or colliery, which, in the judgment of the jury, requires a remedy, the coroner shall send notice, in writing, to said inspector of such neglect or default.

Qualifications of jurors.

SEC. 202. No person who is interested personally, nor a person employed in the mine or at a colliery in or at which loss of life has occurred by accident, shall be qualified to serve on a jury empaneled on the inquest, and a constable or other officer shall not summons such a person so disqualified as juror, but the coroner shall empanel a majority of the jury from miners who are qualified to judge of the nature of the accident; every person who fails to comply with the provisions of this article [secs. 196 to 202] shall be guilty of an offense against this act [secs. 22 to 224].

Notices of deaths, etc.

SEC. 203. Notices of deaths or serious injuries resulting from accidents in or about mines or collieries, shall be made to the inspector of mines, in writing, and shall specify the name, age and occupation of the person killed or injured, and also the nature and character of the accident and of the injury caused thereby.

What must be reported to inspector.

SEC. 204. The owner, operator or superintendent of a mine or colliery, shall, without delay, give notice to the inspector of the district in which said mine or colliery is situated in any or all of the following cases:

First. Where any working is commenced for the purpose of opening a new slope or mine to which this act applies.

Second. Where any mine is abandoned or the workings thereof discontinued.

Third. Where the working of any mine is recommenced after any abandonment or discontinuance for a period exceeding three months.

Fourth. Where any new coal breaker is completed and work commenced therein for the purpose of preparing coal for market.

Fifth. Where the pillars of a mine are to be removed or robbed.

Sixth. Where a squeeze or crush or any other cause or change may seem to affect the safety of persons employed in any mine, or where fire occurs or a dangerous body of gas is found in any mine.

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Annual report to inspector.

SEC. 205. On or before the first day of February in each year, the owner, operator or superintendent of every mine or colliery, shall send to the inspector of the district, a correct report specifying with respect to the year ending December thirty-first, previously, the name of the operator and officials of the mine, with his [their] post-office address; the quantity of coal mined; the amount of powder or other explosives consumed; the number of persons employed above and below ground in or about such colliery, classifying the persons so employed. The report shall be in such form as may be from time to time prescribed by the inspector of the district. Blank forms for said report shall be furnished by the Commonwealth.

Working of mines may be restrained, when.

SEC. 206. Upon application of the inspector of mines of the proper district, acting in behalf of the Commonwealth, any of the courts of law or equity having jurisdiction where the mine or colliery proceeded against is situated, whether any proceedings have or have not been taken, shall prohibit, by injunction or otherwise, the working of any mine or colliery in which any person is employed or is permitted to be for the purpose of working, in contravention of the provisions of this act, and may award such costs in the matter of the injunction or other proceedings as the court may think just; but this section shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this act. Written notice of the intention to apply for such injunction in respect to any mine or colliery, shall be made to the owner, operator or superintendent of such mine or colliery not less than twenty-four (24) hours before the application is made.

Appeal from inspector's findings.

SEC. 207. Whenever an inspector finds any mine or colliery or part thereof, or any matter, thing or practice connected with such mine which in any respect thereof is not covered by or provided against by any provision of this act or by any rule, to be dangerous or defective, or in his judgment tends to bodily injury to a person, he shall give notice thereof in writing to the owner, operator or superintendent of such mine or colliery, stating in such notice the particular matter or defect requiring remedy and may demand that the same be remedied; but the owner, operator or superintendent of said mine or colliery shall have the right to refer the demand of the inspector to a board of arbitration, and the matter shall then be arbitrated within forty-eight (48) hours of the time such complaint or demand be made. And the party against whom the award is given shall pay all costs attending the case. The said board of arbitration shall be composed of three (3) persons, one of whom shall be chosen by the inspector, one by the said owner, operator or superintendent, and a third by the two thus elected [selected], and the decision of a majority of such board shall be final and binding in the matter.

Arbitration.

Hearing complaints.

SEC. 208. Any judge of the court of quarter sessions of the peace of the county in which the mine or colliery, at which the offense, act or omission as hereinafter stated has occurred, is situated, is hereby authorized and required, upon the presentation to him of the affidavit of any citizen of the Commonwealth, setting forth that the owner, operator or superintendent, or any other person employed in or about such mine or colliery had been negligently guilty of an offense against the provisions of this act, whereby a dangerous accident had resulted or might have resulted to any person or persons employed in such mine or colliery, to issue a warrant to the sheriff of said county directing him to cause such person or persons to be arrested and brought before said judge, who shall hear and determine the guilt or innocence of the person or persons so charged; and if convicted he or they shall be sentenced to pay a fine not exceeding five hundred dollars, in all cases not otherwise provided for in this act [secs. 22 to 224], or an imprisonment in the county jail for a period not exceeding three (3) months, or both, at the discretion of the court.

Penalty for negligence.

Jury trial.

SEC. 209. Any defendant may waive a trial before a judge as herein provided and at any time, at or before the time of such trial, demand a trial by a jury in the court of quarter sessions, in

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which case he may enter into a recognizance before said judge with such surety or sureties and in such sum as said judge may approve, conditioned for his appearance at the next court of quarter sessions to answer the charge against him and abide the orders of the court in the premises, meanwhile to be of good behavior and keep the peace, or in default of such recognizance to be committed to the county jail to await such trial.

Appeals.

SEC. 210. If any person shall feel himself aggrieved by such conviction and sentence before a judge as aforesaid, he may appeal therefrom subject to the following conditions, namely: The appellant shall, within seven days after the decree has been made, give notice to the prosecutor of his intention to appeal, and within the same time enter into a recognizance, with such surety or sureties and in such sum as shall be approved by said judge, conditioned to appear and try such appeal before the next court of quarter sessions of the peace and to abide the judgment of the court thereon, and to pay all such costs and penalties as may be there awardcd, and upon the compliance with such conditions the judge shall release the appellant from custody pending the appeal.

Act no bar to indictment.

SEC. 211. Nothing in this act shall prevent any person from being indicted or liable under any other act, to any higher penalty or punishment than is herein provided, and if the court before whom any such proceeding is had shall be of the opinion that proceedings ought to be taken against such persons under any other act, or otherwise, he may adjourn the case to enable such proceedings to be taken.

Penalty.

SEC. 212. All offenses under this act are declared to be misdemeanors, and in default of payment of any penalty or cost by the party or parties sentenced to pay the same, he or they may be imprisoned for a period not exceeding three (3) months and not less than thirty (30) days.

Violations of duty by inspector.

SEC. 213. For any violation of duty by the mine inspector prescribed by this act, he shall be deemed guilty of a misdemeanor, and upon conviction, be sentenced to pay a fine of not more than three hundred dollars or be imprisoned for a period not exceeding three months, or either, or both, at the discretion of the court.

Fines.

SEC. 214. All fines imposed under this act shall be paid into the county treasury for the use of the county.

Findings not evidence in damage suits.

SEC. 215. No conviction or acquittal under this act, in any complaint, shall be received in evidence upon the trial of any action for damages arising from the negligence of any owner, operator or superintendent or employee in any mine or colliery.

Damages.

SEC. 216. For any injury to person or property occasioned by any violation of this act or any failure to comply with its provisions by any owner, operator, superintendent, mine foreman or fire boss of any coal mine or colliery, a right of action shall accrue to the party injured against said owner or operator for any direct damages he may have sustained thereby; and in case of loss of life by reason of such neglect or failure aforesaid, a right of action shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of the damages for the injury they shall have sustained.

This section does not relieve an injured person from the consequences of contributory negligence. 3 Luzerne Law Reg. 9.

So much at least of this act as imposes liability on the mine owner for the failure of the foreman to comply with those provisions of the act which compel his employment and define his duties is unconstitutional and void. 33 Atl. Rep. 237.

Definition of coal mine;

SEC. 217. In this act [secs. 22 to 224], unless the context otherwise requires, the term "coal mine or colliery" includes every operation and work, both underground and above ground, used or to be used for the purpose of mining and preparing coal.

Workings;

SEC. 218. The term "workings" includes all the excavated parts of a mine, those abandoned as well as those actually at work.

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Mine; SEC. 219. The term "mine" includes all underground workings and excavations and shafts, tunnels and other ways and openings; also all such shafts, slopes, tunnels and other openings in course of being sunk or driven, together with all roads, appliances, machinery and materials connected with the same below the surface.

Shaft; SEC. 220. The term "shaft" means a vertical opening through the strata, and which is or may be used for the purpose of ventilation or drainage or for hoisting men or material in connection with the mining of coal.

Slope; SEC. 221. The term "slope" means any inclined way or opening used for the same purpose as the shaft.

Breaker; SEC. 222. The term "breaker" means the structure containing the machinery used for the preparation of coal.

Owner, etc.; SEC. 223. The term "owners" and "operators" means any person or body corporate who is the immediate proprietor or lessee or occupier of any coal mine or colliery or any part thereof. The term "owner" does not include a person or body corporate who merely receives a royalty, rent or fine from a coal mine or colliery or part thereof, or is merely the proprietor of the mine subject to any lease, grant or license for the working or operating thereof, or is merely the owner of the soil and not interested in the minerals of the mine or any part thereof. But any "contractor" for the working of a mine or colliery or any part or district thereof, shall be subject to this act as an operator or owner, in like manner as if he were the owner.

Superintendent. SEC. 224. The term "superintendent" means the person who shall have, on behalf of the owner, general supervision of one or more mines or collieries.

[The following statute does not appear in Brightly's Purdon's Digest, but is found in Pepper and Lewis's Digest, page 3057. It was enacted March 30, 1875.]

Scales to be provided. All persons, partnerships, associations and corporations engaged in the mining of anthracite coal in this Commonwealth, shall provide and erect, at each of their coal mines or collieries, standard and lawful scales for weighing the coal mined therein; and each and every miner's coal shall be separately and accurately weighed on said scale before said coal is dumped and taken from the car on which said miner loaded it in the said mine or colliery, and a separate and an accurate account shall be kept by all said persons, partnerships, associations and corporations of the number of pounds of coal mined by each miner as aforesaid; and the miners in each mine shall have the right to employ, at their own expense, and keep a weighmaster at each of said scales to inspect said scales, and also keep an account of the number of pounds of coal mined by each miner; and the miners at each mine or colliery shall be paid at the rate of so much per pound for amount of coal mined by them, and the pound weight shall be the basis from which to calculate the earnings at all mines or collieries: *Provided*, That the provisions of this act shall apply only to mines or collieries in which the coal mined has heretofore been paid for by the car, and that this act shall not go into effect until sixty days after its approval by the governor: *And provided further*, That if any of said persons, partnerships, associations or corporations shall neglect or refuse to comply with the provisions of this act, he or they so neglecting or refusing shall forfeit and pay, for every day [of] said neglect or refusal after said sixty days, to the Commonwealth of Pennsylvania, the sum of one hundred dollars, the same to be sued for and recovered in an action of debt in the court of common pleas having jurisdiction of the territory in which said mines or collieries may be situate, the writs in said action to be served on the said persons, partnership[s], association[s] or corporation[s], or the superintendents, agents or clerks of said persons, partnerships, associations or corporations resident within the jurisdiction of said court: *And provided further*, That the provisions of this act shall not apply to or embrace any persons, partnerships, associations or corporations that may or shall by any contract agree with his or their miners

Checkweighman.

Proviso.

Act does not apply, when.

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in any of said mines or collieries, otherwise than as is provided in this act, for the compensation of mining the same, and no penalty provided therein [herein] shall apply to such persons, partnerships, associations or corporations so contracting or agreeing.

[End of statute of March 30, 1875.]

Company stores.

(Page 1385.)

Company stores prohibited.

SECTION 45. On and after the passage of this act it shall not be lawful for any mining or manufacturing corporation of this Commonwealth, or the officers or stockholders of any such corporation, acting in behalf or in the interest of any such corporation, to engage in or carry on, by direct or indirect means, any store known as a company store, general supply store or store where goods and merchandise other than such as have been mined or manufactured by the mining or manufacturing corporation, of which said officers or stockholders are members, are kept or offered for sale.

Right to maintain store not to be granted.

SEC. 46. No mining or manufacturing corporation engaged in business under the laws of this Commonwealth shall lease, grant, bargain or sell to any officer or stockholder of any such corporation, nor to any other person or persons whatsoever, the right to keep or maintain upon the property of any such corporation any company, general supply or other store in which goods other than those mined or manufactured by the corporation granting such right shall be kept or exposed for sale whenever such lease, grant, bargain or sale as aforesaid is intended to defeat the provisions of the first section of this act. Nor shall any such mining or manufacturing corporation, through its officers, stockholders or by any rule or regulation of its business, make any contract with the keepers or owners of any store, whereby the employees of such corporation shall be obliged to trade with such keeper or owner, and that any such contract made in violation of this act shall be prima facie evidence of the fact that such store is under the control of such mining or manufacturing corporation and in violation of this act.

Forfeiture.

SEC. 47. For any violation of any of the provisions of this act by any mining or manufacturing corporation aforesaid, such mining or manufacturing corporation so offending shall forfeit all charter rights granted to it under the laws of this Commonwealth, and it is hereby declared and made the duty of the attorney general of this Commonwealth, upon complaint of such violation of any of the provisions of this act by a petition signed and sworn to by two or more citizens, residents of the county where the offense is sworn to have been committed, to immediately commence proceedings against the corporation or corporations complained against by a writ of quo warranto.

[See sec. 13, pp. 1791, 1792, and note.]

Hours of labor on street railways.

(Page 1829.)

Twelve hours a day's labor.

SECTION 268. It shall be unlawful for the president, board of directors, superintendent or other agents of any horse, cable and [or] electric railway company to permit or suffer any conductor, driver or any other person in the employ of any such company, to work more than twelve hours in any one day in the service of such company: *Provided*, That all necessary labor, over and above the time set by this section, shall be considered overwork, for which the laborer shall receive additional compensation.

Overtime.

Penalty.

SEC. 269. Any president, director or other officer of such company, who shall permit or suffer any conductor, driver or any other person in the employ of such company, to work more than twelve hours of any one day in the service of such company, except as provided in section one [sec. 268], shall be guilty of a mis-

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demeanor, and, on conviction thereof, shall suffer imprisonment for not less than thirty days, nor more than six months.

Evidence. SEC. 270. On the preliminary trial, or hearing of any such president, director or other officer, charged with the misdemeanor aforesaid, evidence of the actual service by such conductor, driver or any other employee, during more than twelve hours in any one day, shall be sufficient prima facie proof of such permission or sufferance, by such president, director or other officer: *Provided, however,* That a party charged with such offense may show, in his defense, that such excessive service was without his knowledge, permission or sufferance.

Sunday labor.

(Page 1950.)

Sunday labor forbidden. SECTION 3. If any person shall do or perform any worldly employment or business whatsoever on the Lord's Day, commonly called Sunday (works of necessity and charity only excepted), shall use or practice any unlawful game, hunting, shooting, sport or diversion whatsoever on the same day, and be convicted thereof, every such person so offending shall, for every such offense, forfeit and pay four dollars, to be levied by distress; or in case he or she shall refuse or neglect to pay the said sum, or goods and chattels can not be found, whereof to levy the same by distress, he or she shall suffer six days' imprisonment in the house of correction of the proper county: *Provided always,* That nothing herein contained shall be construed to prohibit the dressing of victuals in private families, bakehouse[s], lodging houses, inns and other houses of entertainment for the use of sojourners, travelers or strangers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travelers, or persons removing with their families on the Lord's Day, commonly called Sunday, nor to the delivery of milk or the necessaries of life, before nine of the clock in the forenoon, nor after five of the clock in the afternoon of the same day.

Proviso.

Limitation. SEC. 4. *Provided always,* That every such prosecution shall be commenced within seventy-two hours after the offense shall be committed.

Labor organizations.

(Page 2017.)

Unions legalized. SECTION 1. It shall be lawful for any and all classes of mechanics, journeymen, tradesmen and laborers to form societies and associations for their mutual aid, benefit and protection, and peaceably to meet, discuss and establish all necessary by-laws, rules and regulations to carry out the same; * * * *Provided,* The provisions of this act [section] shall not apply to the counties of Clearfield and Center.

Exceptions.

Strikes not conspiracies. SEC. 2. It shall be lawful for any laborer or laborers, workingman or workingmen, journeyman or journeymen, acting either as individuals or as the member of any club, society or association, to refuse to work or labor for any person or persons, whenever, in his, her or their opinion, the wages paid are insufficient, or the treatment of such laborer or laborers, workingman or workingmen, journeyman or journeymen, by his, her or their employer is brutal or offensive, or the continued labor by such laborer or laborers, workingman or workingmen, journeyman or journeymen, would be contrary to the rules, regulations or by-laws of any club, society or organization to which he, she or they might belong, without subjecting any person or persons so refusing to work or labor, to prosecution or indictment for conspiracy, under the criminal laws of this Commonwealth: *Provided,* That this act shall not be held to apply to the member or members of any club, society or organization, the constitution, by-laws, rules and regulations of which,

Provisos.

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are not in strict conformity to the constitution of the State of Pennsylvania, and to the Constitution of the United States: *Provided*, That nothing herein contained shall prevent the prosecution and punishment, under existing laws, of any person or persons who shall, in any way, hinder persons who desire to labor for their employers from so doing, or other persons from being employed as laborers.

Act construed.

SEC. 3. The second proviso in * * * [section 2, above] * * * shall be so construed that the use of lawful or peaceful means, having for their object a lawful purpose, shall not be regarded as "in any way hindering" persons who desire to labor; and that the use of force, threat or menace of harm to persons or property, shall alone be regarded as in any way hindering persons who desire to labor for their employers from so doing, or other persons from being employed as laborers.

Incorporation of labor organizations.

SEC. 4. From and after the passage of this act [secs. 4 to 10] five or more employees, at least three of whom shall be citizens of the United States, may, by their agreement and upon a compliance with the provisions of this act [secs. 4 to 10], form themselves into an association for their mutual aid and benefit and protection in their trade concerns.

Form of petition.

SEC. 5. When such association is to include employees residing only in one county of this Commonwealth, a petition in the following form, or substantially so, may be presented to the court of common pleas of such county:

To the honorable the court of common pleas of ——— county:

The petition or [of] the undersigned respectfully shows:

First. That they are employees and residents of the county of ———.

Second. That three of your petitioners are citizens of the United States.

Third. That they have agreed to form themselves into an association for their mutual aid, benefit and protection, in their trade concerns.

Fourth. That the name of the assocation is to be ———.

Fifth. That said association is to include only employees who are residents of said county.

Sixth. The chief office of said association is to be located at ———, said county.

Your petitioners therefore pray your honorable court to grant them a charter for such association.

And they will ever pray.

——— ———,
——— ———,
——— ———,
——— ———,
——— ———,

Signatures of petitioners.

State of Pennsylvania, } *ss:*
County of ———, }

Before me, ——— ———, in and for said county, personally appeared ——— ———, the foregoing petitioners, who being duly ———, depose and say that the facts set forth in the foregoing petition are true.

——— and subscribed to, this ——— day of ——— anno Domini ———.

——— ———,
——— ———,
——— ———,
——— ———,
——— ———,

Signatures of affiants.

Same subject.

SEC. 6. When such association is to include employees residing in more than one county of this Commonwealth, an application for a charter for the same may be made to the governor of the same,

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or substantially the same, form as to a court, excepting a change in the address thereof and an averment that the association is to include employees residing in more than one county of this Commonwealth.

Petition to be filed.

SEC. 7. Upon the presentation of a petition or application as aforesaid, it shall be the duty of the court or of the governor, to mark the same "Granted" and file the same of record in the proper office, and on request a certified copy thereof, on the payment of a reasonable fee therefor, shall be given to the petitioners.

Powers of association.

SEC. 8. An association authorized by this act [secs. 4 to 10], by virtue of its charter, shall have the following powers:

First. To have succession by its associated name for the period limited by its charter, and when no period is limited thereby or by this act, perpetually, subject to the power of the general assembly under the constitution of this Commonwealth.

Second. To maintain and defend judicial proceedings.

Third. To make and use a common seal and alter the same at pleasure.

Fourth. To purchase, hold and transfer such real estate and personal property as the purposes of the corporation may require.

Fifth. To elect or appoint and compensate such officers or agents as the business of such association may require.

Sixth. To establish a constitution and adopt by-laws and rules, not inconsistent with law, for the management of its property and the conduct and regulation of its affairs.

Seventh. To enter into any obligation necessary to the transaction of its business.

Eighth. To organize and establish, for the purposes mentioned in section one of this act [sec. 4], such subordinate associations of employees as shall apply therefor, under such reasonable rules, regulations and restrictions, as may by the parent association be deemed necessary.

Embezzlement, etc., by officers.

SEC. 9. Any officer, agent or member of such association, or of any such subordinate association, who shall fraudulently take, keep or convert to his own use, or to the use of another, any money or other thing of value, given to, collected for, or due, or belonging to such association, or which is to be sent, paid or delivered by such officer, agent or member, to any person, firm or corporation, on behalf of such association, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to restore the property, unless already restored, and to be imprisoned in the county jail or workhouse for any period not exceeding one year, or to pay a fine of not more than five hundred dollars, or both or either, at the discretion of the court.

Withholding records from successor.

SEC. 10. Any officer, agent or member of such association, or of any such subordinate association, who shall willfully keep, secrete, mutilate or destroy, or refuse to turn over to his successor, duly elected or appointed, or to the proper authority as provided by the constitution and by-laws thereof, any seal, minute book, record, ledger, voucher or other book or books, paper or papers, or any article of personal property belonging or pertaining to the affairs of such association, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to restore to the proper authority such article or articles and to undergo an imprisonment for a period not exceeding six months, or to be fined in any sum not exceeding three hundred dollars, or both or either, at the discretion of the court.

Employees may refuse to work, when.

SEC. 11. It shall be lawful for employees, acting either as individuals or collectively, or as the members of any club, assembly, association or organization, to refuse to work or labor for any person, persons, corporation or corporations, whenever in his, her or their opinion the wages paid are insufficient, or his, her or their treatment is offensive or unjust, or whenever the continued labor or work by him, her or them would be contrary to the constitution, rules, regulations, by-laws, resolution or resolutions of any club, assembly, association, organization or meeting of which he, she or they may be a member or may have attended, and as such

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individuals or members or as having attended any meeting it shall be lawful for him, her or them to devise and adopt ways and means to make such rules, regulations, by-laws, resolution or resolutions effective, without subjecting them to indictment for conspiracy at common law or under the criminal laws of this Commonwealth: *Provided, first,* That this act shall not be held to apply to the member or members of any club, assembly, association, organization or meeting, the constitution, rules, regulations, by-laws, resolution or resolutions of which are not in conformity with the Constitution of the United States and to the constitution of this Commonwealth: *Provided, second,* That nothing herein contained shall prevent the prosecution and punishment, under any law, other than that of conspiracy, of any person or persons who shall, by the use of force, threats or menace of harm to person or property, hinder or attempt to hinder any person or persons who may desire to labor or work for any employer from so doing for such wages and upon such terms and conditions as he, she or they may deem proper: *And provided, third,* That nothing herein contained shall prevent the prosecution and punishment of any persons conspiring to commit a felony.

Provisos.

A striker who interferes with his employer by insulting language and threats will be bound over to keep the peace. 11 Co. C. Rep. 481.

A striker using insulting and threatening language toward a nonunion workman will be punished for disorderly conduct. 12 Co. C. Rep. 91.

Employers may combine to resist an advance in wages by refusing to sell to parties who have conceded such advance, and are not liable in damages for so doing or for advising others not to sell to such persons. 33 W. N. C. 421.

Employment of labor—Notice of discharge.

(Page 2073.)

SECTION 1. Any individual, partnership or corporation, who or which requires from persons in his or its employ, under penalty of forfeiture of part of wages earned by them, a notice of intention to leave such employ, shall be liable to pay to the party injured a sum equal to the amount of said forfeiture, if he or it discharges, without similar notice, a person in such employ, except for incapacity or misconduct, unless in case of a general suspension of labor in his or its mine, shop or factory, or a suspension of work ordered by the employees of such individual, partnership or corporation.

Notice of discharge to be given, when.

SEC. 2. Suit may be brought by any person or persons interested under the provisions of the first section of this act before any of the magistrates or justices of the peace of this Commonwealth having jurisdiction for the recovery of the sum or sums of money as are required to be paid by the employer or employers under the first section of this act.

Suit to recover forfeiture.

Suits for wages—Preferences.

(Page 2073.)

SECTION 3. In all cases now pending, or which may hereafter be brought, before any court in this Commonwealth, for the recovery of the wages of manual labor only, it shall be the duty of the prothonotary preparing the list of civil causes, to place all claims for the wages of labor first on the list, and the court shall proceed to try all such cases as they occur on the list: *Provided,* That a statement of the plaintiff's claim be filed in such cases, showing that the claims respectively are for manual labor alone.

Suits for wages to be heard first.

SEC. 4. In all cases of appeal from the judgment of justices of the peace, for wages * * * the party appellant, his agent or attorney, shall make oath or affirmation that it is not for the purpose of delay that such appeal is entered, but because he firmly believes injustice has been done. The bail required in cases of appeal from the judgments of justices of the peace, and from the awards of arbitrators, for the wages * * * shall be bail abso-

Appeals.

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lute in double the amount of said judgment and awards, and the probable amount of costs accrued and likely to accrue in such cases, with one or more sufficient sureties, conditioned for the payment of the amount of the debt, interest and cost that shall be legally recovered in such case against the appellant.

Same subject.

SEC. 5. In all cases in which judgment shall have been rendered by any justice of the peace or alderman in this Commonwealth for wages of manual labor, before the defendant shall be entitled to an appeal from the judgment of the justice or alderman, he, or his agent or attorney, shall make oath or affirmation that the appeal is not intended for the purpose of delay, but that he believes that injustice has been done him, which affidavit shall be attached to and sent up with the transcript of appeal. And the said defendant shall be required to give good and sufficient bail or [for] the payment of the debt and costs. * * *

It must appear that the judgment was rendered for the wages of manual labor. 4 Co. C. Rep. 653.

Stay of execution not allowed, when.

SEC. 6. No stay of execution shall be allowed on any judgment for one hundred dollars and less, when the same has been recovered for wages of manual labor.

Stay allowed, when.

SEC. 7. In all cases of judgments before aldermen, city recorders and justices of the peace in this Commonwealth, where the defendant is a freeholder, or enters bail absolute, with one or more sufficient sureties, in double the amount of debt or damages, interests and costs recovered, conditioned for the payment thereof, in the event that the defendant fails to pay the same at the expiration of the stay of execution, and the judgment rendered shall be above five dollars and thirty-three cents, and not exceeding twenty dollars, there shall be a stay of three months; and where the judgment shall be above twenty dollars and not exceeding sixty dollars, there shall be a stay of six months; and where the judgment shall be above sixty dollars and not exceeding three hundred dollars, there shall be a stay of execution for nine months: *Provided*, That this act [section] shall not apply to judgments obtained for wages of manual labor.

Proviso as to wages.

No property exempt from levy for wages.

SEC. 8. No exemption of property from attachment, levy or sale upon execution, shall be allowed upon judgments for one hundred dollars or less obtained for wages for manual labor.

Wages to be paid first: In transfers of property;

SEC. 9. All moneys that may be due or hereafter become due for labor and services rendered by any miner or mechanic, servant girl at hotels, boarding houses, restaurants or in private families, or any other servant and helper in and about said houses of entertainment and private families, porter, hostler or any other person employed in and about livery stables or hotels, laundryman or washerwoman, seamster or seamstress employed by merchant tailors or by any other person, milliner, dressmaker, clothier, shirt maker or clerk employed in stores or elsewhere, hand laborer, including farm laborer or any other kind of laborer, printer, apprentice and all other tradesmen hired for wages or salary from any person or persons, chartered company, joint stock company, limited partnership or other partnership, either as owner, lessee, contractor or underowner, whether at so much per diem or otherwise, for any period not exceeding six months preceding the sale or transfer of the real or personal property, works, mines, manufactories or business or other property connected therewith in carrying on the same of said person or persons, chartered company, joint stock company, limited partnership or other partnership, by execution or otherwise, on account of the death or insolvency of such employer or employers, shall be a lien upon said real or personal property, mine, manufactory, business or other property in and about, or used in carrying on said business or in connection therewith, to the extent of the interest of such employer or employers in said property, and shall be preferred and first paid out of the proceeds of the sale of such real and personal property, mine, manufactory, business or other property as aforesaid: *Provided, however*, That the claim thus preferred shall not

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exceed two hundred dollars: *And provided further*, That this act [section] shall not be so construed as to impair contracts existing, or liens of record vested prior to its passage: *And provided further*, That no such claim shall be a lien upon any real estate, unless the same be filed in the prothonotary's office of the county in which such real estate is situated, within three months after the same becomes due and owing, in the same manner as mechanics' liens are now filed.

In executions.

SEC. 10. In all cases of executions, landlord's warrants, attachments and writs of a similar nature, hereafter to be issued against any person or persons, or chartered company, engaged as before mentioned, it shall be lawful for such miners, laborers, mechanics or clerks, to give notice in writing of their claim or claims, and the amount thereof, to the officers executing either of such writs, at any time before the actual sale of the property levied on; and such officers shall pay to such miners, laborers, mechanics and clerks, out of the proceeds of sale, the amount each is justly and legally entitled to receive, not exceeding two hundred dollars.

In administration, etc.

SEC. 11. In all cases of the death, insolvency or assignment of any person or persons, or chartered company, engaged in operations as hereinbefore mentioned, or of executions issued against them, the lien of preference * * * with the like limitations and powers, shall extend to every property of said person or chartered company.

Wage claims not impaired by liens.

SEC. 14. No mortgage, or other instrument by which a lien is hereafter credited, (created) shall operate to impair or postpone the lien and preference given and secured to the wages and moneys * * *: *Provided*, That no lien or mortgage or judgment entered before such labor is performed, shall be affected or impaired thereby.

Construction as to coal lease mortgages.

SEC. 15. The proviso in the fourth section of an act, entitled "An act for the better protection of the wages of mechanics, miners, laborers and others," approved the 9th day of April, anno Domini 1872 [now section 14, above], shall not hereafter be so construed as to, in any manner, apply to coal lease mortgage or mortgages, or to make the same a lien preferred to the lien of the wages of labor mentioned in said act, but that such claim of wages shall be a lien preferred thereto.

Wages of lumbermen.

SEC. 16. All moneys that may be due from any person or persons to any and every laborer, for work done in and about the cutting, peeling, skidding, hauling and driving of saw logs, the hewing, making, skidding and hauling of square timber and the peeling, skidding and hauling of bark for a period not exceeding six months prior to the death or assignment for the benefit of creditors of the employer or employers, or to a sale of said saw logs, square timber or bark upon execution process against said employer or employers, shall be preferred and first paid out of the proceeds of any executor's, administrator's, assignee's, sheriff's or other officer's sale of saw logs, square timber or bark as the property of the employer or employers: *Provided*, That when work as aforesaid shall have been done for a contractor or contractors and not for the owner or owners of said saw logs, square timber or bark, all moneys due as aforesaid shall be preferred and paid to laborers as aforesaid, and any payment or payments so made, shall be a good charge against the contractor or contractors in favor of the owner or owners in settlement of their account: *And provided further*, That not more than two hundred dollars to any one laborer shall be preferred under this act [secs. 16 to 19].

Notice of claim.

SEC. 17. It shall be the duty of every laborer claiming a preference under this act [secs. 16 to 19], by himself, his agent or attorney, to give notice in writing of the amount of his claim, before the sale, to the executors, administrators, assignee, sheriff or other officer whose duty it shall be to sell said saw logs, otherwise his claim shall not be preferred under this act.

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Disputes. SEC. 18. When there shall be any dispute concerning the right of any laborer to be preferred as aforesaid, or as to the amount he shall be entitled to receive, the court having jurisdiction of the accounts of the officer making the sale, or of the process under which the sale is made, shall have power, after reasonable notice given, either personally or by advertisement, to hear and determine the same according to law and equity.

Work for contractors. SEC. 19. When work as aforesaid shall have been done for a contractor or contractors and not for the owner or owners of saw logs, it shall be lawful for the owner or owners to make payment of any moneys due to any laborer or laborers for such work, directly to such laborer or laborers; and any payment or payments so made, shall be a good charge against the contractor or contractors in favor of the owner or owners, in the settlement of their accounts.

Act construed. SEC. 24. It is the true intent and meaning of the provisions of the act of assembly, entitled "An act for the better protection of the wages of mechanics, miners, laborers and others," passed the 9th day of April, anno Domini 1872 [secs. 4, 10, 11, and 14, above], that the several classes of laborers in said act mentioned shall have a preference over landlords, in all claims for rent of any mines, manufactories or other real estate, held under lease, where the lessee or lessees are the parties employing the miners, mechanics, laborers or clerks: *Provided*, That any person or persons claiming a preference as above provided, shall give notice of the nature and amount of his claim to the landlord or his bailiff, before the actual sale of the property levied upon.

Attachment of wages.

(Page 2077.)

Wages, etc., not to be attached. SECTION 25. The wages of any laborers, or the salary of any person in public or private employment, shall not be liable to attachment in the hands of the employer.

Attachments for board. SEC. 26 (as amended by act No. 89, Acts of 1913). [1.] On and after the passage of this act, all keepers of hotels, inns, boarding houses, and lodging houses, in this Commonwealth, in addition to the remedies now provided by law, shall have the right, in suits and actions brought before magistrates, aldermen, or justices of the peace to recover pay for boarding or lodging, or boarding and lodging, furnished, to commence such suits and actions by attachment; and thereon to attach only wages due or owing to such persons as may be indebted to them, or any of them, for boarding or lodging, or boarding and lodging, not exceeding in amount the sum due for four weeks; and any sum so due and so attached shall not be paid to the defendant until the judgment, which may be rendered against the defendant in pursuance of a summons to him or directed, which shall issue with such attachment for such amount as may be so legally attached, shall be satisfied; and if the defendant neglects to satisfy such judgment, or fails to appeal from the judgment of the magistrate, alderman, or justice of the peace, within twenty days from the date of judgment, then the person, firm, association, or corporation, in whose hands the wages are attached, shall, upon being duly notified by the said magistrate, alderman, or justice, by a certificate from him, that the said judgment has not been satisfied and that no appeal has been taken therefrom, pay over to the said magistrate, alderman, or justice the amount of wages so attached, or so much thereof as will fully satisfy said judgment and all costs attached thereto; and magistrates, aldermen, or justices shall have jurisdiction of attachment proceedings in such case.

Notice. 2. Every person, firm, association, or corporation, foreign or domestic, when properly served with notice of attachment of wages in his or its hands, shall be deemed to have accepted the same and become liable to the provisions of this act. In addition to the method now provided by law for service upon foreign cor-

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porations, registered or nonregistered, for the purposes of this act it shall be deemed sufficient if such foreign corporations are served in conformity with the requirements as to service upon domestic corporations.

Payment of wages.

(Page 2077.)

Semimonthly pay day.

SECTION 27. From and after a period of two months subsequent to the date of the passage of this act, every individual, firm, association or corporation employing wageworkers, skilled or ordinary, laborers engaged at manual or clerical work, in the business of mining or manufacturing, or any other employees shall make payment in lawful money of the United States to the said employees, laborers and wageworkers, or to their authorized representatives; the first payment to be made between the first and fifteenth, and the second payment between the fifteenth and thirtieth of each month, the full net amount of wages or earnings due said employees, laborers and wageworkers upon the first and fifteenth instant of each and every month wherein such payments are made. And in case any individual, firm, corporation or association or other employer, shall refuse to make payment when demanded, upon the dates herein set forth, to wageworkers, laborers or other employees employed by or with the authority of such individual, firm, corporation or association or other employer, the said individual, the members of the firm, the directors, officers and superintendents or managers of said corporation and associations [association], shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not to exceed two hundred dollars.

Assignment of future wages.

SEC. 28. No assignment of future wages payable semimonthly, under the provisions of this act, shall be valid, nor shall any agreement be valid that relieves the said firms, individuals, corporations or associations from the obligation to pay semimonthly, and in the lawful money of the United States.

Enforcement.

SEC. 29. It is hereby made the duty of the factory inspector and his deputies to bring actions in the name of the Commonwealth, against every individual, firm, corporation and association violating the provisions of this law, upon the request of any citizen of this Commonwealth. Upon his failure to do so, any citizen of this Commonwealth is hereby authorized to do so in the name of the Commonwealth.

This act is highly penal and must be strictly construed, hence does not apply to any business except mining and manufacturing. The act is unconstitutional at least as far as it amounts to making a contract between parties against their will. 14 Co. C. Rep. 497.

ACTS OF 1887.

Miners' hospitals.

[This act does not appear in the compilation of Pennsylvania statutes used by the Bureau (Brightly's Purdon's Digest, 12th ed.), but is amended by an act, page 837, Acts of 1911, and as amended is here reproduced as valid, existing law.]

Commissioners.

SECTION 1. The governor of this Commonwealth shall, as soon as practicable after the passage of this act, appoint six commissioners, one of said commissioners to be appointed from each of the six existing inspection districts of the bituminous and semibituminous coal regions of the State, whose duty it shall be to select sites and erect hospitals thereon for injured persons, to be located at some points within the bituminous and semibituminous coal regions of the State, comprising the counties of Allegheny, Bedford, Fayette, Greene, Somerset, Washington, Armstrong, Beaver, Butler, Indiana, Westmoreland, Cameron, Clarion, Crawford, Clearfield, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mer-

Hospitals to be erected.

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cer, Venango, Warren, Blair, Bradford, Cambria, Center, Sullivan, Clinton, Huntingdon, Potter, Lycoming and Tioga, who shall serve without compensation, other than their necessary traveling expenses incurred while in discharge of the duties herein prescribed and set forth.

Sites. SEC. 2. Said commissioners shall, within four months after the date of their appointment, select tracts of land of suitable area and character for the purpose named in section first, within the said described region.

Ownership. SEC. 3. Said tracts of land, so selected, shall be approved by the governor in writing, and the deed for the same shall be taken in the name of the Commonwealth, in fee, for any land donated for the purpose aforesaid.

Erection of buildings. SEC. 7. Said commissioners shall proceed to erect said buildings and complete the same, at as early a period as possible compatible with the economical, substantial and skillful execution of the work, and shall make report to the board of public charities of the amount of money expended by them and of the progress made in the erection of the buildings, semiannually, at least, and oftener, if so required by said board.

Boards of managers. SEC. 8. The said commissioners, on the completion of said hospitals, shall surrender their trusts to the board of managers to consist of nine members, for each hospital, to be appointed by the governor from the counties named in the first section of this act. Said managers or trustees shall be a body politic or corporate by the name and style of "The Trustees of the Cottage State Hospitals for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania," for which they are appointed. They shall serve without compensation, other than necessary traveling expenses incurred in the discharge of the duties pertaining to the above named institutions, and such expenses shall be paid out of moneys in the State treasury, not otherwise appropriated, and shall manage and direct the concerns of said institutions, and make all necessary by-laws and regulations not inconsistent with the constitution and laws of the Commonwealth.

Patients. SEC. 9 (as amended by act, page 837, Acts of 1911). These hospitals shall be specially devoted to the reception, care, and treatment of injured persons; but the trustees may, in their discretion, receive, care for, and treat patients other than injured persons, either medical or surgical, when the hospital facilities are for the time being more than sufficient for the accommodation of injured persons in the hospital, and a reasonable allowance of room for prospective patients of this class, [sic] and, in the order of admission, indigent injured persons shall have precedence over any other class of patients.

Gifts. SEC. 10. It shall be lawful for the trustees of said hospital to receive contributions or donations from any person, firm or corporation offering to contribute or donate any money or other valuable consideration, whether by will, deed, gift or otherwise, to aid in the support, maintenance and for improving the property of said hospital: *Provided*, That the proceeds of all contributions or donations received by the said trustees, under the provisions of this section, shall be specially appropriated for the purposes herein stated: *Provided further*, That an itemized statement of the same showing the whole amount of moneys received by the said trustees, under the provisions of this section, and the name or names of any person, firm or corporation contributing or donating the same, together with an itemized statement of the expenditures of said money, shall be made quarterly, under oath, to the auditor general, the same as statements for State appropriations are now required by law.

Visitors. SEC. 11. The governor, judges of the several courts of record of this Commonwealth, inspectors of mines for the region, and members of the legislature shall be ex officio visitors of the institution.

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BRIGHTLY'S DIGEST, 1893–1903.

Inspection and regulation of bakeries.

(Page 62.)

Hours of labor.

SECTION 1. No employee shall be required, permitted or suffered to work in a biscuit, bread or cake bakery, [or] confectionery establishment more than six (6) days in any one week, said week to commence on Sunday not before six o'clock post meridian, and to terminate at the corresponding time on Saturday of the same week. No person under the age of eighteen (18) years shall be employed in any bakehouse between the hours of nine (9) o'clock at night and five (5) in the morning. Excepted from this rule shall be the time on Sunday for setting the sponges for the night's work following.

The week may begin on Sunday any time after 6 p. m. and close at the same hour on Saturday of the same week. 19 Co. C. Rep. 476.
The provision as to the limit of a week's labor is meaningless and absurd, and no indictment upon it can be sustained. 20 Co. C. Rep. 476.

Women and children.

SEC. 13. No minor male or female, adult woman, shall be employed at labor or detained in any biscuit, bread, pie or cake bakery, pretzel or macaroni establishment, for a longer period than twelve hours in any one day, nor for a longer period than sixty hours in any one week.

Sanitation.

SEC. 14. All buildings or rooms occupied as a biscuit, bread, pretzel, pie or cake bakery, or macaroni establishment, shall be drained and plumbed in the manner directed by the rules and regulations governing the house drainage and plumbing, as prescribed by law, and all rooms used for the purpose aforesaid shall be ventilated by means of air shafts, windows or ventilating pipes, so as to insure a free circulation of fresh air. No cellar, or basement, not now used for a bakery, shall hereafter be occupied and used as a bakery unless the proprietor shall have previously complied with the sanitary provisions of this act. [secs. 13 to 23].

Same subject.

SEC. 15. Every room used for the manufacture of flour or meal food products shall have a tight floor, constructed of cement, wood, or tiles, laid in cement. The inside walls shall be plastered, or painted with oil paint, three (3) coats, or be limewashed. When painted, shall be renewed at least once in every five years, and shall be washed with hot water and soap at least once in every three (3) months; when limewashed, the lime washing shall be renewed at least once in every three (3) months. The furniture and utensils in such room shall be so arranged that the furniture and floor may at all times be kept in a thoroughly sanitary and clean condition. No domestic or pet animal shall be allowed in a room used as a biscuit, bread, pie, or cake bakery, or in any room in such bakery, where flour or meal food products are stored.

Wash rooms, etc.

SEC. 17. Every such bakery shall be provided with a wash room and water-closet, or closets, apart from the bake room or rooms, where the manufacture of such food products is conducted, and no water-closet, earth closet, privy, or ash pit, shall be within or communicate directly with the bake room of any bakery.

Sleeping rooms.

SEC. 18. The sleeping room or rooms, for persons employed in bakeries, shall be kept separate and apart from the room or rooms where flour or meal food products are manufactured or stored. And such sleeping places, when they are on the same floor as the bakery, shall be inspected in order to maintain them in a condition of cleanliness.

Contagious diseases.

SEC. 19. No employer shall, knowingly, require, permit or suffer, any person to work in his bakeshop who is affected with consumption of the lungs, or with scrofulous diseases, or with any venereal diseases, or with any communicable skin affection; and every employer is hereby required to maintain himself and his employees in a clean condition while engaged in the manufacture, handling

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or sale of such food products, and it is hereby made the duty of the board of health to enforce the provisions of this section.

Inspection. SEC. 20. The factory inspector is authorized to issue a certificate of satisfactory inspection to a person conducting a bakery, where such bakery is conducted in compliance with all the provisions of this act [secs. 13 to 23].

Alterations. SEC. 21. The owner, agent or lessee of any property * * * shall make the alterations or additions necessary, within such time as said alterations can be made with proper diligence upon the part of such proprietors, and notice to the last known address of such owner, agent or lessee, shall be deemed sufficient for the purpose of this act [secs. 13 to 23].

Law to be posted. SEC. 22. A copy of this act shall be conspicuously posted and kept posted in each workroom of every bread, cake, or pie bakery, or confectionery establishment, in this State.

Violations. SEC. 23. Any person who violates any of the provisions of this act [secs. 13 to 23], or refuses to comply with any requirements, as provided herein, of the factory inspector or his deputy, who are hereby charged with the enforcement of this act, excepting section seven [sec. 19], shall be guilty of a misdemeanor, and on conviction before any justice of the peace, magistrate, alderman, mayor or burgess, shall be punished by a fine of not less than twenty nor more than fifty ($50) dollars, for a first offense; and not less than fifty ($50) [dollars] nor more than one hundred ($100) dollars, for a second offense, or imprisonment for not more than ten (10) days and for a third offense, by a fine of not less than two hundred and fifty ($250) dollars and [not] more than thirty (30) days' imprisonment.

Labor organizations—Unauthorized use of badges, etc.

(Page 102.)

Unauthorized wearing, etc., of badge. SECTION 3. Any person who shall willfully wear any insignia or button of any association, society, or trades-union, or use the same to obtain aid or assistance, within this State, unless he shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations, of such organizations shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars, and in default of payment committed to jail for a period of not to exceed sixty days.

Suits for wages—Joint appeals.

(Page 246.)

Two or more claimants may make joint appeal. SECTION 54. Hereafter in all contests over labor claims in cases of distribution under * * * [sec. 9, page 2073, Brightly's Purdon's Digest, twelfth edition, page 1822 above], any two or more of such labor claimants may join in taking an appeal to the proper appellate court from any judgment or decree of the court below adverse to their said claims, and may file either joint or several assignments of error on such appeal as the nature of the case may require, and on the hearing of such appeal the appellate court shall determine the rights of the several parties, respectively, in the same manner as the said court might do if the court below had decided in favor of said claimants, and the execution creditor or other person claiming adversely to said labor claimant had taken the appeal.

Forgery of employers' certificates, etc.

(Page 258.)

Using forged certificates, etc. SECTION 1. Any person who shall obtain or attempt to obtain employment or appointment to any office or place of trust, by color or aid of any false or forged letter or certificate of recommendation, or of any false statement in writing as to his or her

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name, residence, previous employment or qualification, * * * shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding the sum of five hundred dollars, or by imprisonment not exceeding a term of six months, or either, or both, in the discretion of the court.

Wages as preferred claims—In assignments.

(Page 338.)

Preference same as in executions.

SECTION 48. Any lien or claim for wages, for rent, of mechanics and material men, or otherwise, which by virtue of any act of assembly would be preferred in case of an execution, shall retain its preference in case of an assignment, and to the same extent. Rent accruing after the date of the assignment, and wages necessarily incurred in service rendered to or for the assignee or receiver, shall be paid as part of the expenses appertaining to the assignment. * * *

Action for injuries—Limitation.

(Page 384.)

Limitation of two years.

SECTION 1. Every suit hereafter brought to recover damages for injury wrongfully done to the person, in case where the injury does not result in death, must be brought within two years from the time when the injury was done and not afterwards; in cases where the injury does result in death the limitation of action shall remain as now established by law.

A minor is bound by the provisions of this act. 190 Pa. S. 364.

Miners' home.

(Page 441.)

Board of trustees.

SECTION 1. A board of five citizens of the State of Pennsylvania, two of whom shall be selected from the anthracite regions of Pennsylvania, one from the employer and one from the employee class; two from the bituminous regions of Pennsylvania, one from the employer and one from the employee class, and one well-known sociologist, shall be named by the governor to act as trustees for the following purposes:

Purchase of land, etc.

SEC. 2. The said trustees are empowered, in the name of the Miners' Home of Pennsylvania, to purchase land, and erect building[s] thereon for the indigent and aged people who have been employed in, around and about the mines, and for the wives of such people, and to do all necessary acts and things that may be essential in establishing a home, within the intent of this legislation.

Raising revenue.

SEC. 3. For the purposes of this home, it shall be lawful for the said trustees to enter into contracts with the employers operating coal mines in Pennsylvania, and the employees in, around and about the coal mines, for the purpose of raising revenue to establish and maintain such home or homes.

Special fund.

SEC. 4. All moneys raised by reason of these contracts are to be paid into the State treasury of Pennsylvania, and there held as a special fund, subject to the orders of the trustees.

Miners' earnings assessed.

SEC. 5. After a consensus of opinion is ascertained, by and through the representatives of the laboring people and the trustees, as to what amount of money it is advisable that each class of laborers in, around and about the coal mines shall contribute to maintain this miners' home or homes, then the trustees of such home or homes shall have blanks prepared for the said miners and others working around the coal mines to sign, whereby said employee shall assent to the amount to be collected from his earnings by the said employer and forwarded to the State treasurer of Pennsylvania.

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Employers' contributions.

SEC. 6. After it is determined between the representatives of the employers and the trustees what amount will be contributed for each ton of coal mined and marketed, then blanks for all contracts between the trustees and the employers are to be furnished to the employers, whereby the employers, for a period of at least one year, are to contract with the trustees that they will send to the State treasurer, quarterly, the amount that is agreed upon shall be charged on each ton of coal, for the miners' home or homes, and each succeeding year such amount shall be determined in the same way, and new contracts made.

Admission.

SEC. 7. Only those are eligible to this home who are, first, citizens of the State of Pennsylvania, and, second, who have worked in, around and about the coal mines of Pennsylvania for a period of at least twenty-five years, and have reached the age of sixty years; unless, (a) an employee has been so seriously injured in, around and about the mines as to be physically incapacitated for further labor, in which event application can be made in writing, setting forth his physical condition, and such application shall be sent to the secretary or one of the trustees of the said home; then the said trustees shall authorize the physician of the miners' home, and one other, to ascertain the condition of the said applicant; and if it is proven that the injury has incapacitated said applicant, and it is so certified by the said examining physicians, then the certificate shall admit him into the home; or, unless, (b) an employee has become a victim of what is commonly called "miner's asthma;" then such person can apply to the secretary or one of the trustees of the said home for admission into the said home because of such affliction; whereupon the trustees shall name a home physician, and one other, to examine such applicant; and if it is found that such applicant is suffering from said miner's asthma, in such a way as to physically incapacitate him from earning his livelihood in the mines, or otherwise, and the physicians so certify, then such certificate shall admit him into the home: *Provided*, That no insane, demented or degenerate person shall be admitted into the said home, and where they are already admitted and become insane, demented or degenerate, a board of inquiry, composed of two physicians connected with State sanitariums, together with the home physician, shall act upon such case or cases; and in all such case or cases, on petition of the trustees to the governor, he, the governor, shall then designate what other two physicians from the State sanitariums shall act with the home physician as the said examining board. And when such board shall determine that such member of the home is either insane, demented or degenerate, then such member, upon the report of the board, shall be sent to some State institution, as is best suited for his or her affliction.

Wives.

SEC. 8. The wives of all the men who are eligible to this home, by reason of the provisions of section seven, and who have attained the age of fifty-five years, are eligible to live in this home.

Assignment of property.

SEC. 9. Each person, upon entering the said home, shall make an assignment to the said trustees of all his or her personal and real estate, with power in the said trustees to collect rents, issues and profits of all his or her estate; and the said trustees and their successors shall hold said property for the following uses and purposes: First, the rents, issues and profits to be turned into the State treasury for the common fund of the home or homes; second, if any inmate of the home desires to sever his or her connection with the said home, he or she can make application of the said trustees, and then at the end of six months, if the application is not withdrawn, the trustees shall reconvey to the said inmate the property conveyed to the trustees. If, though, the said inmate dies within the said six months, then the property is to remain the common property of the home. After the death of any inmate, the trustees shall convert all such person's real and personal property into money, and turn the same into the State treasury as part of the miners' home fund: *Provided*, That one hundred and twenty-five dollars of such money or property as came through

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any particular inmate's estate shall be used for his or her burial, in any such manner as such inmate may have directed, or as the nearest of kin [may] suggest in the event the deceased has not given directions.

Employments.

SEC. 10. That all inmates of this home may be as well occupied as circumstances will permit, the trustees are directed to buy sufficient lands, from time to time, to be farmed by such inmates, and if there is more than enough farm produce raised for use at the home, then the surplus is to be sold at market prices, and this profit is to be used to the best advantage to get such extras or necessaries, either in the way of apparel, edibles or home comforts, as is deemed best by the trustees.

Department of mines.

(Page 445.)

Department established.

SECTION 1. There is hereby established in Pennsylvania a department known as the department of mines which shall be charged with the supervision of the execution of the mining laws of this Commonwealth, and the care and publication of the annual reports of the inspectors of coal mines and any and all other mines that may come under the provisions of the mining laws of this Commonwealth.

Chief.

SEC. 2. The chief officer of this department shall be denominated chief of the department of mines, and shall be appointed by the governor, by and with the advice and consent of the senate, within thirty days after the final passage of this act, and every four years thereafter, who shall be commissioned by the governor to serve a term of four years from the date of his appointment and until his successor is duly qualified, and shall receive an annual salary of four thousand dollars and traveling expenses; and in case of a vacancy in the office of chief of said department, by reason of death, resignation or otherwise, the governor shall appoint a qualified person to fill such vacancy for the unexpired balance of the term.

Qualifications.

SEC. 3. The chief of the department of mines shall be a competent person, having at least ten years' practical experience as a miner and the qualifications of the present mine inspectors. The said chief of the department of mines, so appointed, shall, before entering upon the duties of his office, take and subscribe to the oath of office prescribed by the constitution, the same to be filed in the office of the secretary of the commonwealth, and give to the Commonwealth a bond in the penal sum of ten thousand dollars, with surety, to be approved by the governor, conditioned for the faithful discharge of the duties of his office.

Duties.

SEC. 4. It shall be the duty of the chief of the department to devote the whole of his time to the duties of his office, and to see that the mining laws of the State are faithfully executed; and for this purpose he is hereby invested with the same power and authority as the mine inspectors, to enter, inspect and examine any mine or colliery within the State, and the works and machinery connected therewith, and to give such aid and instruction to the mine inspectors, from time to time, as he may deem best calculated to protect the health and promote the safety of all persons employed in and about the mines; and the said chief of the department of mines shall have the power to suspend any mine inspector for any neglect of duty, but such suspended mine inspector shall have the right to appeal to the governor, who shall be empowered to approve of such suspension or restore such suspended mine inspector to duty, after investigating the cause which led to such suspension.

Negligence of inspectors.

SEC. 5. Should the chief of department of mines receive information by petition, signed by ten or more miners or three or more operators, setting forth that any of the mine inspectors are neglectful of the duties of their office, or are physically unable to perform the duties of their office, or are guilty of malfeasance in

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office, he shall at once investigate the matter; and if he shall be satisfied that the charge or charges are well founded, he shall then petition the court of common pleas or the judge in chambers, in any county within or partly within the inspection district of the said mine inspector; which court upon receipt of said petition and a report of the character of the charges and testimony produced, shall at once issue a citation, in the name of the Commonwealth, to the said inspector to appear, on not less than fifteen days' notice, on a fixed day, before said court, at which time the court shall proceed to inquire into the allegations of the petitioners, and may require the attendance of such witnesses, on the subpœna issued and served by the proper officer or officers, as the judge of the court and the chief of said department may deem necessary in the case; the inspector under investigation shall have similar power and authority to compel the attendance of witnesses in his behalf. If the court shall find by said investigation that the said mine inspector is guilty of neglecting his official duties, or is physically incompetent to perform the duties of his office, or is guilty of malfeasance in office, the said court shall certify the same to the governor, who shall declare the office vacant, and shall proceed to supply the vacancy as provided by the mining laws of the State. The cost of such investigation shall, if the charges are sustained, be imposed upon the deposed mine inspector; but if the charges are not sustained, the costs shall be paid out of the State treasury, upon voucher or vouchers duly certified by said chief of department.

Powers of chief.

SEC. 6. To enable said chief of the department of mines to conduct more effectually his examinations and investigations of the charge[s] and complaints which may be made by petitioners against any of the mine inspectors as herein provided, he shall have power to administer oaths and take affidavits and depositions, in form and manner provided by law: *Provided, however*, That nothing in this section [secs. 4 to 6] shall be [so] construed as to repeal section thirteen of article two of the act of assembly, * * * entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania, and for the protection and preservation of property connected therewith" [superseded by section 19, p. 1797, above], and also articles thirteen and fourteen of an act of assembly, * * * entitled "An act relating to bituminous coal mines, and providing for the lives, health, safety and welfare of persons employed therein" [superseded; see Art. XXI, pp. 1904, 1905].

Reports.

SEC. 7. It shall be the duty of the chief of the department of mines to take charge of, and preserve in his office, the annual reports of the mine inspectors, and transmit a synopsis of them, together with such other statistical data compiled therefrom, and other work of the department as may be of public interest, properly addressed, to the governor, to be transmitted to the general assembly of this Commonwealth, on or before the fifteenth day of March in each year. It shall also be the duty of the chief of department of mines to see that said reports are placed in the hands of the public printer for publication, on or before the first day of April in each year; the same to be published under the direction of the chief of the department of mines. In order that the chief of the said department may be able to prepare, compile and transmit a synopsis of his annual report to the governor within the time herein specified, the mine inspectors are hereby required to deliver their annual reports to the chief of said department on or before the twentieth day of February, in each year. In addition to the annual reports herein required of the mine inspectors, they shall furnish the chief of the department of mines monthly reports, and also such special information on any subject regarding mine accidents, or other matters pertaining to mining interests, or the safety of persons employed in and about the mines, as he at any time may require or may deem necessary, in the proper and lawful discharge of his official duties. The chief of the department of mines shall also establish, as far as may be practicable, a uniform

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style and size of blanks for the annual, monthly and special reports of mine inspectors, and prescribe the form and subject matter to be embraced in the text and the tabulated statements of their reports.

Investigations, etc.

SEC. 8. The chief of the department of mines is hereby authorized to make such examinations and investigations as may enable him to report on the various [systems of coal mining and all other mining practiced in the State, method] of mining ventilation and machinery employed, the circumstances and responsibilities of mine accidents; and such other matters as may pertain to the general welfare of coal miners and others connected with mining, and the interests of mine owners and operators in the Commonwealth.

[This section is printed as found on p. 183, Laws of 1903, the bracketed line being by error omitted from the digest.]

Reports of examining boards.

SEC. 9. The board of examiners for the examination of applicants for mine inspectors in the anthracite and bituminous coal mines of the Commonwealth, the board for the examination of applicants for mine foremen and assistant mine foremen in the anthracite mines, the board for the examination of applicants for first and second grade certificates in the bituminous mines, and the board styled miners' examining board for applicants for certificates of competency as miners, shall send to the chief of the department of mines duplicates of the manuscript[s] and all other papers of applicants, together with the tally sheets and the solution of each question as given by the examining board, which shall be filed in the department as public documents.

Foremen's certificates.

SEC. 10. Certificates of qualification to mine foremen and assistant mine foremen in the anthracite mines, [and] first and second grade certificates for mine foremen in the bituminous mines, shall be granted by the chief of the department of mines to each applicant who has passed a successful examination. The certificates shall be in manner and form as shall be prescribed by the chief of the department of mines, and a record of all certificates granted shall be kept in the department. Each certificate shall contain the full name, age and place of birth of the applicant, and also the length and nature of his previous service in the mines. Before the certificates aforesaid shall be granted to mine foremen, assistant mine foremen, foremen of first grade and foremen of second-grade certificates, each applicant for the same shall pay the sum of three dollars to the chief of the department of mines. The money so received, less the cost of issuing and recording certificate, shall be turned over in due form to the State treasurer.

Records.

SEC. 11. The chief of the department of mines shall keep in the department a journal or record of all inspections, examinations and work done under his administration, and copies of all official communications; and is hereby authorized to procure such books, instruments, and chemicals, or other tests, as may be found necessary to the proper discharge of his duties under this act, at the expense of the State. All instruments, plans, books and records pertaining to the office shall be the property of the State, and shall be delivered to his successor in office.

Office force.

SEC. 12. The chief of the department of mines is hereby empowered to name an assistant, at a salary of sixteen hundred dollars per annum; two clerks each at a salary of fourteen hundred dollars per year; one stenographer, at an annual salary of ten hundred dollars, and one messenger at a salary of nine hundred dollars per year: *And provided further*, That the salaries of the chief of the department of mines, his assistants and messenger, shall be paid out of the State treasury, on the warrant of the auditor general.

Accountability to governor.

SEC. 13. The chief of the department of mines shall, at all times, be accountable to the governor for the faithful discharge of his duties imposed on him by law, and the administration of his office and the rules and regulations pertaining to said department shall be subject to the approval of the governor.

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Who may not be chief.

SEC. 14. No person who is acting as a land agent, or as a manager, viewer or agent of any mine or colliery, shall, at the same time, serve as chief of the department of mines under the provisions of this act.

Mine regulations.

(Page 448.)

Anthracite miners to have certificates.

SECTION 25. Hereafter no person whomsoever shall be employed or engaged in the anthracite coal region of this Commonwealth as a miner in any anthracite coal mine, without having obtained a certificate of competency and qualification so to do from the "miners' examining board" of the proper district, and having been duly registered as herein provided.

Examining board.

SEC. 26. There shall be established in each of the eight inspection districts in the anthracite coal region, a board to be styled the "miners' examining board" of the —— district, to consist of nine miners who shall be appointed, in the same manner as the boards to examine mine inspectors are now appointed, from among the most skillful miners actually engaged in said business in their respective districts, and who must have had five years' practical experience in the same. The said persons so appointed shall each serve for a term of two years from the date on which their appointment takes effect, and they shall be appointed upon or before the expiration of the term of the present members of the "miners' examining board," and they shall be and constitute the "miners' examining board" for their respective districts, and shall hold the office for the term for which they were appointed, or until their successors are duly appointed and qualified; and shall receive as compensation for their services three dollars per day for each day actually engaged in this service, and all legitimate and necessary expenses incurred in attending the meetings of said board under the provisions of this act, and no part of the salary of said board or expenses thereof shall be paid out of the State treasury.

Organization.

SEC. 27. Each of said boards shall organize by electing one of their members president, and one member as secretary, and by dividing themselves into three subcommittees for the more convenient discharge of their duties; each of said committees shall have all powers hereinafter conferred upon the board; and whenever in this act the words "examining board" are used, they shall be taken to include any of the committees thereof.

Oath.

SEC. 28. Every member of said board shall, within ten days of their appointment or be [being] apprised of the same take and substitute [subscribe] an oath or affirmation before a properly qualified officer of the county in which they reside, that they will faithfully and impartially discharge the duties of their office.

Vacancies.

SEC. 29. Any vacancies occurring in said board shall be filled in the manner hereinbefore provided from among such only as are eligible for original appointment.

Notice of place of meeting.

SEC. 30. Each of said examining boards shall designate some convenient place within their districts for the meeting of the several committees thereof, of which due notice shall be given by advertisement in two or more newspapers of the proper county, and so divided as to reach as nearly as practicable all the mining districts therein; but in no case shall such meeting be held in a building where any intoxicating liquors are sold.

Registration.

SEC. 31. Each of said committees shall open at the designated place of meeting a book of registration, in which shall be registered the name and address of each and every person duly qualified under this act to be employed as a miner in an anthracite coal mine. And it shall be the duty of all persons employed as miners to be properly registered, and in case of a removal from the district in which a miner is registered, it shall be his duty to be registered in the district to which he removes.

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Application.

SEC. 32. Application for registration only may be sent by mail to the board, after being properly attested before any person authorized to administer an oath or affirmation in the county in which the applicant resides. The form of application shall be subject to such regulation as may be prescribed by the boards, but in no case shall any applicant be put to any unnecessary expense in order to secure registration.

Fees.

SEC. 33. Each applicant for examination and registration and for the certificate hereinafter provided, shall pay a fee of one dollar to the said board, and a fee of twenty-five cents shall be charged for registering any person who shall have been examined and registered by any other said board, and the amount derived from this source shall be held by said boards and applied to the expenses and salaries herein provided and such as may arise under the provisions of this act; and the said boards shall report, annually, to the court of common pleas of their respective counties and the bureau of mines and mining all moneys received and disbursed under the provisions of this act, together with the number of miners examined and registered under this act, and the number who failed to pass the required examination.

Monthly meetings.

SEC. 34. It shall be the duty of each of the said boards to meet once every month and not oftener, and said meeting shall be public, and if necessary, the meeting shall be continued to cover whatever portion may be required of a period of three days in succession, and examine under oath all persons who shall desire to be employed as miners in their respective districts; and said boards shall grant such persons as may be qualified, certificates of competency or qualification which shall entitle the holder thereof to be employed as and to do the work of miners as may be expressed in the said certificate, and such certificates shall be good and sufficient exidence [evidence] of registration and competency under this act, and the holder thereof shall be entitled to be registered without an examination in any other of the anthracite districts upon the payment of the fee herein provided.

Applicants.

SEC. 35. All persons applying for a certificate of competency, or to entitle them to be employed as miners, must produce satisfactory evidence of having had not less than two years['] practical experience as a miner, or as a mine laborer in the mines of this Commonwealth, and in no case shall an applicant be deemed competent unless he appear in person before the said board and answer intelligently and correctly at least twelve questions in the English language pertaining to the requirements of a practical miner, and be properly identified, under oath, as a mine laborer by at least one practical miner holding miners' certificates. The said board shall keep an accurate record of the proceedings of all its meetings, and in said record shall show a correct detailed account of the examination of each applicant, with the questions asked and their answers, and at each of its meetings the board shall keep said record open for public inspection. Any miner's certificate granted under the provisions of this act, and the hereinafter mentioned act approved the ninth day of May, anno Domini one thousand eight hundred and eighty-nine, shall not be transferable to any person or persons whatsoever, and any transfer of the same shall be deemed a violation of this act. Certificates shall be issued only at meetings of said board, and said certificates shall not be legal unless then and there signed in person by at least three members of said board.

Certificates not transferable.

This section is constitutional. 64 Atl. Rep. 797.

Employment without certificate.

SEC. 36. No person shall hereafter engage as a miner in any anthracite coal mine without having obtained such certificate as aforesaid. And no person shall employ any person as a miner who does not hold such certificate as aforesaid, and no mine foreman or superintendent shall permit or suffer any person to be employed under him, or in the mines under his charge and supervision as a miner, who does not hold such certificates [certificate].

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Any person or persons who shall violate or fail to comply with the provisions of this act [secs. 25 to 40], shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not less than one hundred dollars and not to exceed five hundred dollars, or shall undergo imprisonment for a term not less than thirty days and not to exceed six months, or either, or both, at the discretion of the court.

Act construed. SEC. 38. Nothing in this act shall be construed to in any way, excepting as herein provided, affect miners' certificates which have been lawfully issued under the provisions of the herein mentioned act approved the ninth day of May, anno Domini one thousand eight hundred and eighty-nine.

[The act referred to is superseded by this act (secs. 25 to 40).]

Complaints to be investigated. SEC. 39. It shall be the duty of the several miners' examining boards to investigate all complaints or charges of noncompliance [with] or violation of the provisions of this act [secs. 25 to 40], and prosecute all persons so offending; and upon their failure so to do, then it shall become the duty of the district attorney of the county wherein the complaints or charges are made to investigate the same and prosecute all persons so offending, and it shall at all times be the duty of the district attorney to prosecute such members of the miners' examining board as have failed to perform their duty under the provisions of this act; but nothing herein contained shall prevent any citizen, a resident of this Commonwealth, from prosecuting any person or persons violating this act, with power to employ private counsel to assist in the prosecution of the same; upon conviction of any member of the miners' examining board for any violation of this act, in addition to the penalties herein provided, his office shall be declared vacant, and he shall be deemed ineligible to act as a member of the said board.

Power to administer oaths. SEC. 40. For the purposes of this act the members of the said "miners' examining board" shall have power to administer oaths.

[For secs. 42 to 65, inclusive, see sections 1 to 20, pp. 1793 to 1797, above; for section 68 see section 125, p. 1806, above.]

Anthracite mines. SEC. 69 (as amended by act No. 850, Acts of 1913). It shall be unlawful to operate any anthracite mine, employing ten (10) men or more, in the State of Pennsylvania, unless said mine is

Emergency supplies. provided with a sufficient quantity of linseed or olive oil, bandages, linen, splints, woolen and waterproof blankets. Said articles shall be stored in a room erected at a convenient place in the mine and on the surface, which rooms shall not be less than eight by twelve feet, and sufficiently furnished, lighted, clean and ventilated, so that therein medical treatment may be given injured employees in case of emergency. The furnishings shall be sufficient to accommodate two or more persons in a reclining and sitting posture.

Treatment of injured persons. SEC. 70. It shall be the duty of the mine foreman or his assistants, in case of injury to any employee by explosion of gas or powder, or by any cause while said miners are at work in said mines, to at once visit the scene of accident, see that the injured is carefully wrapped in woolen blankets and removed to the "medical room," and so treated with oils or other remedies as will add to the comfort and care of the patient. After being treated with all the skill known to the foreman or his assistants, the injured person shall be carefully wrapped up and sent to the surface, to be taken home in an ambulance or to the mining hospital, as may be desired, without expense to the injured party.

Same subject. SEC. 71. Where accident to any employee involves injury to limbs or causes loss of blood, the foreman or his assistants shall see that the bandages, splints and linen shall be applied where necessary to prevent loss of blood and relieve pain. The foreman shall, in all cases, see that the injured person is sent to the surface without delay. He shall also keep a book showing required articles on hand, name of persons injured, nature of injury, treatment, and by whom treated at time of accident.

Record.

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Inspection of medical rooms.

SEC. 72. It shall be the duty of the mine inspector to visit each of the medical rooms in his district at least once in six months; see that the law is complied with; examine records of the medical room. He shall notify the county coroner of any neglect or non-compliance with the provisions of this act [secs. 69 to 74] by any operator, which information shall be regarded as evidence on any inquest that may be held on employees, dying from injuries received while working in such anthracite mine.

Penalty.

SEC. 73. The neglect or refusal to perform the duties required to be performed by any section of this act [secs. 69 to 74];[,] by the parties therein required to perform them, or the violation of any of the requirements hereof, shall be deemed a misdemeanor, and shall, upon conviction thereof in the court of quarter sessions of the county wherein the misdemeanor was committed, be punishable by a fine not exceeding five hundred dollars, or imprisoned in the county jail for a period not exceeding six months, or both, at the discretion of the court.

Damages.

SEC. 74. For any injury to employees, occasioned by any violation of the act [secs. 69 to 74], or any failure to comply with its provisions, by any owners, operators or superintendent of any coal mine or colliery, a right of action shall accrue to the party injured against said owner or operator, for any direct injuries he may have sustained thereby; and in case of loss of life, limb or bodily power, by reason of such neglect or failure aforesaid, a right of action shall accrue to the person, widow or lineal heirs, for the recovery of damages for the injury he or they shall have sustained.

[For section 77, see section 112, p. 1805, above; section 80 corresponds to Art. XVII, secs, 1, 2, 3, p. 1899.]

Bituminous coal to be weighed before screening.

SEC. 81. It shall be unlawful for any mine owner, lessee or operator of any bituminous coal mine in this Commonwealth, employing miners at bushel or ton rates, or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the weight, value or quantity thereof, before the same shall have been weighed and duly credited to the employees sending the same to the surface and accounted for at the legal rate of weight fixed by the laws of this Commonwealth.

Penalty.

SEC. 82. Any owner, lessee or operator of any bituminous coal mine, violating the provisions of this act [secs. 81 and 82], shall be deemed guilty of a misdemeanor, and shall, upon conviction, for each and every such offense be punished by a fine of not less than one hundred ($100) dollars nor more than five hundred ($500) dollars, or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, at the discretion of the court; proceedings to be instituted in any court of competent jurisdiction.

This act (secs. 81 and 82) is in conflict with the bill of rights, and is unconstitutional. 8 Superior Ct. 356.

[This act is published, though declared unconstitutional, inasmuch as it has not yet been passed upon by the supreme court.]

Women and children.

SEC. 84. [This section makes the same provision for bituminous mines as is found in section 112, p. 1805, above, for anthracite mines.]

Accepting fee for giving employment.

SEC. 85. * * * any mine superintendent, mine foreman or assistant foreman, or any other person or persons, who shall receive or solicit any sum of money, or other valuable consideration, from any of his or their employees for the purpose of continuing in his or their employ, or for the purpose of procuring employment, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine [of] not less than fifty dollars, nor more than three hundred dollars, and undergo an imprisonment of not less than six months, or both, at the discretion of the court.

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Inspection and regulation of factories, etc.—Fire escapes, etc.—Cities of the second class.

(Page 581.)

Stairways.

Fire escape.

SECTION 199. All buildings [in cities of the second class] to be hereafter erected or altered to be used as a * * * factory or workshop, more than two stories in height, shall have at least one stairway accessible from each department, which shall be enclosed wtih [with] brick walls, or partitions made of incombustible materials, and shall have no interior openings, other than the doors of the apartments from which it is an exit. All stores to be hereafter erected or altered to the extent of twenty-five per centum of the assessed valuation, when more than three stories in height, and in which any one of the stories above the second shall have a clear floor space of not less than four thousand square feet, may be provided with a tower fire escape, enclosed in incombustible material, adjoining one of its fronts, and such fire escape from the first to the second story may be a spiral staircase. Such fire escape shall be held and taken as a fire escape under the terms of the act, approved June eleventh, one thousand eight hundred and seventy-nine, entitled "An act to provide for the better security of life and limb in cases of fire in hotels and other buildings," and the several supplements and amendments thereto; and in the case of such stores in which the clear floor space of any story above the second shall be over ten thousand square feet, the said bureau [bureau of building inspection] may require one or more additional tower fire escapes as above described; and all mills more than two stories high of the floor area per story of three thousand square feet, or more, shall have such brick-enclosed fire escape, or escapes as shall be approved by the director of the department of public safety. No obstruction shall be placed upon any way of egress from any building. No explosive or inflammable compound or combustible material shall be stored or placed under any stairway of any building, or to be used in any such place or manner as to obstruct or render egress hazardous in case of fire.

Hoistways to be guarded.

SEC. 200. In any hoistway, elevator or wellhole not enclosed in walls of brick or other fireproof materials, the openings through and upon each floor shall be provided with, and protected by, a substantial guard or gate, or with good and sufficient automatic trapdoors to close the same. Outside windows or openings of every elevator shall have such sign or device to indicate the existence of the said shaft, as shall be approved by the said director of the department of public safety. No passenger elevator shall be operated unless a certificate signed by some reputable elevator builder that the elevator is safe and in good order has been furnished within six months, and is posted in the car at the entrance, and such further examinations and certificates shall be made and furnished as the director of the department of public safety may require.

Certificates for elevators.

Alien labor—Employment on public works.

(Page 722.)

Only citizens to be employed.

Provisos.

SECTION 1. None but citizens of the United States shall be employed in any capacity in the erection, enlargement or improvement of any public building or public work within this Commonwealth: *Provided*, That apprentices to a trade or profession who may be under twenty-one years of age shall not be subject to the provisions of this act: *Provided*, That the provisions of this act shall not apply to public work where the cost thereof is paid in whole or in part from assessments of benefits.

Stipulation in contracts.

SEC. 2. The person or persons who may be by law empowered to enter into a contract for the erection, enlargement or improvement of any public building or public work shall insert in such a con-

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tract a stipulation or covenant that the provisions of section one of this act will be fully complied with.

The contractor and his surety can not set up as a defense to the claims of aliens for wages the fact that such aliens were employed in violation of this act. 205 Pa. S. 172; 54 Atl. 719.

Manufactures in tenements.

(Page 825.)

Manufactures in tenements.

SECTION 1. No room or apartment in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes or cigars, and no person, firm or corporation shall hire or employ and [any] person to work in any room, apartment, or in any building or parts of building, at making in whole or in part any articles mentioned in this section, without first obtaining a written permit from the factory inspector, or one of his deputies, stating the maximum number of persons allowed to be employed therein, and that the building or part of building intended to be used for such work or business is thoroughly clean, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partly finished shall, before contracting for the manufacture of any of said articles or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector as required in this section, and shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector or one of his deputies: *Providing*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such family['s] use.

Permit required.

Register.

Air space.

SEC. 2. Not less than two hundred and fifty cubic feet of air space shall be allowed for each and every person in any workroom where persons are employed at such labor as hereinbefore described. There shall be sufficient means of ventilation provided in each workroom of every such establishment, and said workroom or rooms in said establishment shall be kept thoroughly clean, sanitary and fit for occupancy for such work or business. The factory inspector and deputy factory inspector, under the direction of the factory inspector, shall notify the owner, agent or lessee in writing to provide, or cause to be provided, ample and proper means for ventilating such workroom or rooms, and to put said workroom or rooms in a thoroughly clean, sanitary and fit condition for occupancy for such work or business, and shall prosecute such owner, agent or lessee if such notification be not complied with within ten days of the service of such notice; and any factory or shop under this act requiring exits or other safeguards provided for in the fire-escape law, the same shall be erected and located by order of [the] factory inspector regardless of the exemption granted by any board or [of] county commissioners, fire marshals or other authorities, and if such alterations

Ventilation.

Sanitary requirements, etc.

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and additions are not made within sixty days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of such proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act.

Copy of law to be posted.

SEC. 3. A printed copy of this act shall be furnished by the inspector for each workroom of every factory, manufacturing or mercantile house where persons [are] employed who are affected by the provisions of this act, and it shall be the duty of the employer of the person[s] employed therein to post and keep posted said printed copy of the law in each room.

Penalty.

SEC. 4. Any person who violates any of the provisions of this act, or refuses to comply with any requirements of the factory inspector or a deputy factory inspector, as provided herein, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty dollars nor more than fifty dollars for the first offense, and not less than fifty dollars nor more than one hundred dollars for a second offense, or imprisonment for not more than ten days; and for a third effense [offense], by a fine of not less than two hundred and fifty dollars and not more than thirty days' imprisonment. In all such cases the hearing shall be conducted by the alderman or justice of the peace before whom information is lodged, and after full hearing of parties in interest the alderman or justice of the peace shall impose the fine herein provided, which shall be final unless an appeal be taken to the court of quarter sessions within twenty days from the date of the imposition of the fine as herein provided. And it shall also be lawful for the factory inspector or any of his deputies, and each and every one of them are hereby authorized and empowered to seize, take charge of, condemn and destroy any or all clothing found that is being made, or partially made, or manufactured in unhealthy or unsanitary places, or where there are contagious or infectious diseases, in violation of the provisions of this act of assembly.

Protection of employees as members of labor organizations.

(Page 851.)

Restraining employees from joining unions.

SECTION 5. If any officer, agent or employee of any corporation chartered under the laws of this Commonwealth, or any foreign corporation doing business in this Commonwealth, shall coerce or attempt to coerce any employee of such corporation by discharging them or threatening to discharge them from employment of such corporation because of their connection with any lawful labor organization which such employee may have formed, joined or belonged to, or if any such officer, agent or employee shall exact from any applicant for employment in such corporation any promise or agreement not to form, join or belong to such lawful labor organization, or not to continue a member of such lawful labor organization, or if any such officer, agent or employee shall in any way prevent or endeavor to prevent any employee from forming, joining or belonging to such lawful labor organization, or shall interfere or attempt to interfere by any other means whatsoever, direct or indirect, with any employee's free and untrammeled connection with such lawful labor organization, he or they shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine of not more than two thousand nor less than one thousand dollars ($1,000), and imprisonment for a term not exceeding one year, or either, or both, in the discretion of the court.

Penalty.

This act is unconstitutional. 14 Superior Ct. 435.
[This act is published, though declared unconstitutional, inasmuch as it has not yet been passed upon by the supreme court.]

Inspection of steam vessels and boilers.

(Page 866.)

Application of law.

SECTION 1. This act shall be applicable to all vessels propelled by machinery, and carrying passengers for hire, navigating the

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lakes within the jurisdiction of this Commonwealth, excepting vessels which are subject to inspection under the laws of the United States.

Definitions.

SEC. 2. As used in this act, the term master includes every person having, for the time, charge, control or direction of a vessel; the term vessel includes every vessel propelled, in whole or in part, by machinery, and carrying passengers for hire.

Duty of factory inspector.

SEC. 3. The factory inspector's department shall superintend the administration of the provisions of this act, and within thirty days after its passage and thereafter, from time to time, the inspector shall proceed to discharge the duties imposed upon him by the provisions of this act, and make the necessary reports from time to time.

Inspections.

SEC. 4. The inspector shall annually, or oftener if he have good cause to believe it reasonable, inspect every steam vessel engaged in carrying passengers for hire, or towing for hire, examine carefully her hull, boats and other equipments, examine her engine and boiler, ascertain how long it will be safe to use the same, determine the pressure of steam to be allowed, and so regulate the fusible plugs, safety valves and steam cocks as to insure safety, and he may require such changes, repairs and improvements to be adopted and used as he may deem expedient for the contemplated business. He shall also fix the number of passengers that may be transported. The inspector shall also, whenever he deems it expedient to visit any vessel licensed under this act, and examine into her condition, for the purpose of ascertaining whether or not any party thereon, having a certificate from said inspector, has conformed to and obeyed the conditions of such certificate and the provisions of this act; and the owner, master, pilot, captain, or engineer, of such vessel, shall answer all reasonable questions, and give all information in his or their power, in regard to said vessel, her machinery, and the manner of managing the same. In case of damage by fire or by explosion or by means of an electrical apparatus, the inspector may investigate the cause thereof, and if found by him to have been occasioned by a violation of any of the provisions of this act, or of the order, regulations and requirements of said inspector, he shall so certify to the district attorney of the county, for such violation as occurred, together with the names of the persons guilty thereof, and of the witnesses.

Boilers.

SEC. 5. The inspector shall also test the boilers of all steam vessels, before the same shall be used, and at least once in every year thereafter. In subjecting to the hydrostatic test boilers, called and usually known under the designation of high-pressure boilers, the hydrostatic pressure applied must be in proportion of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the steam pressure allowed. And in subjecting to the hydrostatic test that class of boilers usually designated and known as low-pressure boilers, the inspector shall allow, as the working power of each new boiler, a pressure of only three-fourths the number of pounds to the square inch to which it shall have been subjected by the hydrostatic test, and found to be sufficient therefor; but should said inspector be of opinion that such boiler, by reason of its construction or material, will not safely allow so high a working pressure, he may, for reasons specially stated in his certificate, fix the working pressure of such boiler at less than three-fourths of said test pressure; and no boiler or pipe, or any of the connections therewith, shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defect of workmanship, age, use, or other cause. In addition to the hydrostatic test, as herein provided, the inspector may cause a hammer test to be made, and an internal examination of such boiler or boilers, so tested, whenever deemed necessary. Any boiler, having been in use ten years or more, may be drilled at the bottom of shell, or boiler, and also at such other points as the inspector may direct, to determine the thickness of such material at those points; and the general condition of such boiler or boilers at the time of inspection, and the steam pressure

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allowed, shall be determined by such ascertained thickness and general condition of the boiler. He shall also see that all connections to said boiler or engines are of suitable material, size and construction, and that the boiler, machinery and appurtenances are such as may be employed with safety in the service to be performed. He shall also satisfy himself that the safety valves are of suitable dimensions, and that the weights of the same are properly adjusted, so as to allow no greater pressure than the maximum amount prescribed by him; and that there is a sufficient number of gauge cocks, properly attached to the boiler, so as to indicate the quantity of water therein; and suitable steam gauges, to correctly show the amount of steam carried; and so as [to] any other matter connected with such steam vessel, or the machinery thereof, that [to] said inspector shall appear necessary to the safety of her passengers and crew. And he shall make such inspection, examination and test of naphtha (or gas) launches and electric launches, carrying passengers for hire, and their apparatus and machinery, as will enable him to determine whether they can be safely used in navigation.

Certificates.

SEC. 6. The inspector, if satisfied that such vessel is in all respects safe and conforms to the requirements of this act, shall make and subscribe duplicate certificates, setting forth the age of the vessel and date of inspection, the name of the vessel, the name of the owner, the master, the number of licensed officers and the crew deemed necessary to manage the vessel with safety, the number of life preservers required, and the number of passengers that she can safely carry; and, if a steam vessel, the age of the boiler, and the pressure of steam she is authorized to carry. * * * One of said certificates shall be kept posted in some conspicuous place on the vessel, to be designated by the inspector in the certificate, and the other copy shall be kept by the inspector, and by him recorded in a book to be kept for that purpose. If the inspector refuse to grant a certificate of approval, he shall make a statement, in writing, giving his reason for such refusal, and deliver the same to the owner or master of the vessel.

Safeguards against fire.

SEC. 8. All vessels to which this act is applicable shall hereafter be so constructed that the woodwork about the boiler, chimney, fire boxes, stove and steam pipes, exposed to ignition, shall be shielded by some incombustible material (and, where the inspector deems necessary, so) that the air may circulate freely between such material and woodwork, or other ignitable substances; and, before granting a certificate of inspection, the inspector shall require that all other necessary provisions be made, throughout such vessel, as he may judge expedient, to guard against loss or damage by fire.

Life preservers.

SEC. 10. Every steam vessel or vessel propelled by machinery, used in the transportation of passengers for hire, shall have a life preserver or life float for each passenger she is allowed to carry, and for each member of her crew. Such life preserver shall be made of good, sound cork blocks, adjustable to the body of a person, with belts and shoulder straps properly attached, and shall be so constructed as to place the cork underneath the shoulders and around the body of a person wearing it; each such life preserver to contain at least six pounds of good cork, having a buoyancy of at least four pounds to each pound of cork; and such life floats shall be constructed of dry pine plank, at least four feet long, two inches thick and twelve inches wide; and it shall be the duty of the inspector to satisfactorily ascertain that every life preserver and such life floats are as herein required. Such life preservers and life floats shall be in convenient, accessible places, in readiness for immediate use in case of ascident [accident]; and the place where the same are to be kept shall be designated in the inspector's certificate, and also pointed out by printed notice, posted in such places as the inspector directs.

Loading safety valves.

SEC. 11. Whoever intentionally loads or obstructs, or causes to be loaded or obstructed, in any way, the safety valve of the boiler, or employs any other means or device whereby the boiler may be

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subjected to a greater pressure than the amount allowed by the inspector's certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of water or steam in any boiler, or to give warning of approaching danger, or intentionally permits the water to fall below the low-water limit of the boiler, shall forfeit to the Commonwealth the sum of one hundred dollars for each violation.

Creating unsafe amount of steam.

SEC. 14. No master, engineer or other person, having charge of the boiler or apparatus for the generation of steam of any vessel, shall create or allow to be created an undue or unsafe quantity of steam, in order to increase the speed of such steamboat or to excel another in speed. Any person violating the provisions of this section shall forfeit to the people of the Commonwealth the sum of two hundred dollars for every such violation.

Violations.

SEC. 15. Every master of a steamboat or vessel who shall violate any of the preceding sections of this article shall, for every such violation, forfeit to the Commonwealth the sum of one hundred dollars, unless a different penalty is prescribed.

Liability of owner.

SEC. 16. The owner of every steamboat or vessel shall be responsible for the good conduct of the master employed by him, and if any penalty incurred by such master is not paid by him, and can not be collected from him by due course of law, it may be recovered of the owner or owners, jointly or severally, of the steamboat or vessel, in whose employ he was at the time of incurring of such penalty, in the same manner as if such owner or owners were sureties of the master.

Act to be posted.

SEC. 17. The master of every licensed vessel shall keep a copy of the preceding sections of this act posted in a conspicuous place on such vessel, for the inspection of all persons on board thereof. Every master violating the provisions of this section shall forfeit to the Commonwealth twenty-five dollars, for each month while such violation continues.

Report.

SEC. 18. The inspector shall, on or before the first day of January in each year, make a verified report to the governor, containing a detailed statement of the names and number of vessels examined and licensed, the names and number of vessels to which licenses were refused, and stating the reasons for refusal, the names and number of persons examined and licensed, the names of and number to whom licenses were refused, and stating the reason therefor, and may include in such report any other information the inspector may deem desirable.

What vessels must comply.

SEC. 19. All steam vessels, naphtha (gas) and electric launches, carrying passengers for hire, must comply with all the terms and provisions of the preceding sections, and with all orders, regulations and requirements of the inspector; if any such vessel is navigated without complying therewith, except as herein stated, or without requisite certificates of the inspector, the owners and masters shall forfeit to the Commonwealth the penalties prescribed in this act; and the vessel, so navigated, shall also be liable therefor, and may be attached and proceeded against in any court having jurisdiction. But if any such vessel is deprived of the services of any licensed officer, without the consent, fault or collusion of the master, owner or any person interested in the vessel, the deficiency may be temporarily supplied, until a licensed officer can be obtained. If the owner or master of any vessel, at least twenty days before the expiration of his certificate, notify the inspector of such expiration, and request a new inspection and certificate, the certificate then expiring shall continue in force until an inspection is made; and such owners and masters are not liable for any penalties, provided in this act, on account of navigating said vessel without such new certificate.

Deputy inspectors.

SEC. 20. For the purpose of carrying out the provisions of this act, the factory inspector is hereby empowered and directed to appoint two deputy inspectors, at a salary of one thousand two hundred dollars per annum, who shall have a practical knowledge of marine engines, boilers and machinery, whose duty it shall be to make the inspections required by this act, and make report

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thereof to the factory inspector. The word inspector, as used in this act, is to be construed as meaning the factory inspector or his deputy.

Payment of wages in scrip.

(Page 874.)

Report to auditor general.

SECTION 1. Every person, firm, partnership, corporation, or association shall, upon the first day of November of each and every year make a report, under oath or affirmation, to the auditor general, of the number and amount of all orders, checks, dividers, coupons, pass books, and all other books and papers, representing the amount, in part or whole, of the wages or earnings of an employee, that was given, made or issued by him, them or it for payment of labor, and not redeemed by the said person, firm, partnership, corporation, or association, giving, making or issuing the same, by paying to the employee or a member of his family the full face value of said order, check, divider, coupon, pass book, or other paper, representing an amount due for wages or earnings, in lawful money of the United States, within (30) days from the giving, making or issuing thereof; the honoring, though, of said order, check, divider, coupon, pass book, or other paper, representing an amount due for wages or earnings, by a duly chartered bank, by the payment in lawful money of the United States, to the amount of said paper, representing an amount due for wages or earnings, is a payment, and he, they or it shall, besides other requirements of law, pay into [the] treasury of the Commonwealth [twenty-five] (25) per centum on the face value of such orders, checks, dividers, coupons, pass books, or other paper, representing an amount due for wages or earnings, not redeemed as aforesaid; and in case any person, firm, partnership, corporation, or association shall neglect or refuse to make report, required by this section, to the auditor general, on or before the first day of December of each and every year, such person, firm, partnership, corporation, or association, so neglecting or refusing, shall, besides other requirements of law, pay as a penalty into the State treasury twenty-five (25) per centum, in addition to the twenty-five (25) per centum tax imposed as aforesaid in this section, on the face value of all such orders, checks, dividers, coupon[s], pass books, or other paper, representing an amount due for wages or earnings, not redemed [redeemed] by paying the employee or a member of his family in lawful money of the United States, within said thirty (30) days, by the person, firm, partnership, corporation, or association making, giving or issuing the same; the honoring of paper, representing wages or earnings, by a bank is a sufficient payment:

Taxation of outstanding orders, etc.

Provisos.

Provided, This act shall not apply to tools and blasting material, and other mine supplies, furnished by the employer to the employee, used by the employee at or about the employee's vocation; "nor to coal sold by the employer to the employee, nor to rent for houses leased from the employer and occupied by the employee:" *And provided further*, That this act shall not apply to moneys paid to the treasurers of the employees about coal mines, who have agreed to have a pro rata part of their earnings paid by the operator to such treasurers, who are to pay checkweighmen or check measurers.

[The following laws enacted in 1897 do not appear in Brightly's Digest, but as they have been neither repealed nor declared unconstitutional, they are given herewith as valid.]

ACT No. 108.—*Liability of employers for taxes of alien employees.*

Taxes to be deducted from wages.

SECTION 1. * * * all corporations, associations, companies, firms or individuals employing persons who are not citizens of the United States shall, upon the receipt of a written notice from the tax collector of the county or district in which such taxes was [were] assessed, containing the name or names of the taxable or taxables and the amounts respectively due, deduct from

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the wages or earnings of such employee or employees a sum sufficient to pay the respective amount of taxes assessed against each of such alien employees, and pay the same to the collectors of the district in which said aliens are employed within sixty days after said notice shall have been given.

Penalty.

SEC. 2. Any corporation, association, company, firm or individual failing to comply with the provisions of this act shall forfeit and pay the sum of double the amount of the tax for each and every taxable whose taxes are not withheld and paid over as herein directed, to be recovered by action of assumpsit as debts of like amount are now by law recoverable, and when collected shall be paid into the treasury of the county in which such alien labor is or was employed for the use of such county.

ACT No. 379.—*Hours of labor on public works.*

Eight hours a day's labor.

SECTION 1. * * * eight hours out of the twenty-four of each day shall make and constitute a legal day's work for mechanics, workmen and laborers in the employ of the State, or any municipal corporation therein, or otherwise engaged on public works.

Act applies to whom.

SEC. 2. This act shall apply to all mechanics, workingmen and laborers now or hereafter employed by the State, or any municipal corporation therein, through its agents or officers, or in the employ of persons contracting with the State or said corporation for the performance of public work, and in all such employment none but citizens of the United States, or aliens who shall have legally declared their intention to become such, who have been residents of the State in which such work is to be done for the six months next preceding the date of such employment, shall be employed by the State or any municipal corporation therein, or by any person or persons contracting with the same; and every contract hereafter made for the performance of public work must comply with the requirements of this section: *Provided*, That nothing in this act shall affect contracts in existence at the time of the passage of this act.

Penalty.

SEC. 3. Any officer or officers or agents of the State, or of any municipal corporation therein, who shall willfully violate or otherwise evade the provisions of this act, shall be deemed guilty of malfeasance in office, and upon conviction thereof may be removed by the governor or head of the department to which said officer is attached.

Penalty.

SEC. 4. Any person or persons contracting with the State or any municipal corporation therein, and any officer or agent of the State or any municipal corporation therein, who shall fail to comply with, or attempt to evade the provisions of this act shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one thousand dollars.

This statute is not unconstitutional. 43 Superior Ct. 494.

ACTS OF 1905.

ACT No. 226.—*Employment of women and children—Inspection of factories.*

Definition.

SECTION 1. The term "establishment" where used for the purpose of this act, shall mean any place within this Commonwealth other than where domestic, coal mining or farm labor is employed; where men, women or children are engaged, and paid a salary or wages, by any person, firm or corporation, and where such men, women or children are employees, in the general acceptance of the term.

Age limit.

SEC. 2. No child under fourteen years of age shall be employed in any establishment. [See act No. 182, Acts of 1909.]

Cleaning moving machinery.

SEC. 4. No minor under sixteen years of age shall be permitted to clean or oil machinery while in motion, or to operate, or otherwise have the care or custody of, any elevator or lift.

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Certificates.

SEC. 5. It shall be unlawful for the owner, superintendent, lessee, or other person in charge of any establishment where persons are employed for wages or salary, to employ any child between the ages of fourteen and sixteen years, unless there is first provided, and placed on file in the office of the establishment where said child is employed, a certificate in the form provided by the chief factory inspector, which certificate shall be uniform throughout the State. It shall be the duty of the factory inspector or any of his office force, the deputy factory inspectors, or of the city or borough common school superintendents within their various jurisdictions, or of the principal teacher of the common schools in localities not under the jurisdiction of any city or borough superintendent, or of their respective duly authorized deputies, to issue the employment certificate hereinafter prescribed. No principal teacher shall be authorized to issue said employment certificate within any district over which a superintendent has jurisdiction. The district of such city or borough superintendent or principal teacher shall be the same as that in which the child seeking an employment certificate resides.

Contents.

SEC. 6. The employment certificate shall state the name, age, date, place of birth, and description (including color of eyes, hair and complexion) of said child, its residence, and the residence of its parent, guardian or custodian, and the ability of said child to read and write simple sentences in the English language, that it has complied with the educational laws of the Commonwealth, and is physically able to perform the work to be required of it.

Proof of age, etc.

Provided, That before any such certificate of employment is issued, the person authorized to issue the same shall first demand and obtain of the parent, guardian or custodian of said child an affidavit, sworn to before any officer authorized to administer oaths, made by him or her, stating the age, date and place of birth of said child; and shall further demand and obtain a certificate of said child's birth, as kept by any public authority, or, transcript of the record of its birth, baptism or circumcision, as kept by any religious denomination, or, in the case of a foreign-born child (if such evidence of age be lacking), a true copy of the passenger manifest, passport or official record filed at the office of the commissioner of immigration at the port of arrival, as corroborative evidence of the truth of the facts set forth in the affidavit; and shall note in his statement, as aforesaid, the character of such record and by what public or religious authority the same is issued: *Provided, however*, That where no such transcript of public or religious record, or passenger manifest, passport or official record, as aforesaid, of said child's age is obtainable, the same may be substituted by a statement signed by the principal teacher of the last school which said child attended, certifying that said child has received instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, and has completed the course of study in the common schools prescribed for the first five years, or a course of study in other schools equivalent thereto. At the time of the issue of the employment certificate, the person so issuing the same shall make one copy thereof, which copy shall be filed, within ten days from the date of its issue, in the office of the common school superintendent in the district in which the child holding the certificate resides; and in districts not having such a superintendent, the said copy shall be filed in the office of the chief factory inspector, and shall be subject to the inspection of the public. The certificate of the registration of birth, baptism or circumcision, or, in the case of a foreign-born child, the copy of passenger manifest, passport or official record, as hereinbefore prescribed, or, in the absence of such transcripts, the statement of the principal teacher, certifying that such child has received instruction as prescribed, as well as the affidavit of the parent, guardian or custodian, shall be filed with a copy of said employment certificate. The certificate when issued shall be the property of the said child, who shall be entitled to a surrender of the certificate

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to him or her by the employer whenever said child shall leave the service of any employer holding the certificate.

Belt shifters, guards, etc.

SEC. 11. The owner or person in charge of an establishment where machinery is used shall provide 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, cogs, gearing, belting, shafting, set screws, grindstones, emery wheels, fly wheels, and machinery of every description shall be properly guarded. The floor space of no working room in any establishment shall be so crowded with machinery as thereby to cause risk to the life or limb of an employee; nor shall there be in any establishment machinery in excess of the sustaining power of the floors and walls thereof. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans while the same are in use, except for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be properly replaced. Exhaust fans of sufficient power, or other sufficient devices, shall be provided for the purpose of carrying off poisonous fumes and gases, and dust from emery wheels, grindstones and other machinery creating dust. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, the use thereof may be prohibited by the chief factory inspector or by his deputy, 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 shall not be used.

Fans.

The protection provided for employees by this section can not be waived by them. An employer failing to install the prescribed appliances can not plead assumption of risks as a defense. 74 Atl. 613; 75 Atl. 728.

Elevator wells, etc.

SEC. 12. The owner, agent, lessee, superintendent, or other person having charge or managerial control of any establishment, hotel, hospital, apartment house or other building, where elevators, hoisting shafts, lifts or wellholes are used, shall cause the same to be properly and substantially inclosed, secured or guarded; and shall provide such proper traps or automatic doors, so fastened in or at all elevator ways, except elevators inclosed on all sides, as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage, either ascending or descending. The cable, gearing or other apparatus of elevators, hoisters, or lifts, shall be kept in a safe condition: *Provided*, That the provisions of this section shall not apply to cities of the first and second classes.

Air space.

SEC. 13. The owner, agent, lessee, or other person having charge or managerial control of any establishment, shall provide or cause to be provided not less than two hundred and fifty cubic feet of air space for each and every person in every workroom in said establishment, where persons are employed, and shall provide that all workrooms, halls and stairways in said establishment be kept in a clean and sanitary condition and properly lighted.

Manufactures in tenements.

SEC. 14. No person, firm or corporation engaged in the manufacture or sale of clothing or other wearing apparel, cigars or cigarettes, shall bargain or contract with any person, firm or corporation for the manufacture, or partial manufacture, of any of said articles or goods where the same are to be made in any kitchen, living room or bedroom in any tenement house or dwelling house, except where the persons bargaining or contracting to make or partially make any of the aforesaid articles or goods are resident members of the family, residing in such tenement house or dwelling house where the said articles or goods are to be made or partially made, and who have furnished the person, firm or corporation engaged in the manufacture or sale of said articles or goods, and with whom the bargain or contract is to be made, a certificate from the board of health, of the city or town in which such tenement house or dwelling house is situated, that the same is free from any infectious or contagious disease;

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which certificate may be revoked by the board of health whenever the exigencies of the case shall require: *Provided*, That the term "family" in this section shall include only the parents and their children, or the children of either.

Inspection required.

SEC. 15. No person, firm or corporation engaged in the manufacture or sale of any of the articles or goods enumerated in section fourteen of this act, shall bargain or contract with any person, firm or corporation for the manufacture, or partial manufacture, of any of the said articles or goods in any workshop, not part of a tenement or dwelling house, unless the said workshop shall have been inspected by the chief factory inspector or by one of his deputies, and who shall have issued a printed permit to the person in charge of such workshop, stating that the same is in a clean and safe and sanitary condition, and fixing the maximum limit to the number of persons who may be employed therein; the permit to be posted and kept posted in a conspicuous place in such workshop: *Provided*, That this section shall not apply to any workshop wherein the aforesaid articles or goods are manufactured for the general trade, and are to be sold and delivered in or upon the premises, and are not manufactured, or partially manufactured, under a bargain or contract with any person, firm or corporation employed in the manufacture and sale of the article aforesaid.

Permits canceled, when.

SEC. 16. Whenever the sanitary conditions of any workshop, as defined in section fifteen, is dangerous to the health and safety of the employees therein or to the public, the chief factory inspector or his deputy shall cancel the permit aforesaid, and shall order that the workshop be vacated until the provisions of this act shall have been complied with and the workshop restored to proper sanitary condition.

Bakeries.

SEC. 17. All persons, firms and corporations engaged in the manufacture or baking of bread, cakes, crackers, pastry, pretzels or macaroni, for public sale, shall keep their room or rooms for baking, mixing, storing, or sale of flour or other grain products separate and apart from any sleeping room, water-closet, urinal, defective drain or sewer pipe, and shall not permit the harboring of any domestic animal therein. The floors of all baking, mixing, storing and salesrooms shall be kept clean and tightly joined and free from crevices, and the walls and ceilings shall be painted, kalsomined or whitewashed as often as twice in each year, and oftener if, in the opinion of the chief factory inspector or his deputy, the safety of the employees or the public shall require.

Permits.

SEC. 18. When the foregoing provisions of section seventeen are complied with, the chief factory inspector or his deputy shall issue to the owner or person in charge of such bakeshop a permit, stating that the same is in a clean and sanitary condition; which permit shall be posted and kept posted in the office or salesroom of the bakeshop, aforesaid; but when any of the foregoing provisions of section seventeen are not being complied with in any bakeshop, the chief factory inspector or his deputy shall issue to the person in charge, or his representative, a written order to comply with the law aforesaid, within ten days; or he may order the closing of any such bakeshop until the order shall have been complied with, should the safety of the employees or the public, in his opinion, so require.

Boilers to be inspected.

SEC. 19. All boilers used for generating steam or heat in any establishment shall be kept in good order, and the owner, agent or lessee of such establishment shall have said boilers inspected, by a casualty company in which said boilers are insured, or by any other competent person approved by the chief factory inspector, once in twelve months, and shall file a certificate showing the result thereof, in the office of such establishment, and shall send a duplicate thereof to the department of factory inspection. Each boiler or nest of boilers used for generating steam or heat in any establishment shall be provided with a proper safety valve and with steam and water gauges, to show, respectively, the pressure of steam and the height of water in the boilers. Every boiler house, in which a boiler or nest of boilers is placed, shall be pro-

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vided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam pipe in the engine house, and so placed that the engineer or fireman can readily ascertain the pressure carried. Nothing in this section shall apply to boilers which are regularly inspected by competent inspectors, acting under local laws and ordinances.

Accidents.

SEC. 20. It shall be the duty of the owner or superintendent of any establishment to report, in writing, to the chief factory inspector every serious accident or serious injury done to any person in his or her employ, where such accident or serious injury occurred in or about the premises where employed, within twenty-four hours after the accident or injury occurs, stating as fully as possible the cause of such accident or injury; and in all fatal and serious accidents the chief factory inspector or his deputy may subpœna witnesses, administer oaths, and do whatever may be necessary in order to make a thorough and complete investigation of the same: *Provided however*, That the provisions of this section shall not be construed as interfering with the duties of coroners, under existing laws.

Duty of owner, etc.

SEC. 21. It shall be the duty of the owner, superintendent, assistant or person in charge of any establishment to furnish, from time to time, to the chief factory inspector or his deputy any information required by the provisions of this act, and the chief factory inspector and his deputies shall have authority to inspect any such establishment, at any time, for the purpose of enforcing the provisions of this act.

Fire escapes, etc.

SEC. 22. Wherever the law makes it the duty of the owner, lessee, or other person in charge of any building, or room or rooms in any building, to erect and maintain fire escapes, or appliances for the extinguishment of fire, or for proper and sufficient exits in case of fire or panic, the chief factory inspector or his deputy shall inspect all said buildings, or the room or rooms in said buildings, and notify the owners, lessees, or other persons in charge of same, to comply with said law. And all fire escapes, exits and fire-extinguishing appliances shall be provided and located by order of the chief factory inspector or his deputy, and shall be subject to the approval of the chief factory inspector or his deputy: *Provided*, That the provisions of this section shall not apply to cities of the first and second classes.

Violations.

SEC. 23. Any person who violates any of the provisions of the foregoing sections of this act, or who suffers any female, minor or a child to be employed in or about his or her establishment, in violation of any of the provisions of the foregoing sections of this act, or who, being authorized to administer oaths, shall violate any of the provisions of sections five and six of this act, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than twenty-five dollars and not more than five hundred dollars, or an imprisonment in the county jail for a term not less than ten days nor more than sixty days, for each and every such violation. In all cases the prosecution shall be instituted, in the name of the Commonwealth, by the deputy factory inspector of the district where the offense is alleged to have been committed, and the hearing shall be conducted by the alderman, justice of the peace or other committing magistrate before whom the information is lodged. After full hearing of the parties in interest, the alderman, justice of the peace or other committing magistrate shall, if the evidence warrants it, impose the penalty herein provided, which shall be final to the party against whom the penalty is imposed, unless the party upon whom the penalty is imposed shall furnish good and sufficient bail for his or her appearance at the next term of the court of quarter sessions of the county wherein the offense is alleged to have been committed.

Employment of a child in violation of the statute is evidence of negligence. While the statute is penal, fine and imprisonment are not exclusive remedies, but an action for damages will lie where injury results from the unlawful employment of a child. 69 Atl. Rep. 1116.

[See as to department of factory inspection, page 1921.]

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ACTS OF 1906—EXTRA SESSION.

ACT No. 18.—*Civil service—Labor service.*

Mode of appointments, etc., in cities of the first class.

SECTION 1. On and after the first day of March, one thousand nine hundred and six, appointments to, and promotions in, the civil service of the cities of the first class shall be made only according to qualifications and fitness, to be ascertained by examinations, which so far as practicable shall be competitive, as hereinafter provided. On and after the said date, no person shall be appointed, transferred, reinstated, or promoted as an officer, clerk, employee, or laborer in the civil service, under the government of any city of the first class, in any manner or by any means other than those prescribed in this act: *Provided*, That the provisions of this act shall not apply to any soldier, sailor, or marine honorably discharged from service in any war for the United States Government, nor to their widows or children.

Examinations.

SEC. 9. All examinations for positions in the classified service shall be practical in their character, and shall relate to those matters which will fairly test the qualifications and fitness of the persons examined to discharge the duties of the office or employment sought by them. All examinations shall be free, and open to all applicants who have fulfilled the preliminary requirements stated in section ten of this act. The examinations of applicants for employment as laborers shall relate to their capacity for labor, their habits as to sobriety and industry, and their experiences in the kind of work for which they apply. All applicants for any position in the classified service may, subject to the regulations adopted by the civil service commission, be required to submit to a physical examination before being admitted to the regular examinations held by the commission. Adequate public notice of the time and place of every examination held under the provisions of this act, together with information as to the kind of position or place to be filled, shall be given at least two weeks prior to such examinations. The said commission shall adopt reasonable regulations for permitting the presence of representatives of the press at the examinations. The names of the candidates passing any examination, and the order of their standing on any eligible list, shall be made part of the public records of the civil service commission.

Applications.

SEC. 10. The civil service commission in each city shall require persons applying for admission to any examination provided for under this act or under the rules and regulations of the said commission, to file in its office, a reasonable time prior to the proposed examination, a formal application, in which the applicant shall state under oath or affirmation:

1.—His full name, residence, and post-office address.

2.—His citizenship, age, and the place and date of his birth

3.—His health, and his physical capacity for public service.

4.—His business and employments and residences for at least the three previous years.

5.—Such other information as may reasonably be required, touching the applicant's qualifications and fitness for the public service.

* * * * *

Labor class.

SEC. 19. The labor class shall include ordinary, unskilled laborers. Vacancies in the labor class shall be filled by appointment, from lists of applicants registered by the civil service commission. Preference in employment from such lists shall be according to rules and regulations to be promulgated by the civil service commission in each city.

Removal, etc.

SEC. 20. No officer, clerk, or employee in the competitive class or in the noncompetitive class of the classified civil service of any city of the first class, who shall have been appointed under the provisions of this act, or of the rules made pursuant thereto, shall be removed, discharged, or reduced in pay or position except for just cause, which shall not be religious or political. Further, no

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such officer, clerk, or employee shall be removed, discharged or reduced, except as provided in section eight of this act, until he shall have been furnished with a written statement of the reasons for such action, and been allowed to give the removing officer such written answer as the person sought to be removed may desire. * * *

Questions forbidden.

SEC. 23. No question in any form of application, or in any examination, shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant; nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discontinued. No discrimination shall be exercised, threatened or promised by any person in the civil service against, or in favor of, an applicant, eligible or employee in the classified service, because of his political or religious opinions or affiliations.

ACTS OF 1907.

ACT No. 67.—*Protection of employees on buildings.*

Mayor, etc., to act on complaint.

SECTION 1. Whenever complaint is made to the mayor, director of public safety, superintendent of police, or other persons in charge of the police force, in any city of the first, second or third class in this State, that the scaffolding, or slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or ropes of any sling or stationary scaffolding, used in the construction, alteration, repairing, painting, cleaning, or pointing of buildings, within the limits of any city aforesaid, are unsafe, or liable to prove dangerous to life or limb of any person, such mayor, director of public safety, superintendent of police, or other person in charge of the police force, shall immediately cause an inspection to be made of such scaffolding, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, ropes or other parts connected therewith. If, after examination, such scaffolding or any of such parts is found to be dangerous to life or limb, the mayor, director of public safety, superintendent of police, or other persons in charge of the police force, shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. The person directed to make such inspection shall attach such certificate to the scaffolding, or the slings, hangers, irons, ropes, or other parts thereof, examined by him, stating that he has made such examination, and that he has found it safe or unsafe, as the case may be. If he declare it unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact, and warn them against the use thereof. Such notice shall be served personally upon the person responsible for the erecting, or by conspicuously affixing it to the scaffolding or part thereof to be declared unsafe. After such notice has been so served or affixed, the person responsible therefor shall immediately remove such scaffolding or part thereof, and alter or strengthen it in such manner as to render it safe, in the discretion of the person who has examined it, or of his superiors. Any person whose duty it is to examine or test any scaffolding or part thereof, as required by this act, shall have free access at all reasonable hours to any building or premises containing them, or where they may be used.

Certificates.

Notice.

Swinging scaffolds.

SEC. 2. If any scaffolding or staging, swung or suspended from an overhead support or supports, shall be more than ten feet from the ground or floor, the same shall be deemed unsuitable and improper, and as not giving proper protection to the life and limb of any person employed or engaged thereon, unless such scaffolding or staging shall, when the same is in use, have a safety rail, rising at least thirty-four inches above the floor or main portion of such scaffolding or staging, and extending along the outside thereof the entire length of the outside thereof, properly attached thereto, and unless such scaffolding or staging shall be provided with braces so as to sustain the weight of a man's body leaning against it, and prevent the scaffolding or staging from swaying from the building or structure.

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Strength of scaffolds.

SEC. 3. All swinging and stationary scaffolding shall be so constructed as to bear four times the maximum weight to be dependent therefrom or placed thereon when in use, and not more than three men shall be allowed on any swinging scaffolding at one time.

Violations.

SEC. 4. Any person who violates, or omits to comply with, any of the foregoing provisions of this act, or who suffers or permits the use of any article or scaffolding declared by a proper officer to be defective, or who destroys or defaces any notice posted in accordance with the provisions of this act, or who hinders or obstructs any officer who may be detailed to enforce its provisions, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both, at the discretion of the court.

ACT No. 90.—*Employment offices.*

Who may license.

SECTION 1. The director of the department of public safety, in cities of the first and second class in this Commonwealth, shall, upon petition, license and regulate employment agencies therein, as hereinafter provided.

Definitions.

SEC. 2. The term "person," used in this act, means and includes any individual, company, association, partnership, corporation or their agents. The term "licensed person" means and includes any person licensed under the provisions of this act. The term "employment agency" means and includes any person who procures, offers to procure, promises to procure, attempts to procure, or aids in procuring, either directly or indirectly, help or employment for another, where any fee, remuneration, privilege, profit, or any consideration, of any nature whatsoever, is promised, paid, or received therefor, either directly or indirectly. The term "fee" means and includes money, or a promise to pay money, and every form of and nature of remuneration, privilege, profit, or consideration, promised, paid, or received, directly or indirectly, for any service, of whatsoever nature, performed, offered to be performed, or promised to be performed by such employment agency. The term "privilege" means and includes the furnishing of food, liquors, supplies, tools, and shelter to laborers. The term "applicant for employment" means any person seeking work, employment, or engagement of any lawful character. The term "applicant for help" means any person or persons seeking help, employees, or performers in any legitimate enterprise; and the meaning of the terms "employment" or "help" shall not be limited to mean manual occupation, but shall include professional, and all legitimate, service.

License required.

SEC. 3 (as amended by act, page 881, Acts of 1911). No person shall open, operate, maintain, or conduct, either temporarily or otherwise, any employment agency, or perform any of the acts authorized to be performed by an employment agency, in any city of the first or second class, without procuring a license from the director of public safety, as provided herein. The application for a license must be made in a form prescribed by the director of public safety, and may be made at any time; but every such license shall expire on the first day of October following its issue, unless sooner surrendered or revoked.

Application.

Every applicant for a license shall furnish to the director of public safety, at the time of making his application for a license, a statement containing the full name of the applicant, his place of residence, and a description of the premises on which he desires to conduct an employment agency. If the applicant is a corporation, the application must specify also the names and addresses of the president, treasurer, and secretary thereof, or other officers performing corresponding duties under different names; and the director of public safety may, in his discretion, require the names and addresses of all the officers, including the directors, of any corporate applicant for a license. If the applicant is a partner-

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ship or unincorporated association, the names and addresses of all the members thereof must be specified in the application. The application must be subscribed by the applicant or applicants therefor, if natural persons; and if a corporation, in the corporate name, by the president or chief officer thereof, attested by the secretary or assistant secretary, with the corporate seal attached. Each application must state that the applicant or applicants is or are the person or persons who have the sole beneficial interest in the business established or to be established, and must have attached thereto an affidavit that all the statements contained in the application are true. The statements contained in said application for a license shall be received in evidence in all courts of this Commonwealth, and shall be competent and sufficient prima facie evidence of all the facts stated therein; and, for each and every misstatement in said application, a city magistrate, justice of the peace, or any inferior magistrate, having original jurisdiction in criminal cases, shall have summary jurisdiction, and the right to impose for each misstatement a fine of twenty-five ($25) dollars. The application for a license shall be accompanied by the affidavit of two freeholders of the city, in which the agency is sought to be established, that the applicant is a person of good moral character; or, if a corporation, that the officers thereof, and those under whose direction the business of the employment agency is to be carried on, are persons of good moral character; and the director of public safety may also require any other statements to be made in the application which he may deem necessary. A fee of fifty ($50) dollars for the use of the city, shall accompany each application for a license, which fee shall be returned if the license is not granted. Every application for a license shall be filed not less than one week prior to the granting thereof, and notice thereof shall be posted in the office of the director of public safety, from the date of filing until the date of final action thereon, and a written protest may be made by any person against the granting of such license. The director of public safety shall either grant or reject said application for a license within thirty days from the time of the filing thereof.

Fee.

SEC. 4. Each applicant shall file with his application for a license a bond, in form approved by the director of public safety, in the penal sum of one thousand ($1,000) dollars, with one or more sufficient sureties, conditioned that the applicant will not violate any of the duties, terms, conditions, provisions, or requirements of this act. If any person shall be aggrieved by the misconduct of any such licensed person, in violating any of the provisions of this act, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name, upon the bond of said licensed person, in any court having jurisdiction of the amount claimed: *Provided*, Such court shall, upon application made for the purpose, grant leave to bring such action.

Bond.

SEC. 5. The license certificate shall be furnished by the director of public safety, and shall be printed in a suitable manner. Such license shall not be used by any other than the person to whom it is issued, or at any place other than that designated in the certificate, and shall not be transferred or assigned to any other person. If a person holding a license certificate, authorizing him to conduct an employment agency under the provisions of this act, against whom no complaint, prosecution, or action is pending on account of any violation thereof, shall voluntarily surrender such license certificate, provided it has at least one month to run, the director of public safety shall refund to the person the sum of four dollars for each month which the certificate has yet to run, commencing with the first day of the month succeeding the one in which said license certificate is surrendered, unless such surrender be on the first day of the month. Every licensed person shall post his license certificate in a conspicuous place in his agency. If for any cause, as hereinafter provided in sections

Certificate.

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nine, ten, and eleven, such license is revoked, the director of public safety shall not issue another license to said person, to his representative, to his agent, or to any person with whom he is to be associated in the employment agency business. Whenever such license is revoked for violation of other provisions of this act, the director of public safety may, in his discretion, reissue a license, but not within a period of six months.

Locations forbidden.

SEC. 6. No such agency shall be located on premises, or in connection with a building or premises, where intoxicating liquors are sold to be consumed on the premises, excepting cafés or restaurants in office buildings. No person shall procure or offer to procure help or employment in a room or rooms adjoining, either laterally or vertically, a room where intoxicating liquors are sold to be consumed on the premises, and no licensed person shall furnish intoxicating liquors to any applicant for employment.

Registers.

SEC. 7. Every licensed person shall keep accurate records, in the English language, in a form approved by the director of public safety, in which he shall enter or cause to be entered the name and address of every applicant to whom employment is promised or offered, the date of such application, the amount of the fee demanded, charged, or received, and, whenever possible, the name and address of former employers of persons to whom such applicant is known. In a separate register said licensed person shall enter or cause to be entered the name and address of every applicant to whom help is promised, the date of such application, the kind of help requested, the names of persons sent, with the designation of the one employed, the amount of the fee received, and the rate of wages agreed upon. The said records shall be open, during business hours, to inspection by the director of public safety, his deputy, or duly appointed inspectors, and it shall be unlawful for any person to make any false entry therein.

Fees.

SEC. 8 (as amended by act, page 881, Acts of 1911). The rate of fees which such licensed person intends to charge must be filed with the director of public safety, and a plain and legible duplicate, signed by the director of public safety, shall be conspicuously posted in each room of such agency. No such licensed person shall charge a fee in excess of the rates aforesaid, or receive or accept any valuable thing or gift as a fee or pledge, or in lieu thereof. The fee charged applicants for help or employment shall be valid for a period not to exceed one month, and no additional or other fee shall be charged for any service rendered by such agency during this time, except when the employment or engagement is of a temporary nature, not to exceed in any single contract one month, then the fee shall not exceed ten per centum of the salary paid. In case an applicant for help or employ- [sic] shall not obtain such through said agency, such licensed person shall, on demand, repay the full amount of the fee paid therefor, allowing a time which the director, or his deputy or inspector, may deem reasonable to determine the fact of the applicant's failure to obtain help or employment. When, however, upon evidence satisfactory to the director of public safety, or his deputy or inspector, it appears that said licensed person has in good faith made an honest attempt to procure help or employment for said applicant, although in fact the applicant did not procure employment through such agency, he will be entitled to retain, of such fee paid, an amount not exceeding fifty cents. It shall be the duty of such licensed person to give to every applicant for employment or help, from whom a fee shall be received, a receipt, in which shall be stated the name and address of said applicant, the date and amount of the fee, the period for which the fee is good, and the kind of employment or help for which it is paid. No fee or other payment shall be accepted by any such licensed person for any other purpose, except as herein provided, and no such licensed person shall divide fees with, or pay commissions to, persons to whom applicants are sent for employment. Every such licensed person shall post in a conspicuous place, in each room of his agency a plain and legible copy of this act, which shall be printed

Fees to be returned, when.

Dividing fees.

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in languages which persons commonly doing business with such agency can understand, and upon which appears the name and address of the office of the director of public safety, and advising that any misconduct on the part of any one connected with such agency should be reported to him.

Sending out of city.

SEC. 9. Whenever an applicant for employment is sent out of the city in which said agency is located, under contract for labor, he shall be furnished, at the time the agreement is consummated, and in a language which he can understand, a memorandum showing his destination, written in full, the name and address of his employer, the nature of the work to be performed, hours of labor (except in households), wages offered, and the terms of transportation. A duplicate shall be filed in said agency. Every such licensed person shall give to every applicant for employment, sent to a place within the city, a card containing the printed name and address of such employment agency, together with the name and address of the person to whom said applicant is sent for employment. No such licensed person shall furnish employment to any child, in violation of the laws regulating the labor of children or their compulsory attendance at school.

Immoral resorts, etc.

SEC. 10. No such licensed person shall furnish any female employee for immoral purposes; or send or cause to be sent any female employees to enter, as servant or inmate, or for any purpose whatsoever, any place of bad repute, house of ill fame or assignation house, or any house or place of amusement kept for immoral purposes, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly admit, or allow to remain in said agency, any person of bad character, prostitute, gambler, or intoxicated person.

False advertising.

SEC. 11. No such licensed person shall publish or cause to be published any false or fraudulent or misleading advertisement or notice relating to his employment agency; nor shall any such licensed person advertise his employment agency by means of cards, circulars, or signs, in newspapers or other publications, unless all such advertisements shall set forth the name of the agency, as such, and its address; nor shall any such licensed person use any letterheads, receipts or blanks not containing the name and address of such agency. No such licensed person shall give any false information, or make any false representation, concerning employment to any applicant, either for employment or help. No such licensed person shall send out any applicant without having obtained a bona fide order from the prospective employer, to whom said applicant is sent.

Enforcement.

SEC. 12. The enforcement of this act, in each city of the first or second class, shall be entrusted to the director of public safety of said city, who is hereby authorized and empowered to appoint a deputy, who shall exercise all the powers of the director of public safety conferred by this act, and one or more inspectors, who shall have no duties to perform other than the enforcement of this act. The director of public safety shall also appoint such clerks and other assistants as may be required to enforce this act. The salaries of such deputy inspector, or inspectors, clerks, and assistants, shall be determined and provided by the councils of said city. Each agency, at least once in two months, shall be visited by an inspector, who shall make a written report thereof to the director of public safety, which shall be preserved in his office. All complaints shall be considered and disposed of by the director of public safety, or his deputy, after an investigation by an inspector under his direction. Complaints against any such licensed person may be made, orally or in writing, to the director of public safety or to his deputy, and notice of such complaint shall forthwith be given to said licensed person by the director of public safety or his deputy, and a hearing thereon shall be given by the director of public safety or his deputy, within three days after notice is given to said licensed person. A record shall be kept of all such complaints and hearings. The director of public

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safety or his deputy shall refuse to issue, or shall revoke, any license for a violation of any of the provisions of this act; but reasonable opportunity shall be given an applicant or the licensed person to defend himself. When it is shown to the satisfaction of the director of public safety or his deputy that any such licensed person is guilty of any immoral or fraudulent act, in connection with the conduct of his agency, it shall be the duty of the director of public safety or his deputy forthwith to revoke his license.

Acting without license.

SEC. 13. Any person who shall open or conduct an employment agency, in any city of the first or second class, without procuring a license as required by this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Violations.

Any licensed or other person who violates any of the provisions of this act shall be guilty of a misdemeanor, and, on 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 both, at the discretion of the court.

Exceptions.

SEC. 14 (as amended by act, page 881, Acts of 1911). The provisions of this act shall not apply to agencies which procure employment for school teachers exclusively; nor to registries of any incorporated association of nurses; nor to departments or bureaus maintained by persons, firms, or corporations, or associations, for the purpose of obtaining help for themselves, where no fee is charged the applicant for employment.

ACT No. 162.—*Payment of wages due deceased employees.*

Payments to whom.

SECTION 1. From and after the passage of this act, it shall be lawful for any employer in this Commonwealth, at any time not less than thirty days after the death of his employee, to pay all wages due to such deceased employee to the wife, children, father or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters of administration to be issued upon the estate of said deceased employee, where such wages due do not exceed seventy-five dollars in amount: *Provided, however,* That if such deceased employee shall not leave a wife, children, father, mother, sister, or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employee to the creditors, as follows: Undertaker, physician, boarding house keeper, and nurse, each his or her pro rata share of wages, not exceeding seventy-five dollars, due the deceased, upon affidavit of fact furnished, without letters of administration being issued.

Effect of payment.

SEC. 2. The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

ACT No. 167.—*Civil service—Labor service.*

Examinations in cities of the second class.

SECTION 9. All examinations for positions in the classified service shall be practical in their character, and shall relate to such matters, and include such inquiries, as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the office or employment sought by them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements, stated in section ten of this act. The examinations of applicants for employment as laborers shall relate to their capacity for labor, their habits as to sobriety and industry, and their experiences in the kind of work for which they apply. All applicants for any position in the classified service may, subject to regulations adopted by the civil service commission, be required to submit to a physical examination before being admitted to the regular examinations held by the commission. * * *

Class includes what.

SEC. 19. The labor class shall include ordinary, unskilled laborers. Vacancies in the labor class shall be filled by appointment

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from lists of applicants registered by the civil service commission. Preference in employment from such lists shall be given according to regulations to be prescribed by the commission. The commission may establish separate labor lists for various institutions and departments. The commission shall require an applicant for registration for the labor service, before he can be registered, to furnish such evidence or to pass such examination as it may deem proper with respect to his age, residence, physical condition, capacity for labor, sobriety, industry, and experience in the kind of work for which he applies.

ACT No. 206.—*Payment of wages of miners—Removing or defacing checks, etc.*

Removing checks, etc., forbidden.

SECTION 1. Any person who willfully shall, from any loaded coal car in or about any mines, breaker, or yard, in this Commonwealth, take, remove, sever, carry away, obliterate, or destroy any ticket, card, tin slip, or other device or sign, used to indicate or identify the person or persons to whom credit or pay is or shall be due for the mining of coal in said car, or for the loading of said car, for the purpose of depriving such person or persons from getting credit or pay for said car, or for the purpose of defrauding such person in any manner, shall be deemed guilty of misdemeanor, and, upon conviction therefor, shall be sentenced to pay a fine not exceeding one hundred dollars or to undergo an imprisonment not exceeding one year, or either or both, at the discretion of the court; and the jury trying the case may infer such intent from the fact of taking, removing, carrying away, severing, obliterating, or destroying, in any manner, of such tickets, card, tin slip, or other device or sign, as aforesaid.

ACT No. 329.—*Liability of employers for injuries to employees.*

Fellow-service not a defense, when.

SECTION 1. In all actions brought to recover from an employer for injury suffered by his employee, the negligence of a fellow-servant of the employee shall not be a defense, where the injury was caused or contributed to by any of the following causes, namely,—

Any defect in the works, plant, or machinery, of which the employer could have had knowledge by the exercise of ordinary care; the neglect of any person engaged as superintendent, manager, foreman, or any other person in charge or control of the works, plant, or machinery; the negligence of any person in charge of or directing the particular work in which the employee was engaged at the time of the injury or death; the negligence of any person to whose orders the employee was bound to conform, and did conform, and, by reason of his having conformed thereto, the injury or death resulted; the act of any fellow-servant, done in obedience to the rules, instructions, or orders given by the employer, or any other person who has authority to direct the doing of said act.

Vice principals.

SEC. 2. The manager, superintendent, foreman, or other person in charge or control of the works, or any part of the works, shall, under this act, be held as the agent of the employer, in all suits for damages for death or injury suffered by employees.

The statute applies where there was negligence in giving an order, but not where the only negligence was in the manner of carrying out a proper order. 85 Atl. 1133.

ACTS OF 1909.

ACT No. 34.—*Employment of children as messengers—Sending to immoral resorts.*

Sending to immoral resorts forbidden.

SECTION 1. Any person, firm, company or corporation, having authority over a minor, who knowingly takes or sends, or causes or permits such minor to be sent, to any house of prostitution or

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assignation, or other immoral place of resort or amusement, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

ACT No. 182.—*Employment of children—General provisions.*

Children under eighteen.

SECTION 1. From and after the passage of this act, no minor under the age of eighteen years, except as hereinafter provided, shall be employed, permitted, or suffered to work, in, about, or for any factory, workshop, rolling mill, sawmill, quarry, laundry, store; mercantile, printing, or binding establishment; dock, wharf; vessel or boat engaged in lake or river navigation or commerce, railroad, in the erection or repair of electric wires, business office, telegraph office, telephone office, stable, garage, hotel, resturant, [restaurant] bootblack stand, or the transmission of newspapers, messages, or merchandise.

Employments prohibited.

SEC. 2 (as amended by act No. 412, Acts of 1913). Male minors over the age of eighteen years may be employed in any and all kinds of legal employment within the Commonwealth; but all minors under the age of eighteen years shall not be employed in or about blast furnaces, docks, wharves, in quarries, 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 brakemen, firemen, engineers, motormen, conductors upon railroads, as pilots, firemen, or engineers upon boats or vessels engaged in the transportation of passengers or merchandise; in or about establishments wherein nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosive, is manufactured, compounded or stored.

Children over sixteen.

SEC. 3. Minors over the age of sixteen years may be employed in or about establishments for the manufacture or preparation of white lead, red lead, paints, phosphorus, phosphorus matches, poisonous acids, or for the manufacture or stripping of tobacco or cigars: *Provided*, That where it is proved to the satisfaction of the chief factory inspector that the danger or menace to the health or safety of minors employed in any establishment or industry named in this section has been removed, or that employment in some part or parts of said industry is not dangerous, or a menace to the health or safety of minors employed therein, that in such case minors under the age of sixteen years, and not under the age of fourteen years, who can read and write the English language intelligently, and are physically qualified, may be therein employed.

Children over fourteen.

SEC. 4. Minors over the age of fourteen years, who can read and write the English language intelligently, and are physically qualified, may be employed in or for mercantile establishments, stores; telegraph, telephone, or other business offices; hotels, restaurants; or in any factory, workshop, rolling mills, or other establishment having proper sanitation; or in any factory, workshop, rolling mills, or other establishment having proper sanitation and proper ventilation, and in which power machinery is not used, or, if used, that the same, and all other dangerous appliances used, are kept securely and properly safeguarded; rules and regulations for the same to be prescribed and provided by the chief factory inspector.

Hours of labor.

SEC. 5. No male minor under the age of sixteen years, and no female under the age of eighteen years, shall be employed, permitted, or suffered to work, in or about or for any establishment, place of business, or industry, named in sections three and four of this act, for a longer period than ten hours in any one day, except when a different apportionment of the hours of labor is made for the sole purpose of making a shorter workday for one day in the week; nor shall a less period than forty-five minutes be

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allowed for the midday meal; and in no case shall the hours of labor exceed fifty-eight in any one week. No male minor under the age of sixteen years, and no female under the age of eighteen years, shall be employed or permitted to work between the hours of nine post meridian and six ante meridian. Nightwork.

SEC. 6. Where the usual process of manufacture, or the nature of the business named in section four of this act, is of a kind that customarily necessitates a continuous day and night employment, male minors, not under the age of fourteen years, may be employed day or night, or partly by day and partly by night; but said employment shall not exceed nine hours during any twenty-four hours for minors under the age of sixteen years. A violation of any of the provisions of this section shall be deemed to be in contravention of this act. Nine-hour day, when.

SEC. 7. No minor under the age of sixteen years shall be employed in or about or for any establishment or industry named in sections three and four of this act, unless the employer of said minor procures and keeps on file, and accessible to the deputy factory inspectors, the employment certificate as hereinafter provided, issued to said minor, and keeps two complete lists of all minors under the age of sixteen years employed in or for his or her establishment; one of said lists to be kept on file in the office of the employer, and one to be conspicuously posted in each of the several departments in or for which minors are employed. Said employment certificate, when issued, shall be the property of the minor named therein, who shall be entitled to a surrender of said certificate to him or her by the employer whenever said minor shall leave the service of any employer holding said certificate. Certificates required.

Files.

SEC. 8. The employment certificate required by the provisions of this act shall be issued as follows: How certificate is to be issued.

In school districts having a district superintendent or supervising principal, by such superintendent or supervising principal; in school districts having no superintendent or supervising principal, but having one or more principals of schools, by such principals, each principal to issue the certificate to minors residing within the territory belonging to the school over which he has supervision; in school districts, or parts of districts, having no district superintendent or principal, by the secretary of the board of school directors for that district: *Provided*, That any district superintendent, supervising principal, principal of schools, or secretary of the board of school directors, hereby directed to issue such certificates, may authorize and deputize, in writing, such persons as they may see proper to act in their place and stead for the purpose of issuing such certificates. Any of the hereinbefore mentioned officials, authorized to issue employment certificates, before doing so shall demand, and if possible obtain, a birth certificate, or baptismal certificate, or passport, or other official or religious record of the minor's age, or a duly attested transcript thereof; and, in the event that none of these is obtainable, may accept, in lieu thereof, a record of the age as given on the register of a school the minor has attended; or, in the absence of such record, may accept the affidavit of the minor's parent or guardian, or other person, which affidavit he is empowered to administer: *Provided*, That the powers and duties conferred by this section on the superintendents, supervising principals, principal, or secretary of a board of school directors, be and the same are conferred upon superintendents, supervising principals, principal, teachers, or secretaries of any private academy, parochial or denominational school, in all cases where the applicant for an employment certificate is, or recently has been, an attendant pupil in a private academy, parochial or denominational school, and is not a pupil in a public school: *And provided further*, That whenever in any school district an employment certificate is issued by any persons other than the public school official hereinbefore directed to issue such certificates in said district, said persons shall, on or before the third day of each month, file with the aforementioned public-school official, in said district, true copies of all employment certificates so issued.

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Form.

SEC. 9. The employment certificate provided by this act for the use of a minor between fourteen and sixteen years of age shall be in the following form:

This certifies that (name and residence of minor) is aged —— years —— months —— days; whose complexion is ——, hair is ——, and eyes are ——; is able to read and write the English language intelligently, and may be employed at labor in any of the following establishments, businesses, and industries: The manufacture or the preparation of white lead, red lead, paints, phosphorus, phosphorus matches, poisonous acids, tobacco or cigars, in which industries minors between fourteen and sixteen years of age may be employed, only when their labor is performed in such part or parts of such industries as are not dangerous or a menace to their health and safety,—and mercantile establishments, stores; telephone, telegraph or other business offices; hotels, restaurants; or in any factory, workshop, or other establishment having proper sanitation and proper ventilation, and in which power machinery is not used, or, if used, that the same, and all other dangerous appliances used, are kept securely and properly safeguarded.

This certificate is a legal warrant for the employment of the minor named hereon, in any of the above-named establishments, businesses and industries, under the provisions of an act approved ——— one thousand nine hundred and nine.

(Signature of person who issued certificate, official title and official address.)

(Signature of minor to whom issued.)

Who to furnish.

SEC. 10. The blank employment certificate shall be prepared by the superintendent of public instruction, in accordance with the form prescribed in this act; the same to be printed in accordance with the laws regulating printing and binding, under the supervision of the superintendent of public printing and binding. The superintendent of public instruction shall also supply the aforesaid certificates to all persons authorized to issue the same.

Violations.

SEC. 11 (as amended by act No. 47, Acts of 1913). Any person who shall violate any of the provisions of this act, or any person who shall make a false statement, or shall present a forged birth certificate or baptismal certificate or passport, or other official or religious record of the minor's age, or a forged attested transcript thereof, for the purpose of securing an employment certificate under the provisions of this act, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall for the first offense be sentenced to pay a fine of not less than ten dollars ($10) nor more than twenty-five dollars ($25), or to undergo an imprisonment in the jail of the proper county of not more than ten days, or both, at the discretion of the court; and for the second and any subsequent offense shall be sentenced to pay a fine of not more than fifty dollars ($50), or to undergo an imprisonment in the jail of the proper county of not more than ninety days, or both, at the discretion of the court. It shall be the duty of the chief factory inspector, and the truant officers of the various school districts of this Commonwealth, to carry out the provisions of this act, and prosecutions for violations thereof may be instituted by the chief factory inspector, or the truant officer of the proper school district.

ACT No. 210.—*Employment of children in mines.*

Age limit.

SECTION 1 (as amended by act, page 983, Acts of 1911). No minor under the age of fourteen years shall be employed, permitted or suffered to work in, about, or for any coal breaker or washery, or in or about the outside workings of any coal mine.

Hours of labor.

SEC. 2 (as amended by act, page 537, Acts of 1911). No minor under the age of sixteen years shall be employed, permitted, or suffered to work, in or about or for any establishment or industry named in section one of the act, for a longer period than ten

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hours in any one day, except when a different apportionment of the hours of labor is made for the sole purpose of making a shorter workday for one day in the week; nor shall a less period than thirty minutes be allowed for the midday meal; and in no case shall the hours of labor exceed fifty-eight in any one week. No minor under the age of sixteen years shall be employed or permitted to work between the hours of nine post meridian and six ante meridian.

Nightwork.

Work inside mines.

SEC. 3 (as amended by act, page 983, Acts of 1911). No minor under the age of sixteen years shall be employed, permitted or suffered to work, inside any coal mine, and no minor under the age of sixteen years shall be employed in or about or for any establishment or industry named in section one of this act, unless the employer of said minor procures and keeps on file, and accessible to the mine inspector, the employment certificate as hereinafter provided, issued to said minor, and keeps two complete lists of all minors under the age of sixteen years employed in or for his or her establishment; one of said lists to be kept on file in the office of the employer, and one to be conspicuously posted in each of the several departments in or for which minors are employed. Said employment certificate, when issued, shall be the property of the minor named therein, who shall be entitled to a a surrender of said certificate to him or her by the employer whenever said minor shall leave the service of any employer holding said certificate. In case a minor, who is employed or permitted to work in or about or for any establishment or industry named in section one of this act, as being sixteen years of age or over, appears to the chief of the department of mines or any mine inspector to be under the age of sixteen years, said chief of the department of mines or mine inspector shall make written demand that the employer of said minor shall procure and keep on file in the office of such establishment, subject to inspection, the same evidence that said minor is in fact sixteen years of age or over as is required as evidence of age for the issuance of the employment certificates hereinafter provided for; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of said minor. In case the evidence of age, for which demand is so made, be not filed as hereinbefore required, within thirty days after said demand, the employer shall cease to employ the minor named in said demand or to permit said minor to work: *Provided, however,* That said employer, by thus ceasing to employ or permit said minor to work, shall not be relieved from any of the penalties provided in this act for the employment of a minor under the age of sixteen years without the filing for such minor of the employment certificate hereinbefore required.

Lists.

Minor apparently under sixteen.

How certificate is to be issued.

SEC. 4. The employment certificates required by the provisions of this act shall be issued as follows

In school districts having a district superintendent or supervising principal, by such superintendent or supervising principal; in school districts having no superintendent or supervising principal, but having one or more principals of schools, by such principals, each principal to issue the certificate to minors residing within the territory belonging to the school over which he has supervision; in school districts, or parts of districts, having no district superintendent or principal, by the secretary of the board of school directors for that district: *Provided,* That any district superintendent, supervising principal of schools, or secretary of the board of school directors, hereby directed to issue such certificates, may authorize and deputize, in writing, such persons as they may see proper, to act in their place and stead for the purpose of issuing such certificates. Any of the hereinbefore mentioned officials, authorized to issue employment certificates, before doing so shall demand, and if possible obtain, a birth certificate, or baptismal certificate, or passport, or any other official or religious record of the minor's age, or duly attested transcript

Evidence.

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thereof; or, in the event that none of these is obtainable, may accept, in lieu thereof, the record age as given on the register of a school the minor has attended; or, in the absence of such record, may accept the affidavit of the minor's parents guardian, or other person, which affidavit he is empowered to administer: *Provided*, That the powers and duties conferred by this section on the superintendents, supervising principals, principal, or secretary of a board of school directors, be and the same are conferred upon superintendents, supervising principals, principal, teachers, or secretaries of any private academy, parochial or denominational schools, in all cases where the applicant for an employment certificate is, or recently has been, an attendant pupil in a private academy, parochial or denominational school, and is not a pupil in a public school: *And provided further*, That whenever in any school district an employment certificate is issued by any persons other than the public school official hereinbefore directed to issue such certificates in said district, said persons shall, on or before the third day of each month, file with the aforementioned public school official, in said district, true copies of all employment certificates so issued.

SEC. 5 (as amended by act, page 983, Acts of 1911). The employment certificate provided by this act for the use of a minor between fourteen and sixteen years of age shall be in the following form:

Form of certificate.

This certifies that (name and residence of minor) is aged____ years ____ months ____ days; whose complexion is ______, hair is ______ and eyes are ______; is able to read and write the English language intelligently, and may be employed at labor in any coal breaker, washery or other outside workings of a coal mine.

This certificate is a legal warrant for the employment of the minor hereon, in any of the above-named establishments and industries, under the provisions of an act approved ______ ____ one thousand nine hundred and nine, as amended by an act approved ______ ____ one thousand nine hundred and eleven.

(Signature of person who issued certificate, official title and official address.)

(Signature of minor to whom issued.)______ ______.

(Date.)

Who to furnish.

SEC. 6. The blank employment certificates shall be prepared by the superintendent of public instruction, in accordance with the form prescribed in this act; the same to be printed in accordance with the laws regulating printing and binding, under the supervision of the superintendent of public printing and binding. The superintendent of public instruction shall also supply the aforesaid certificates to all persons authorized to issue the same.

Violations.

SEC. 7 (as amended by act No. 48, Acts of 1913). Any person who shall violate any of the provisions of this act, or any person who shall make a false statement, or shall present a forged birth certificate or baptismal certificate or passport, or other official or religious record of the minor's age, or a forged attested transcript thereof, for the purpose of securing an employment certificate under the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall for the first offense be sentenced to pay a fine of not less than ten dollars ($10) nor more than twenty-five dollars ($25), or to undergo an imprisonment in the proper county jail of not more than ten days, or both, at the discretion of the court; and for the second and each subsequent offense shall be sentenced to pay a fine of not more than fifty dollars ($50), or to undergo an imprisonment in the proper county jail of not more than ninety days, or both, at the discretion of the court.

It shall be the duty of the chief of the department of mines, and the truant officers of the various school districts of this Commonwealth, to carry out the provisions of this act; and prosecutions for violations thereof may be instituted by either the chief of the department of mines or the truant officer of the proper school district.

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Act No. 233.—*Fire escapes on factories, etc.*

Fire escapes to be provided.

SECTION 1. Every building in this Commonwealth, other than buildings situated in cities of the first and second classes, * * * in which persons are usually employed above the second story, in a factory, workshop, or mercantile establishment; * * * shall be provided with proper ways of egress, or means of escape from fire, sufficient for the use of all persons * * * employed * * * therein; and such ways of egress and means of escape shall be kept free from obstruction, in good repair, and ready for use, at all times; and all rooms above the second story in said buildings shall be provided with more than one way of egress, or escape from fire, which shall be placed as near as practical at opposite ends or sides of the room, and leading to fire escapes on the outside of such buildings or to stairways on the inside. Where any of said buildings is designated for the use or occupancy of fifty or more persons, the external doors of the same shall open outward, and be so constructed or arranged as to afford, when open, an unobstructed external passageway of not less than five feet in the clear, and shall have landings, inside of the external doorways, of dimensions not less than four feet between the external doors and the adjoining stairways, said landings to be of a width not less than the stairway approaches thereto.

Outside fire escapes.

SEC. 3. In addition to the foregoing means of escape from fire, all such buildings as are enumerated in section one of this act that are more than two stories in height, * * * shall have one or more fire escapes on the outside of said buildings, as may be directed by the chief factory inspector or a deputy factory inspector, except in such cases as he may deem such fire escape to be unnecessary, in consequence of adequate provision having been already made for safety in event of fire or panic; and in such cases of exemption, the said chief factory inspector or a deputy factory inspector shall give the owner, lessee, or occupant of said building a certificate to that effect, and his reason therefor. And such fire escapes as are provided for in this section shall be of wrought iron, constructed according to specifications to be issued or approved by the department of factory inspection, and shall be connected with each floor above the first, firmly fastened and secured, and of sufficient strength to sustain a weight of not less than four hundred pounds per step, on a safety factor of four; each of which fire escapes shall have landings or balconies at each story, capable of sustaining a weight of not less than eighty pounds per square foot, guarded by railings, not less than three feet in height, and embracing one or more windows or doors at each story, and connecting with the interior by easily accessible and unobstructed openings; and all the balconies or landings shall be connected by external iron stairways, placed at a slant of not more than forty-five degrees, protected by well-secured handrails; the stairway steps to be not less than six inches in width and twenty-four inches in length. Fire escapes now in use and hereafter erected must be painted once a year, and be kept in safe condition and up to the standard requirements of this section.

Construction.

Violations.

SEC. 6. The owner or owners of any of the buildings mentioned in the foregoing provisions of this act, who shall willfully fail or refuse to comply with the provisions of this act, or who shall willfully fail or refuse to observe the orders for the enforcement of this act, issued to said owner or owners by the chief factory inspector or deputy factory inspector, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of five hundred dollars, or six months' imprisonment, or either or both, in the discretion of the court. And in case of fire occurring in any of said buildings, in the absence of such doorways, landings, exits, fire escapes or fire preventives, as provided for in this act, the owner or owners aforesaid shall be liable for damages, in case of death or personal injury, the result of fire or panic in any of said buildings; and such action for damages may be maintained by any person now authorized by law to sue, as in other case of loss by death or injuries.

Liability of negligent owners.

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ACT No. 290.—*Assignment of wages.*

Employer to accept assignment.

SECTION 4. No assignment of or order for wages to be earned in the future, to secure a loan of two hundred dollars or less, shall be valid against an employer of the person making the said assignment or order, until the said assignment or order is accepted in writing by the employer, and said assignment or order and the acceptance of the same have been filed and recorded with the clerk of the court of quarter sessions of the county where the party making the said assignment or order resides, if a resident of the Commonwealth, or in which he is employed, if not a resident of the Commonwealth.

Consent of wife.

SEC. 5. No such assignment of or order for wages to be earned in the future shall be valid when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto.

ACTS OF 1911.

Hours of labor of hoisting engineers in anthracite mines.

(Page 102.)

Eight-hour day.

SECTION 1. On and after the passage of this act, no person engaged as hoisting engineer at or about the anthracite coal mines of this Commonwealth, part of whose duties it is to lower men and boys into, and hoist them and coal from, the said mines, shall be engaged for a longer period than eight hours out of each day of twenty-four hours.

Violations.

SEC. 2. Any person, persons, firm, partnership, corporation, or their agents, managers, or superintendents, violating any of the provisions of section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25), and not more than one hundred dollars ($100).

Liability of employers for taxes of employees.

(Page 309.)

Employer to deduct and pay tax.

SECTION 558 (as amended by act No. 293, Acts of 1913). If any person, firm, association, or corporation receiving a notice from any school tax collector, requesting the payment of any occupation tax of any employee, shall fail or refuse to deduct, from any wages then due or that may thereafter become due and owing to such employee, the amount of such occupation tax, or if such person, firm, association, or corporation deducts the amount of such occupation tax, and fails to pay the same over to the collector of school taxes in any district, within thirty days after making such deduction or deductions, such person, firm, or corporation shall forfeit and pay to the said school district a sum equal to the amount of such occupation tax collected from such employee or employees as aforesaid, which sum, together with costs, may be recovered by the said school district in an action of assumpsit against said person, firm, association, or corporation failing to pay over such tax, as debts of like amount are now recoverable. In the collection of any judgment recovered for any such delinquent occupation tax against any person, firm, association, or corporation, the defendant therein shall not be entitled to the benefit of any exemption, appraisement law, or stay of execution.

Employment of children—School attendance.

(Page 309.)

Exempt children.

SECTION 1416. The provisions of this act requiring regular attendance shall not apply to any child, between the ages of fourteen and sixteen years, who can read and write intelligently and is regularly engaged in any useful and lawful employment or

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service during the time the public schools are in session, and who holds an employment certificate issued according to law.

Employers to furnish names.

SEC. 1419. Every person, firm, association, or corporation in this Commonwealth accepting service from, or employing, a child or children, between the ages of fourteen and sixteen years, during the hours when the public schools are in session, shall, on or before the first day of September in each year, and quarterly thereafter, during the period of compulsory attendance, furnish to the superintendent of schools, supervising principal, or secretary of the board of school directors of the district in which such child or children reside, the name, age, place of residence, and name of parent or guardian, of every such child in his or its employ or service. Such reports shall be made upon blanks to be furnished by the superintendent of public instruction at the expense of the Commonwealth.

List to be posted.

SEC. 1420. Every person, firm, association, or corporation in this Commonwealth accepting service from, or employing, a child or children, between the ages of fourteen and sixteen years, during the hours when the public schools are in session, and during the period of compulsory attendance in any school district, shall make a true and correct list of all such children, giving their names, ages, places of residence, names of parents or guardians, the dates of and names of the persons issuing the employment certificates, and the time of beginning and ending of service with him or it, which list shall be clearly written or printed and kept publicly posted at the place of employment of such child, where the same may be inspected by any member of the board of school directors or the secretary thereof, by the district superintendent, the supervising principal, or the attendance officer of any school district, at any time during business hours.

Children under fourteen.

SEC. 1421. No person in this Commonwealth, either for himself or for any firm, association, or corporation, shall, during the term of compulsory attendance as fixed by the board of school directors in any school district, and during the hours the public schools are in session, accept service from, engage, or employ any child or children between eight and fourteen years of age; nor shall he accept service from, engage, or employ any child or children between the ages of fourteen and sixteen years, unless such child shall first furnish and deliver to such employer an employment certificate issued according to law.

Under sixteen.

Violations.

SEC. 1422. Any person or persons accepting service from, or engaging or employing, any child between eight and fourteen years of age during the term of compulsory attendance, and while the public schools are in session, or accepting service from, engaging, or employing any child during the same period of time, between the ages of fourteen and sixteen years, without being first furnished by such child with an employment certificate, or failing to furnish to the district superintendent of schools, supervising principal, attendance officer, or secretary of the board of school directors the information required by this act concerning the children employed by him or them, or shall fail to post for inspection at the place of employment of such children the list of children engaged by him or them, as required by the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for a first offense by a fine of not less than ten dollars ($10) or more than twenty-five dollars ($25), or ten days' imprisonment in the county jail, or either or both, at the discretion of the court, and for a subsequent offense shall be punished by a fine of not less than twenty dollars ($20) or more than fifty dollars ($50), or ninety days' imprisonment in the county jail, or either or both, at the discretion of the court.

Inspection and regulation of factories—Foundries.

(Page 673.)

Wash rooms.

SECTION 1 (as amended by act No. 32, Acts of 1913). Every person, firm, or corporation, being the owner or lessee of any

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foundry for the casting of iron, steel, brass, or other metal, wherein ten or more men shall be employed, shall cause to be established and maintained in a place conveniently accessible, and connected with said foundry in such a manner that access thereto can be had without exposure to the open air, a toilet room of suitable size, wherein said employees may change their clothes. Such toilet room shall be provided with wash bowls, sinks, or other suitable fixed appliances, duly connected and supplied with running hot and cold water. There shall also be established and maintained, separate from said toilet room, a suitable water-closet. It shall be the duty of the factory inspector or his duly authorized agent to enforce the provisions of this act. For that purpose the factory inspector or his duly authorized agent may enter at any reasonable time any foundry, for the purpose of inspecting the same, to ascertain whether the provisions of this act have been complied with.

Access. SEC. 2. The said toilet room and the said water-closet shall be connected with the foundry building in such a way that access thereto may be had without exposure to the open air, and shall be properly heated, ventilated, cleaned, and protected, so far as reasonably practicable, from the dust of such foundry.

Violations. SEC. 3. Any person, firm, or corporation who or which shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before any magistrate, alderman, or justice of the peace, shall be sentenced to a fine not exceeding one hundred dollars.

Inspection and regulation of factories—Fire drills.

(Page 677.)

Fire drills monthly. SECTION 1. In all factories and industrial establishments where women or girls are employed, and where fire escapes, appliances for the extinguishment of fires, or proper and sufficient exits in case of fires or panic, either or all, are required by law to be maintained, fire drills shall be periodically conducted, not less than once a month, by the person or persons in charge, under rules and regulations to be promulgated, in cities of the first and second classes, by the fire marshal, and, elsewhere in the Commonwealth, by the chief factory inspector, in which the persons employed in such factories or establishments shall be instructed in, and made thoroughly familiar with, the use of the said fire escapes, appliances, and exits; which said drill shall include the actual use of the same, and the complete removal of the persons, in an expeditious and orderly manner, by means of such fire escapes and exits, from the building to a place of safety on the ground outside.

Enforcement. SEC. 2. The fire marshal and his assistants in cities of the first and second classes, and the chief factory inspector and several deputy inspectors elsewhere in the Commonwealth, are hereby required to see that the provisions of this act are faithfully carried out.

Violations. SEC. 3. Any person who violates or fails to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), and to undergo imprisonment in the county jail for not less than ten days nor more than sixty days, either or both.

Fire escapes on factories.

(Page 705.)

Inspection. SECTION 12. The fire marshal, his chief assistant and inspectors, may examine all buildings upon which any fire escapes may be erected, shall see that it is kept in good order and repair, and no person shall at any time, place any incumbrance of any kind

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whatsoever upon any of said fire escapes or passageways constructed or intended for the escape of persons from the premises in case of fire. Any owner or occupant of buildings or premises, failing to comply with the orders of the authorities above specified, shall be deemed guilty of keeping and maintaining a nuisance detrimental to life and property, and on conviction before any magistrate be fined twenty-five dollars, or, in default of such payment, imprisoned in the county prison not more than thirty days.

Employment of labor—Foremen, etc., accepting fees.

(Page 746.)

Accepting fees a misdemeanor.

SECTION 1. Any officer or employee of any employer of labor, in this Commonwealth, who shall solicit, demand, or receive, directly or indirectly, from any person or persons, moneys or other valuable thing, for the purpose, actual or alleged, of either obtaining for the latter employment in the service of said employer or of the continuing by the party so paying or solicited in said employment, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars and not more than three hundred dollars, and undergo an imprisonment of not less than three months nor more than one year, either or both, at the discretion of the court.

Mine regulations—Bituminous mines.

(Page 756.)

ARTICLE I.

Bituminous coal mines.

SECTION 1. For the purposes of this act, the terms and definitions contained therein shall be as follows:

Definitions.

Mine.—In this act the term "mine" includes the shafts, slopes, drifts, or incline planes connected with excavations penetrating coal stratum or strata, which excavations are ventilated by one general air current, or divisions thereof, and connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine, when such is operated by one operator.

Excavations and workings.—The term "excavations and workings" includes all the excavated portions of a mine, those abandoned as well as the places actually being worked; also all underground workings and shafts, tunnels, and other ways and openings, and all such shafts, slopes, tunnels, and other openings in the course of being sunk or driven, together with all roads, appliances, machinery, and material connected with the same below the surface.

Shaft.—The term "shaft" means a vertical opening through the strata that is or may be used for the purpose of ventilation or drainage, or for hoisting men or material, or both, in connection with the mining of coal.

Slope.—The term "slope" means an incline or opening used for the same purpose as a shaft.

Operator.—The term "operator" means any firm, corporation, or individual operating any coal mine, or any part thereof.

Superintendent.—The term "superintendent" means the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

Mine foreman.—The term "mine foreman" means the person whom the operator or superintendent shall place in charge of the inside workings of the mine and of the persons employed therein.

Inspector.—The term "inspector" means the person commissioned by the governor to have supervision of mines, as hereinafter prescribed.

Bituminous mines.—The term "bituminous mines" shall include all coal mines in the State not now included in the anthracite

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boundaries; and whenever the term "mine" appears in this act it shall be construed to mean "bituminous coal mine."

Approved safety lamp.—The term "approved safety lamp" shall mean any bonneted safety lamp approved by the department of mines.

ARTICLE II.

Maps and plans.

SECTION 1. The operator or the superintendent of any bituminous coal mine shall make, or cause to be made by a competent mining engineer or surveyor, an accurate map of the mine, on a scale of not less than two hundred feet to the inch, which map shall show as follows:

First. All the openings, excavations, shafts, slopes, drifts, tunnels, planes, main entries, cross entries and rooms and the name or number of each.

Second. An accurate delineation of the boundary lines between said mine and all adjoining mines or coal lands, and the relation and proximity of the workings of said mine to all adjoining mines or coal lands; and, if requested by the inspector, the blue print in the office at the mines shall show by arrows the direction of the air currents in said mine, each split to show in different color in pencil.

Third. The elevation above or below mean tide at Sandy Hook of the top and bottom of each shaft and slope, of all drifts, tunnels, planes, and of the faces of entries, as found at each semiannual survey, and in rooms and entries adjacent to boundary lines between such mine and any adjoining mine or mines at points not more than three hundred feet apart; also the number of last survey station and the date of such survey on the entries, as they are represented on the map; the location of streams, rivers, lakes, dams, or any other bodies of water on the surface, with their elevations accurately and plainly marked; the location and elevation of any body of water dammed in the mine, or held back in any portion of the mine, giving the true area of said body of water, unless inaccessible before the passage of this act; the location of all bore holes penetrating the coal strata; and the location of all oil and gas wells and oil and gas pipe-lines: *Provided, however*, For the purpose of this paragraph, the owner or owners of the oil and gas wells and the oil and gas pipe lines shall furnish, at his, their, or its own expense, to the operator of the mine on which said wells are located or lines are constructed, a survey showing the location thereof, within sixty days after the passage of this act, or within a like time after the construction or location of wells and pipe lines hereafter made.

Proximity to other workings.

SEC. 2. When the workings of a mine are within three hundred feet of the boundary lines between such mine and any adjoining mine or mines, application shall be made by the operator or the superintendent to the inspector for information as to the proximity of the workings of such adjoining mine or mines, and if the workings of such adjoining mine or mines are, at their nearest point, within three hundred feet of such boundary line, the inspector shall so notify the said operator or the said superintendent, who shall have such portion of the workings of said adjoining mine or mines surveyed and shown on the map of the mine first mentioned. For the purpose of making only the survey herein required, the engineer or surveyor of any mine shall have the right of entry into any adjoining mine, on the written authority of the inspector.

Copy of map in mine office.

SEC. 3. A true copy of said map shall be kept in the mine office at the mine, for the use of the mine officials and the inspector, and for the inspection (in the presence of the superintendent or the mine foreman) of any person working in said mine, whenever said person shall fear that any working place is becoming dangerous by reason of its proximity to other workings that may contain dangerous accumulations of water or noxious gases.

Extensions of map.

SEC. 4. At least once every six months the operator or the superintendent of every mine shall cause to be shown accurately

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on the original map of said mine, and on the copy of the map in the mine office, all the excavations made therein during the time that has elapsed since such excavations were last shown thereon.

Survey and entry.

The operator or the superintendent, at the request of the inspector, in writing, shall order that any portion of any mine shall be surveyed and entered on the original map, when in the opinion of the inspector such portion of the mine is approaching accumulations of water or noxious gases. And whenever any of the workings or excavations of any mine shall be driven to their destination, it shall be the duty of the operator or the superintendent to cause the mining engineer or surveyor to check up all his previous work and notes of said mine, so that he can certify that the said map shows correctly all the excavations made therein, as he is required to do by section six of this article.

Inspector's copy.

SEC. 5. The operator or the superintendent of every mine shall furnish the inspector of the district with a true and correct copy of the aforesaid original map of said mine, on tracing cloth, and at the end of every six months thereafter the inspector shall return said copy to the operator or the superintendent, who shall place or cause to be placed thereon all the extensions made, and all portions of the mine worked out or abandoned, during the preceding six months, as provided for in section four of this article, and shall forward the map to the inspector within thirty days from the time of receiving it: *Provided*, That in lieu of the map on tracing cloth as aforesaid, the operator or the superintendent shall have the privilege of furnishing every six months a blue print showing the complete workings of the mine to date. When more than one seam of coal is being worked in any mine, the inspector shall be provided with a separate copy of the original map on tracing cloth or a blue print of the complete workings of each seam, as provided for in this article. The copies of the maps of the several mines, as hereinbefore required to be furnished to the inspector, shall remain in the care of the inspector of the district in which said mines are situated, as official records pertaining strictly to the office of said inspector, to be transferred by him to his successor in office, and in no case shall any copy thereof be made or any information therefrom be given to any person without the consent of the operator, except as provided for in section two of this article.

Proviso.

Official records.

Abandoned mines.

SEC. 6. Whenever a mine is worked out or abandoned, the operator or the superintendent shall, within sixty days thereafter, extend the inspector's map to show clearly all the worked-out or abandoned territory, with all property and boundary lines and elevations, as required in section one of this article.

The owner or the operator of the abandoned mine shall also, within sixty days after its abandonment, send to the department of mines a tracing of said complete original map, which shall be kept in the department as a public document. The mining engineer or surveyor shall certify that said tracing is a true and correct copy of the original map of said mine, and that the original map is a true, complete, and correct map and survey of all the excavations made in said abandoned mine.

Inspector may have survey made.

SEC. 7. If the inspector shall have reason to believe that any map of any mine, furnished to him in pursuance of the provisions of this article, is inaccurate or imperfect, he is hereby authorized to have made a survey and a new map of said mine. The cost of said survey and map shall be recoverable from the operator as other debts are recoverable by law: *Provided, however*, That if the map claimed by the inspector to be inaccurate or imperfect shall be found sufficiently accurate to serve the purpose for which it is intended, then the Commonwealth shall be liable for the expense incurred in making said survey and map, which expense shall be paid by the State treasurer, upon warrant of the auditor general, issued upon the presentation of voucher approved by the chief of the department of mines.

Proviso.

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ARTICLE III.

Duties of mine superintendent. Supplies.

SECTION 1. It shall be the duty of every superintendent, on behalf and at the expense of the operator, to keep on hand at each mine at all times a sufficient quantity of all materials and supplies required to preserve the health and safety of the employees, as ordered by the mine foreman and required by this act. If for any reason the superintendent cannot procure the necessary materials or supplies as aforesaid, he shall at once notify the mine foreman, whose duty it shall be to withdraw the men from the mine or portion of mine, until such materials or supplies are received.

Examination of reports.

The superintendent shall, at least once every week, read, examine carefully, and countersign all reports entered in the mine record book by the mine foreman, and if he finds on such examination that the law is being violated in any particular, he shall order the mine foreman to stop said violation forthwith, and shall see that his order is complied with.

Enforcement of law.

SEC. 2. The superintendent shall not obstruct the mine foreman or other officials in the fulfillment of any of their duties as required by this act, but he shall direct that the mine foreman and all the other employees under him comply with the law in all its provisions, especially when his attention is called by the inspector to any violation of the law. At any mine where a superintendent is not employed, the duties that are herein prescribed for the superintendent shall devolve upon the mine foreman, in addition to his regular duties.

Danger signals.

SEC. 3. The superintendent of every mine shall provide a sufficient number of danger signals, upon request of the mine foreman, which the mine foreman or the assistant mine foreman shall distribute in the mine at places convenient for the use of the fire bosses in the fulfillment of their duties. Danger signals in all mines shall be uniform, and of a design approved by the chief of the department of mines. All danger signals shall be kept in good condition, and no defective signal shall be allowed to remain in any mine.

Rules, notices, and record books.

SEC. 4. The superintendent shall keep on hand at the mine a supply of the printed rules and notices and record books required by this act, which shall be furnished through the inspector of the district on request of the superintendent in writing. The superintendent shall see that said rules and notices and record books are delivered to the proper persons at the mine, and that they are properly cared for, and he shall also see that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept in such condition that they will always be legible.

Approaching accumulations of water. Proviso.

SEC. 5. The superintendent shall not permit the mining of coal within fifty feet of any abandoned mine containing a dangerous accumulation of water, until said danger has been removed by driving a passageway to tap and drain off said water, as provided for in this act: *Provided*, That the thickness of the barrier pillars shall be greater and shall be in proportion of one foot of pillar thickness to each one and one-quarter feet of water head, if in the judgment of the engineer of the property and that of the district inspector it is necessary for the safety of the persons working in the mine.

Safety catch. Signals.

SEC. 6. The superintendent shall provide a safety catch, or other safety device, to be placed on the rear end of the rear car of full trips that are being hoisted up slopes, and he shall also provide suitable signals, to be placed on the rear end of the rear car of all trips hauled in the mines by locomotives of any kind.

Negligence of mine foremen, etc. Investigation.

SEC. 7. If the mine foreman, the assistant mine foreman, or the fire boss neglects his duties or incapacitates himself by drunkenness, or is incapacitated by any other cause for the proper performance of his duties, and information thereof shall be brought to the knowledge of the superintendent, it shall be the duty of the superintendent to make a thorough investigation of the case; and if he finds evidence to sustain the charge he shall

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inform the inspector, who shall inform the court of common pleas of the county or a judge thereof, by petition; and said court, or judge, when the court is not in session, shall issue a citation in the name of the Commonwealth to the said mine foreman, assistant mine foreman, or fire boss to appear, at not less than five days' notice, upon a day fixed, before said court or a judge thereof, at which time the court shall proceed to inquire into and investigate the allegations. If the court finds the allegations to be true, it shall notify the department of mines of such finding, and instruct said department to withdraw the certificate of said delinquent: *Provided, however,* That he shall have the right to appear before the examining board and be reexamined, and if he can satisfy the board that he has reformed, and passes a satisfactory examination, he shall be given another certificate of qualification. When the court orders the certificate of a mine foreman, an assistant mine foreman, or a fire boss to be withdrawn, the inspector shall notify the operators of the district of the fact.

Inquiry by court.

Withdrawal of certificate.

Reexamination.

SEC. 8. The operator or the superintendent of every mine shall within thirty days thereafter, send to the inspector notices of the following occurrences:

Notices required.

First. When a mine has been abandoned, or the working thereof discontinued.

Second. When any work has commenced for the purpose of opening a new mine.

Third. When the working of a mine is resumed after an abandonment or a discontinuance for a period exceeding two months.

Fourth. When any change occurs in the name of a mine, or in the name of the operator of a mine, under the provisions of this act.

ARTICLE IV.

SECTION 1. In order to secure efficient management and proper ventilation of the mines, to promote the health and safety of the persons employed therein, and to protect and preserve the property connected therewith, the operator or the superintendent shall employ a competent and practical mine foreman for every mine where ten or more persons are employed. The mine foreman shall have full charge of all the inside workings and of the persons employed therein, in order that all the provisions of this act so far as they relate to his duties shall be complied with, and the regulations prescribed for each class of workmen under his charge carried out in the strictest manner possible. If the mine is generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, the mine foreman must possess a first grade mine foreman's certificate. If the mine is nongaseous, the mine foreman must possess either a first-grade mine foreman's certificate or a second-grade mine foreman's certificate.

Mine foremen to be employed.

Certificate.

When the mine workings become so extensive that the mine foreman is unable personally to carry out the requirements of this act pertaining to his duties, he shall have the right to employ a sufficient number of competent persons to act as his assistants, who shall act under his instructions in carrying out the provisions of this act. If the mine is generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, the mine foreman's assistants must possess first-grade assistant mine foremen's certificates.

Assistants.

In case of the necessary temporary absence of the mine foreman, he may deputize his work, for the time being, to his assistant, who shall perform all the duties of the mine foreman.

SEC. 2. The mine foreman shall devote the whole of his time to his duties in the mine when the mine is in operation, and shall keep a careful watch over the ventilating apparatus, the ventilation airways, traveling ways, timbering, and drainage, and shall see that all stoppings along airways are properly built, as provided for in section five of article nine of this act.

Duties of foremen.

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He shall also see that proper cut-throughs are made in the pillars of all rooms and of all entries, in accordance with section three of article nine of this act, and that they are closed when necessary so that the ventilating current can be conducted in sufficient quantity through the last cut-through to the face of each room and entry by means of check doors. He shall not permit any room or entry to be turned in advance of the ventilating current or in advance of the last cut-through in the entry, excepting room necks, which may, with the consent of the inspector, be turned by entrymen driving entries.

Air current to be measured.

SEC. 3. The mine foreman or his assistant shall, at least once every week, measure the air current at or near the main inlet and outlet airway, and also in the last cut-through in the last room and in the entry beyond the last room turned in each entry, and make a record of said measurements, as provided for in section eighteen of this article. Said measurements shall be taken on days when the men are at work, and for making said measurements an anemometer shall be provided and kept in good condition by the superintendent of the mine.

Accident to fan, etc.

SEC. 4. In case of accident to a ventilating fan or its machinery, whereby the ventilation of the mine would be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and he shall not allow them to return to their work until the ventilation has been restored, and the mine has been thoroughly examined by him or by an assistant mine foreman or fire boss, and reported safe.

Gas or coal dust.

SEC. 5. The mine foreman shall notify the superintendent, in writing, whenever in his opinion the mine is becoming dangerous through the lack of ample ventilation at the face of entries, rooms and other portions of the mine, caused by the undue length of entries and airways, or from any other cause, resulting in the accumulation of gas or coal dust, or both, in various portions of the mine. The superintendent shall then notify the inspector of the report of the mine foreman, requesting him to come and make a personal examination, and if he finds it is becoming dangerous he shall at once direct the superintendent to proceed to have it put in safe condition, and, if necessary, have an additional opening of ample dimensions sunk from the surface to the interior, which opening can be used as an outlet or inlet for the air, and also as an escape way in case of necessity.

Stoppings of masonry, etc.

In all mines generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, the mine foreman shall see that, when the permanent station of the fire boss is located a mile or more from the entrance to the mine, all abandoned, finished or unfinished workings, in the intervening distance between the permanent station and the entrance to the mine, are completely shut off from the main intake or manway headings of the mine by stoppings of masonry, concrete, or some other incombustible material of sufficient thickness to keep the explosive or noxious gases from coming in contact with the intake air or with the persons employed therein.

Timbers.

SEC. 6. The mine foreman shall direct and see that every working place is properly secured by props or timbers, and shall see that no person is directed or permitted to work in an unsafe place, unless it be for the purpose of making it safe. He shall also see that the workmen are provided with sufficient props, cap pieces, and timbers of suitable size, which shall be delivered at the working faces, or as near thereto as they can be conveyed in mine cars, when requested by the workmen, in accordance with section seven of this article. He shall also see that props are cut square at both ends, and as near as practicable to the proper length required or designated for the places where they are to be used.

Workmen to order timbers.

SEC. 7. Every workman in need of props, cap pieces, and timbers shall notify the mine foreman or the assistant mine foreman (or any other person delegated by the mine foreman) of the fact, at least one day in advance, giving the number, size, and length

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of props, cap pieces, and timbers required. In case of emergency, the timber may be ordered immediately upon the discovery of danger. If for any reason the necessary timbers can not be supplied when required, the mine foreman or assistant mine foreman shall instruct the workmen to vacate the place until the timber needed is supplied.

The place and manner of leaving the orders for props, cap pieces, and timbers shall be designated and specified in the rules of the mine.

Shelter holes.

SEC. 8. The mine foreman shall see that on all animal and mechanical hauling roads, holes for shelter shall be cut into the strata, not less than two and one-half feet deep and four feet wide, and level with the road, at least every thirty yards, and kept whitewashed and clear of obstruction; except in entries from which rooms are driven at regular intervals not exceeding ninety feet: *Provided*, That the entrance to each room be kept clear of obstruction for a distance of three feet. On all main hauling roads, on which hauling is done by machinery, shelter holes shall be cut into the strata, not less than two and one-half feet deep and at least four feet wide, and level with the road, and not more than fifteen yards apart; and said shelter holes shall be kept whitewashed and clear of obstruction; except in entries from which rooms are opened at regular intervals not exceeding forty-five feet: *Provided*, That the entrance to such rooms be kept clear of obstruction for a distance of three feet. All shelter holes shall be made on the same side of the entry. All entries driven after the passage of this act shall have a clear space of two and one-half feet from the side of the car to the rib, which shall be made and continued throughout on one side of the entry, if in the judgment of the inspector the condition of the roof will permit, and shall be kept clear of obstruction.

Entries.

Travel on slopes, etc.

No persons except officials or repairmen shall be permitted to travel on slopes, gravity or incline planes, while the cars thereon are in motion.

Coal to be properly mined.

SEC. 9. The mine foreman shall direct that the coal is properly mined before it is blasted. "Properly mined" shall mean that the coal shall be undercut, center cut, top cut, or sheared by pick or machine, and in any case the undercutting shall be as deep as the holes are laid. In mines generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, when the coal seam is five feet six inches or more in thickness, "properly mined" shall mean that in all entries less than ten feet wide, wherein the coal is undercut, it shall also be sheared on one side as deep as the undercutting before any holes are charged and fired, or the coal shall be blasted in sections by placing the first hole near the center of the coal seam. He shall also direct that the miner set sprags as often as necessary, at a distance not exceeding seven feet apart, under the breast of undermined or center-mined coal, for safety. The mine foreman shall direct at what hours blasting shall be done in the mine, and a notice of the time shall be posted at a conspicuous place at the mine, and a copy of the notice shall be kept on file at the mine office: *Provided, however*, That in districts in which it has been the common practice to blast coal from the solid, said practice or method may be continued, notwithstanding anything to the contrary herein contained.

Blasting.

Sprinkling.

In such portions of a dry and dusty mine, where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, the mine foreman shall direct and see that the rooms and entries are moistened by water or other efficient means as often as necessary to keep the dust in damp condition, and he shall direct and see that the dust is loaded and taken out of the mine as often as necessary.

Dangerous places.

The mine foreman shall direct and see that as the miners advance in their excavation all dangerous and doubtful pieces of coal, slate, and rock overhead are taken down, or at once carefully secured against falling on the workmen. Any workman who

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neglects to carry out, or disobeys, the instructions of the mine foreman or his assistant, in regard to securing his working place, shall be suspended or discharged by the mine foreman, and if such negligence or disobedience results in serious injury or loss of life to any person, the mine foreman shall give the name of said workman to the inspector, for prosecution in accordance with section two, article twenty-six of this act.

Removal of dangers.

SEC. 10. The mine foreman shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss, or by any other person working in the mine, and in case it is impracticable to remove the danger at once, he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous conditions exist. He or his assistant shall once each week travel and examine all the air courses and roads and all the openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found, with ink, in the book provided for that purpose.

Daily inspections.

In all mines the mine foreman shall employ a sufficient number of assistants to insure a visit to each working place, either by himself or by his assistants, once each day while the employees are at work, and in addition thereto shall give special care, oversight, and attention to the men drawing pillars, particularly when falls are thereby being made.

Blasting holes.

The mine foreman, or the assistant mine foreman, under instructions from the mine foreman, shall direct that the holes for blasting be properly placed, and shall designate the angle and depth of holes, which shall not be deeper than the undercutting, center cutting, top cutting, or shearing, and the maximum quantity of explosives required for each hole, and the method of charging and tamping. Instructions shall be given the men by the mine foreman, assistant mine foreman, or fire boss, or other authorized person, as to when, where, and how timber shall be placed so as to avoid accidents from falls, and also, in a general way, how to mine coal with safety to themselves and others.

Daily reports of assistants.

At the end of each shift, each assistant mine foreman shall make a report in a book provided for that purpose, giving the general condition as to safety of the working places visited by him, and shall make a note of any unusual occurrence observed by him during the day. The mine foreman shall read carefully the daily report of each assistant mine foreman, and shall sign the reports with ink not later than the day following.

Removal of gases.

SEC. 11. The mine foreman shall see that every mine generating explosive gas is kept free of standing gas in all working places and roadways. Any accumulation of explosive gas or noxious gases in the worked-out or abandoned portions of any mine shall be removed as soon as possible after its discovery, if it is practicable to remove it. No person who may be endangered by the presence of said explosive gas or noxious gases shall be allowed in that portion of the mine until said gases have been removed.

Fencing, etc.

The mine foreman shall direct and see that all dangerous places and the entrance or entrances to worked-out and abandoned places in all mines are properly fenced off across the openings, so that no person can enter, and that danger signals are posted upon said fencing, to warn persons of the existing danger.

Gas at top of fall.

SEC. 12. In any mine where it has been found impracticable to remove explosive gas from the inaccessible top of a fall, it shall be the duty of the mine foreman to make this fact known at once, in writing, to the superintendent, who shall immediately report the same to the inspector, requesting him to make a prompt personal investigation. If the superintendent and the inspector are unable to devise means to have said explosive gas removed within a reasonable time, the inspector shall direct that a bore hole or bore holes, not less than six inches in diameter, be drilled from the surface to a high point on said fall, in order to give the gas an opening to escape to the surface.

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Inexperienced miners.

SEC. 13. In every mine generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, where coal dust is being carried in the air currents in quantities indicating danger, the mine foreman shall see that no person is employed to work in the mine until he has given satisfactory proof that he can do the work allotted to him without endangering the lives of his coemployees, unless said person is put to work with an experienced miner, whose duty it shall be to instruct such inexperienced person how to safely and properly perform his work.

Shot firers.

SEC. 14. In such portions of a mine, where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, and in which locked safety lamps are used, the mine foreman shall employ a sufficient number of competent persons, who are able to speak the English language, to act as shot firers, whose duty shall be to charge, tamp, and fire all holes properly placed by the miners, and to refuse to charge any holes not properly placed. No holes shall be fired by any person other than a shot firer. They shall use none but incombustible material for tamping, which the mine foreman shall see is provided for them at convenient places inside the mine. Under no condition shall the shot firer use coal dust or any other combustible material for tamping. All such holes shall be fired by an electric apparatus, and no person other than the shot firer shall connect the wires of or operate said apparatus. Each shot firer shall keep a record of and report to the mine foreman every hole that he has refused to charge, every blown-out shot, and every hole that has misfired. It shall be the duty of shot firers, and miners who are permitted by this act to fire their own shots, to visit and examine the places where shots have been fired, before leaving the mine, to see that there is no fire, or any other danger existing.

Blasting.

In all mines in which coal is blasted from the solid, all holes shall be fired when all the workmen are out of the mine except the shot firers and other persons delegated by the mine foreman to safeguard property.

No shot firer or any other person shall fire a shot in any working place or in any mine if his safety lamp can detect explosive gas at the roof. In gaseous, dusty mines, in which locked safety lamps are used, he shall fire no holes unless the entries and rooms which are dry and dusty are so thoroughly wetted as to prevent the existence of any dry dust for a distance of not less than eighty feet from the hole to be fired: *Provided, however,* That in all mines wherein the coal is being blasted from the solid, the mine foreman shall direct and see that the provisions of this section are fully complied with.

Suspension of operations.

SEC. 15. When operations are temporarily suspended in a mine the superintendent and the mine foreman shall see that danger signals are placed across the mine entrances, which signals shall be sufficient warning for persons not to enter the mine. If the circulation of air through the mine be stopped, each entrance to said mine shall be fenced off in such a manner as will ordinarily prevent persons from entering said mine, and a danger signal shall be displayed upon said fence at each entrance. The mine foreman shall see that all danger signals used in the mine are in good condition, and if any become defective he shall notify the superintendent.

Drainage.

SEC. 16. The mine foreman shall see that the water is drained out of the working places before the men enter, and that the working places are kept as free from water as practicable during working hours.

Proximity to abandoned mine.

SEC. 17. In any working place that is being driven within supposedly dangerous proximity to an abandoned mine, or portion of an abandoned mine, suspected of containing explosive gas, or that may contain a dangerous accumulation of water, the mine foreman shall see that at least two bore holes shall be maintained not less than twelve feet in advance of the face, and, on each side of such working place, bore holes of the same depth shall be drilled diagonally, not more than eight feet apart, and any place driven

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to tap water or gas shall not be more than eight feet wide. No water or gas from an abandoned mine, or portions of an abandoned mine, and no bore hole from the surface, shall be tapped until the employees, except those engaged at such work, are out of the mine, and such work shall be done under the immediate instruction and direction of the mine foreman, with the use of locked safety lamps.

Daily reports. SEC. 18. The mine foreman shall each day enter plainly and sign with ink, in a book provided for that purpose, a report of the condition of the mine, which report shall clearly state any danger that may have come under his observation during the day, or any danger reported to him by his assistants or the fire bosses. The report shall also state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the requirements of the law are complied with. He shall also, once each week, enter plainly with ink, in said book, a true report of all air measurements required by this act, designating the place, the area of each cut-through and entry separately, the velocity of the air in each cut-through and entry, and the number of men employed in each separate split of air, with the date when measurements were taken. Said book shall at all times be kept in the mine office at the mine, for examination by the inspector, and by any person working in the mine, in the presence of the mine foreman.

Weekly reports.

Signing of fire bosses' record. The mine foreman shall also, each day, read carefully, and countersign with ink, all reports entered in the record book of the fire bosses.

Reports of accidents. SEC. 19. The mine foreman shall, once each week, on blank forms provided for that purpose, report to the inspector all fatal and serious accidents that have occurred in or about the mines, giving the age, nationality, and occupation of the injured persons, together with facts as to the families or dependents affected.

Employment of fire bosses. SEC. 20. The mine foreman shall employ a sufficient number of fire bosses, in order that each mine can be examined in accordance with the provisions of sections one, two, and three of article five of this act. The mine foreman or the assistant mine foreman shall see, as often as practicable, that the fire boss has left his mark in places examined, or reported as examined.

Safety blocks, switches, etc. SEC. 21. The mine foreman shall direct and see that safety blocks, or some other device, are constructed for the purpose of preventing cars from falling into the shaft or slope, or running away on slopes and incline planes; and safety switches, drop logs, or other devices, shall be used on all slopes and incline planes; and the mine foreman shall see that said safety blocks, safety switches, or other devices, are maintained in good working order.

Safety lamps. SEC. 22. It shall be the duty of the mine foreman to see that locked safety lamps are used, when and where required by this act.

Tools. The transportation of tools in and out of the mine shall be under the direction of the mine foreman or his assistant.

Report of violations. SEC. 23. It shall be the duty of the mine foreman to report immediately all violations of this act to the inspector.

Duties of assistants. SEC. 24. When assistant mine foremen are employed, their duty shall be to assist the mine foreman in complying with the provisions of this act, and, in the absence of the mine foreman, they shall perform the duties of the mine foreman, and shall be liable to the same penalties as the mine foreman for any violation of this act.

ARTICLE V.

Fire bosses to have certificates. SECTION 1. In such portions of a mine, wherein explosive gas has been generated within one year before the passage of this act, or shall be generated after the passage of this act, in sufficient quantities to be detected by an improved safety lamp, the mine foreman shall employ a fire boss or fire bosses, whose competency to act as such shall be evidenced by a certificate of qualification from the department of mines on the recommendation of the examining board, as provided for in section six, article twenty-four

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of this act. It shall be the duty of the fire boss to examine carefully, before each shift enters the mine, every working place, without exception, all places adjacent to live workings, every roadway, and every unfenced road to abandoned workings and falls in the mine; but before proceeding with the examination, he shall see that the air current is traveling in its proper course. In making the examination he shall use no light other than that enclosed in an approved safety lamp. The examination shall begin within three hours prior to the appointed time for each shift to enter the mine. The fire boss shall examine for all dangers in all portions of the mine under his charge, and after each examination he shall leave, at the face and side of every place examined, the date of the examination, as evidence that he has performed his duty. He shall also examine the entrance or entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge, where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every working place and every other place where explosive gas is discovered, or where immediate danger is found to exist from any other cause, and said signal shall be sufficient warning for persons not to enter. The meaning of all danger signals shall be explained to the non-English speaking employees of the mine, in their several languages, by the mine foreman, assistant mine foreman, or fire boss, through an interpreter.

Duties.

Marks.

SEC. 2. A suitable record book shall be kept at the mine office, on the surface, of every mine wherein fire bosses are employed, and immediately after the examination of such mine or any portion thereof by a fire boss, whose duty it is to make such examination, he shall enter in said book, with ink, a record of such examination, and sign same. This record shall show the time taken in making the examination, and also clearly state the nature and location of any danger that may have been discovered in any room or entry or other place in the mine, and, if any danger or dangers have been discovered, the fire bosses shall immediately report the location thereof to the mine foreman. No person shall enter the mine until the fire bosses return to the mine office on the surface, or to a station located in the intake entry of the mine (where a record book as provided for in this section shall be kept and signed by the person making the examination), and report to the mine foreman or the assistant mine foreman, by telephone or otherwise, that the mine is in safe condition for the men to enter. When a station is located in any mine it shall be the duty of the fire bosses to sign also the report entered in the record book in the mine office on the surface. The record books of the fire bosses shall at all times during working hours be accessible to the inspector and the employees of the mine.

Record book.

Report of dangerous conditions.

SEC. 3. A second examination by the same or other fire bosses shall be made during working hours of every working place where men are employed.

Second inspections.

SEC. 4. The mine foreman and the fire boss shall, at or near the main entrance to the mine, provide a permanent station with a proper danger signal, designated by suitable letters and colors, placed thereon. In every mine generating explosive gas in quantities sufficient to be detected by an approved safety lamp, when the working portions are one mile or more from the entrance to the mine or from the bottom of the shaft or slope, a permanent station of suitable dimensions may be erected by the mine foreman (provided the location is approved by the inspector) for the use of the fire bosses, and in the said station a fireproof vault of ample strength shall be erected of brick, stone, or concrete, in which the temporary record book of the fire bosses, as described in section two of this article, shall be kept. It shall not be lawful for any person, except the mine foreman, and in case of necessity such other persons as may be designated by him, to pass beyond said permanent station and danger signal until the mine has been examined by a fire boss, as provided for in section one of this article, and the mine or certain portions thereof reported by him

Permanent station.

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to be safe. The fire boss shall not allow any other person or persons to enter or remain in any portion of the mine through which a dangerous accumulation of gas is being passed, in the ventilating current, from any other part of the mine. He shall report at once any violation of this article to the mine foreman.

Passing or removing danger signals.

SEC. 5. Any employee or other person, except those hereinbefore provided for, who passes by any danger signal into the mine, or into any portion of the mine, or removes such danger signal before the mine has been examined and reported to be safe, or any employee or any other person who passes by any danger signal placed at the entrance to a working place, or any other place in the mine, or removes such danger signal without permission from the mine foreman, the assistant mine foreman, or the fire boss, shall be deemed guilty of a misdemeanor, and it shall be the duty of the mine foreman having knowledge of said violation (whether obtained personally or otherwise) to notify the inspector at once, in writing; and the inspector shall forthwith enter proceedings against such persons, as provided for in section two of article twenty-six of this act. Any mine foreman who fails to notify the inspector forthwith of any violation of the provisions of this article that has been reported to him or has come under his personal observation shall be deemed guilty of a misdemeanor.

Failure to notify inspector.

Neglect to comply with act.

SEC. 6. Any fire boss who neglects to comply fully with the provisions of this article relating to his duties, or who shall make a false report of the condition of any place in the portion of the mine allotted to him for examination, shall be deemed guilty of a misdemeanor, and shall be suspended by the mine foreman, and his name shall be given to the inspector for prosecution. If he is found guilty, he shall return his certificate of qualification as fire boss to the department of mines: *Provided, however*, That he may again be an applicant for a certificate as fire boss at any regular examination, after the expiration of six months; but if he is found guilty of a second offense he shall return his certificate to the department of mines, and can not be an applicant for reexamination.

Emergency service.

SEC. 7. Nothing in this article shall prevent a first-grade mine foreman or a first-grade assistant mine foreman from acting as fire boss, or a regularly employed fire boss from acting in an emergency as a first-grade assistant mine foreman.

ARTICLE VI.

Openings to the surface.

SECTION 1. It shall not be lawful for the operator, superintendent, or mine foreman of any mine to employ any person to work therein, unless there are at least two openings or outlets to the surface from every seam of coal actually being worked, and available from every entry thereof, which openings or outlets shall have distinct means of ingress and egress available at all times for the use of the employees. The distance between two shafts shall not be less than two hundred feet, and the distance between the openings to the surface of slopes shall not be less than one hundred and fifty feet, and the distance between drifts shall not be less than fifty feet: *Provided*, That the distances between said openings shall apply only to mines opened after the passage of this act: *And provided further*, That the distances specified may be less with the written consent of the inspector. The passageways between said two shafts shall at all times be maintained in safe and available condition for the employees to travel therein, and the pillars in entries between said shafts shall not be removed without the consent of the inspector, in writing, to the superintendent.

Passageways.

Exceptions.

The foregoing requirements shall not apply to the openings of a new mine, or to the openings of a new entry of a mine that is being worked for the purpose of making connection between said two outlets, as long as not more than twenty persons are employed at any one time in making the connection or driving the second opening; nor shall said requirements apply to any mine in which

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the second opening has been rendered unavailable, by reason of the final robbing or removing of pillars, as long as not more than twenty persons are employed therein at any one time.

Cages, etc.

SEC. 2. The cage or cages or other safe means of egress shall be available at all times for the persons employed in any mine that has no second outlet available.

Passage around shaft.

SEC. 3. There shall be around the side, at the bottom, of every hoisting shaft (and similarly around the side of such shaft at any intermediate point where it intersects any entry) a passageway, not less than five feet high and three feet wide in the clear, which passageway shall be either cut through the solid strata or constructed of masonry, and shall be kept open at all times, so as to enable persons to pass around said shaft in going from one side thereof to the other.

Main entries.

SEC. 4. Every mine generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, opened after the passage of this act, shall have at least four main entries, two of which shall lead from the main opening and two from the second opening, into the body of the mine: *Provided*, That every new gaseous mine, where locked safety lamps are used exclusively, projected to open up a large acreage with main entries five thousand feet or more in length, shall have at least five main entries, two of which shall lead from the main opening and two from the second opening, into the body of the mine, and the fifth (which may be connected with an opening to the surface or with the intake airway at or near the main intake opening) shall be used exclusively as a traveling way for the employees.

Main entries in nongaseous mine.

Every nongaseous mine opened after the passage of this act shall have at least two main entries, one of which shall lead from the main opening and one from the second opening, into the body of the mine: *Provided*, That in every new nongaseous mine, projected to open up a large acreage with main entries five thousand feet or more in length, the operator shall either haul the employees into and out of the mine at the beginning and end of each shift, or provide at least three main entries, one of which shall lead from the main opening and one from the second opening, into the body of the mine, and one (which may be connected with a opening to the surface or with the intake airway at or near the main intake opening) shall be used exclusively as a traveling way for the employees.

Additional openings.

Should any mine opened as a nongaseous mine become a gaseous mine, and in every gaseous mine opened prior to the passage of this act, where locked safety lamps are used exclusively, having less than five main entries that have reached five thousand feet or more in length, and are to be extended two thousand feet or more, the superintendent shall have a new opening of ample dimensions made from the surface, if the inspector of the district, and two additional inspectors appointed by the chief of the department of mines, shall deem such additional opening necessary for the proper ventilation of the mines or the safety of the miners. The main entries and the traveling way shall be extended from this opening to the face of the workings. The operator may continue to work said mine or mines, under the provisions and requirements of this act for a nongaseous mine, until by due diligence the operator can change conditions to meet the provisions and requirements of this paragraph.

Entries to be clear.

The intake and return entries shall be kept drained, and free from refuse and obstructions of all kinds, so that persons may safely travel therein throughout their whole length and have a safe means of egress from workings in case of emergency. Said entries shall be separated by pillars of coal of sufficient strength, and shall not be driven more than two hundred feet beyond the last cut-through, except for exploratory purposes.

Separate traveling way.

When the main entry of a nongaseous mine, or both main entries of a gaseous mine, used for intake for air, are also used for mechanical haulage, a separate traveling way, leading into the body of the mine, shall be provided for the use of the em-

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ployees in going to and from their work, or the employees shall be hauled into and out of the mine at the beginning and end of each shift.

In all mines where the coal seam is less than three and one-half feet in height, such traveling way shall be at least four and one-half feet in height; in all mines where the coal seam is four feet in height, such traveling way shall be at least five feet in height; and the width shall not be less than six feet. All such traveling ways shall be well drained, kept free from refuse of all kinds, and free from smoke, noxious gases, and electric wires, unless said wires are so placed and protected as not to endanger life and are kept in safe condition.

Overcast or undercast.

SEC. 5. In every slope, with workings on both sides, an overcast or an undercast, not less than five feet wide and five feet high, shall be provided as a passageway for the use of the employees to cross from one side of the slope to the other. Said overcast or undercast shall connect with available passageways leading to the workings on both sides of said slope. The intervening strata between the slope and the overcast or undercast shall be of sufficient strength at all points to insure safety to the employees: *Provided, however,* That if it is impracticable to drive an overcast or an undercast in the solid, an overcast or an undercast, if substantially built with masonry or other incombustible material, will be deemed sufficient.

Opening to be clear.

SEC. 6. In mines opened after the passage of this act, if the opening or outlet other than the main opening is a shaft not more than one hundred feet in depth, and is used by employees for the purpose of ingress to or egress from the mine, it shall be kept available and in safe condition, free from steam, dangerous gases and all obstructions; and shall be fitted with safe and

Stairway.

convenient stairways, with steps of an average tread of ten inches and a rise of nine inches, not less than two feet in width and not to exceed an angle of forty-five degrees, with landings not less than twenty-four inches in width and four feet in length, at easy and convenient distances. These stairways shall be made safe by having handrails of suitable material placed on one side, or on both sides when requested by the inspector, and shall be inspected every twenty-four hours by a competent person employed for that purpose. Water that may come from the surface or from the strata in the shaft shall be conducted away so that it will not fall on the stairways or on persons while descending or ascending them.

Hoisting employees.

SEC. 7. After the passage of this act, when a mine is operated by a shaft more than one hundred feet in depth, the persons employed therein shall be lowered and hoisted by means of machinery, unless the second opening is a drift or a slope. When the employees are lowered into or hoisted from the mine at the main shaft opening, the second opening, if a shaft, shall also be

Stairway.

supplied with a stairway, constructed in the manner hereinbefore designated in section six of this article, or with suitable machinery for safely lowering and hoisting persons in case of an emergency.

Slope.

SEC. 8. At any mine where one of the openings hereinbefore required is a slope, and is used as a means of ingress and egress by the employees, and where the angle of descent of said slope exceeds fifteen degrees, and its length from the mouth of the opening exceeds one thousand feet, the employees shall be lowered into and hoisted from the mine, at the beginning and end of each

Speed of hoisting.

shift, at a speed not to exceed six miles per hour; and at every such mine where the angle of descent of said slope averages from five to fifteen degrees, and where its length exceeds three thousand feet, the employees shall be lowered into and hoisted from the mine, at the beginning and end of each shift, at a speed not

Proviso.

to exceed six miles per hour: *Provided, however,* That when a separate traveling way is provided at any such slope, the owner or operator may, at his, their, or its option, be exempt from the

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requirements of this section, if the angle of said traveling way does not exceed twenty degrees.

ARTICLE VII.

Platform over shaft.

SECTION 1. The operator, superintendent, or contractor shall erect over every shaft that is being sunk, or shall hereafter be sunk, a safe and substantial structure to sustain sheaves or pulleys, ropes and loads, at a height of not less than twenty feet above the tipping place, and the top of such shaft and landing platform shall be arranged in such a manner that no material can fall into the shaft while the bucket is being emptied. The said structure shall be erected as soon as substantial foundation is obtained, and in no case shall a shaft be sunk to a depth of more than fifty feet without such structure.

Truck.

SEC. 2. If provisions are made to land the bucket on a truck, the said truck and platform shall be so constructed that material can not fall into the shaft.

Bucket or cage.

SEC. 3. Rock and coal from shafts that are being sunk shall not be raised except in a bucket or on a cage, and said bucket or cage must be connected with the rope by a safety hook, clevis, or other safe attachment. The rope shall be fastened to the side of the drum and not less than three coils of rope shall always remain on the drum. If said shafts are one hundred feet or more in depth they shall be provided with guides and guide attachments, applied in such a manner as to prevent the bucket from swinging while being lowered or hoisted, and said guides and guide attachments shall be maintained at a distance of not more than seventy-five feet from the bottom of the shaft.

Drum.

Guides, etc.

Loose material.

SEC. 4. It shall be the duty of the person in charge of the shaft sinking for the contractor or company to see that the sides of all shafts are properly secured for safety, and that no loose rock or material is allowed to remain on any timber on top or on any timber in the shaft after each blast. Where explosive gas is encountered, the person in charge shall see that the shaft is examined before each shift, and before the men descend after each blast, and also that the place is safe. In sinking shafts all blasts must be exploded by electric battery. Provision must also be made for the proper ventilation of shafts while being sunk.

Blasting.

Brake.

SEC. 5. An efficient brake shall be attached to every drum of an engine used for sinking shafts, and all machinery, ropes, and chains connected therewith shall be examined once every twelve hours.

Buckets.

SEC. 6. Not more than four persons shall be lowered or hoisted in or on a bucket in any shaft at one time, and no person shall ride on a loaded bucket.

ARTICLE VIII.

Telephone or speaking tubes.

SECTION 1. The operator or the superintendent shall provide, and hereafter maintain in good condition from the top to the bottom of every shaft or slope, where persons or material are lowered or hoisted, a telephone or metal tube of proper diameter, suitably adapted to the free passage of sound, through which conversation may be held and understood between persons at the top and the bottom of said shaft or slope; and he shall also provide means of signaling from the top to the bottom and from the bottom to the top of said shaft or slope. The same provision shall apply to inside planes whereon coal is lowered and persons have to travel, when required by the inspector. In all gaseous mines telephone connections shall be made from the surface to the main section of the mine. All signaling apparatus and telephone connections shall be kept in good condition and shall be always available for service.

Signal apparatus.

Handrails.

The operator or the superintendent shall provide every cage, used for lowering or hoisting persons, with handrails at sides or overhead, and with chain, bar, or gate at ends, and with a suffi-

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cient covering overhead to protect persons thereon, and shall also provide for each said cage efficient safety catches, which shall be tested once every two months, and a record of each test shall be sent to the inspector and to the superintendent, and also recorded with ink in a book kept at the mine office for that purpose. The ropes shall be securely attached to the sides of the drum of every machine that is used for lowering and hoisting persons or material into and out of the mine, and the flanges shall have a clearance of not less than four inches when the whole of the rope is wound on the drum, and adequate brakes shall be attached to the drum so that the speed thereof can be controlled when men are being lowered or hoisted. An efficient indicator that shall show the position of the cages in the shaft shall be attached to the hoisting apparatus, and an efficient safety device that will prevent overwinding shall be attached to every engine used for lowering and hoisting persons.

Safety catches.

Ropes.

Brakes.

Indicator.

Safety gates. All shafts shall be provided with safety gates controlled by the cage at the top and intermediate landings, said gates to be approved by the inspector.

Coupling chains. SEC. 2. The main coupling chain attached to the socket of the wire rope of every shaft shall be made of the best quality of iron, and shall be tested by weights, or otherwise, to the satisfaction of the inspector; the manner of testing and the result obtained to be entered in a book, with ink, with the day and date of the inspection; and bridle chains of the same quality of iron shall be attached to the main hoisting rope, three feet above the socket, from the top crosspiece of the cage, so that no single chain shall be used for lowering or hoisting persons into or out of the mine.

Bridle chains.

Ropes, links and chains SEC. 3. In shafts where coal is hoisted and employees lowered into or hoisted from the mine, the ropes, links, and chains shall be of ample strength, with a factor of safety of not less than five to one of the maximum load. In shafts used exclusively for lowering or hoisting employees and material, the factor of safety of ropes, links, and chains shall not be less than ten to one of the maximum load. All such ropes, links, and chains shall be carefully examined, at least once every twenty-four hours, by a competent person delegated for that purpose by the superintendent; and any defect therein found, by which life and limb may be endangered, shall be reported at once in writing to the superintendent, who shall immediately proceed to remedy the defect; and until that is accomplished he shall prohibit any person from being lowered into or hoisted from the mine by the defective apparatus. The person making said examination shall keep a daily record of each inspection, in ink, in a book kept at the mine office for that purpose, and he shall send a copy thereof each day to the superintendent.

Factor of safety.

Inspection.

Guard railing. SEC. 4. All machinery in and about the mines, from which any accident would be liable to occur, shall be properly fenced off by suitable guard railing.

Number of men to be hoisted. SEC. 5. No greater number of persons shall be lowered or hoisted at any one time than may be permitted by the inspector, and notice of the number so allowed to be lowered or hoisted at any one time shall be kept posted by the operator or the superintendent in conspicuous places at the top and bottom of the shaft. The aforesaid notice shall be signed by the inspector. The speed of the cage when lowering or hoisting persons shall not exceed nine hundred feet a minute.

Speed of cage.

Boilers. SEC. 6. All boilers used for generating steam in and about the mines shall be kept in good condition, and the superintendent shall have them examined and inspected by a duly qualified person once every six months, and the report of said inspection shall be posted at the mine office.

Safety valves. SEC. 7. Each boiler shall be provided with a safety valve of sufficient area for the steam to escape, and with weights or springs properly adjusted.

Consent of inspector. SEC. 8. No boiler used for generating steam shall be placed or allowed to remain inside of any mine without the consent of the

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inspector, which shall be given in writing to the superintendent, and if the inspector allows said boiler to be placed inside the mine it shall be enclosed in a fireproof building within fifty feet of the bottom of an uncast shaft, which shaft shall not be less than thirty-five square feet in area.

Steam gauges.

SEC. 9. Every boiler house shall be provided with a sufficient number of steam gauges, which shall be properly connected with the boilers, to indicate the pressure of steam to the fireman, outside foreman or superintendent, and another steam gauge shall be attached to the main steam pipe in the engine house, so that the hoisting engineer can readily examine it.

ARTICLE IX.

Ventilation.

SECTION 1. The operator or the superintendent of every mine shall provide and maintain ample means of ventilation to furnish a constant and adequate supply of pure air for the employees. In a nongaseous mine the minimum quantity of air shall not be less than one hundred and fifty cubic feet per minute for each person employed. In a mine wherein explosive gas is being generated in such quantities that it can be detected by an approved safety lamp, the minimum quantity of air shall not be less than two hundred cubic feet per minute for each person employed therein, and as much more in either case as one or more of the inspectors may deem requisite. The return air from each split where from seventy to ninety persons are employed shall be conducted by an overcast or an undercast into the return airway, which shall lead to the main outlet.

Quantity.

The ventilation shall be conducted through the main entries, cross entries and to the working faces of all working places in the mine in sufficient quantities to dilute, carry off, and render harmless the smoke and the noxious and dangerous gases generated therein, to such an extent that all working places and traveling roads shall be in a safe and healthy condition for the persons working and traveling therein.

Doors.

No permanent door shall be erected or allowed to remain in the main entry in any mine, unless its removal shall be deemed impracticable by the inspector.

Duty of operator.

SEC. 2. Where five or more persons are employed at any one time in a mine, it shall be the duty of the operator or the superintendent to provide ample ventilation in accordance with section one of this article: *Provided*, That it shall not be lawful to use a furnace for ventilating any mine wherein explosive gas is being generated.

Use of furnaces.

Number of men in an air current.

Six months after the passage of this act, not more than seventy persons shall be permitted to work in the same continuous air current, unless in the judgment of the inspector of the district it is impracticable to comply with this requirement, in which case a larger number, not exceeding ninety persons, may be permitted to work therein.

Cut-throughs.

SEC. 3. The mine foreman shall see that proper cut-throughs are made in all the room pillars, at such distances apart as in the judgment of the inspector may be deemed requisite, not more than thirty-five nor less than sixteen yards each, for the purpose of ventilation.

Air measurements.

SEC. 4. The quantity of air passing a given point shall be ascertained by an anemometer, the measurements to be taken by the mine foreman, once every week, at or near the main inlet and outlet airway in the mine, and also at the last cut-through in the last room and in the entry beyond the last room turned. Said measurements shall be taken on days when the men are at work.

Stoppings.

SEC. 5. In all mines all new stoppings in cut-throughs between the main intake and return airways shall be substantially built of masonry, concrete, or other incombustible material, and shall be of ample strength; and in mines generating explosive gas all new stoppings and renewals of old stoppings in cross entries shall be built of masonry, concrete, or other incombustible material.

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Stoppings in cross entries in nongaseous mines may be built of timber. All stoppings shall be kept in good condition, so as to keep the air up to the working faces. Temporary stoppings shall be erected in cut-throughs in rooms to conduct the ventilation to the face of each room, and such stoppings may be constructed of timber or brattice cloth.

Fans.

SEC. 6. Every ventilating fan at nongaseous mines shall be kept in operation continuously day and night, unless operations are definitely suspended, except when written permission is given by the inspector to stop it. The said permission, or a copy thereof, shall be posted by the mine foreman in a conspicuous place at the entrance or entrances to the mine, and shall state the particular hours the fan may be stopped. The inspector shall have the power to withdraw or modify such permission at any time and in any manner he may deem best. In all cases, however, the fan shall be started two hours before the time to begin work. Every ventilating fan at gaseous mines shall be kept in operation continuously, day and night, unless operations are definitely suspended:

Stoppage.

Provided, That should it at any time become necessary to stop the fan at any mine (gaseous or nongaseous), on account of accident to part of the machinery connected therewith, or by reason of any other unavoidable cause, it shall then be the duty of the mine foreman, or the assistant mine foreman in charge, after first having provided for the safety of the persons employed in the mine, to order said fan stopped for necessary repairs.

Recording instrument.

Every ventilating fan shall be provided with a recording instrument by which the number of revolutions or the effective ventilating pressure of the fan shall be registered, and the registration for each day, with the date thereof, shall be kept in the office at the mine, for future reference for one year.

Location of fan.

No main or principal ventilating fan shall be placed inside of any mine. No auxiliary fan, unless driven by electricity or compressed air, shall be placed in any mine. If the fan be electrically driven, the motor shall be placed in the intake airway.

Furnaces.

Every ventilating furnace in a mine shall be properly attended to and operated by a competent person, employed by the mine foreman for that purpose, for two hours before the appointed time to begin work, and constantly thereafter during working hours.

Air bridges, etc.

SEC. 7. In every mine all new air bridges, overcasts or undercasts shall be substantially built of masonry, concrete, or other incombustible material, of ample strength, or shall be driven through the solid strata. It shall be the duty of the mine foreman to see that these bridges are properly built and are of ample strength.

Doors.

SEC. 8. In every mine the doors used for guiding and directing the ventilation shall be so hung and adjusted that they will close of themselves, or shall be supplied with springs or pulleys so that they can not remain open. All principal doors shall be so placed that, when one door is open, another which has the same effect upon the same current shall be closed, and remain closed to prevent any stoppage of the air current.

Attendants.

An attendant shall be employed at each principal door (that is, the door that controls the main air current in the entries) through which cars are hauled, for the purpose of opening and closing it for the employees and cars to pass in and out from the workings, unless a self-acting door, approved by the inspector, is used. A hole for shelter shall be provided at each door, to protect the attendant from danger from cars while performing his duties. Persons employed for this purpose shall remain at the doors at all times during working hours: *Provided*, That the same attendant may attend two doors if his absence from the first door does not endanger the safety of the employees. At every door on any incline plane or road whereon haulage is done by machinery, an attendant shall always be on duty during working hours, and at every door on said plane or road an extra door shall be provided for use in case of necessity. Wherever a principal door is placed, an extra door shall also be provided to be used in case of necessity.

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Petroleum, alcohol, etc., as fuel.

SEC. 9. No product of petroleum or alcohol, or any compound that in the opinion of the inspector will contaminate the air to such an extent as to be injurious to the health of the miner, shall be used as motive power in any mine.

Drainage from buildings, etc.

SEC. 10. If any person shall construct, or cause to be constructed or used, or permit to be used, from and after the date of the passage of this act, any sewer or other method of drainage from any building or dwelling house, for the carrying of sewage, offal, refuse or other offensive matter, into any operating mine, or any entryway, passage, or room in any mine (such entryway, passage, or room being used for ventilating or drainage purposes, or for a traveling way), such person shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to a fine not exceeding one thousand dollars, and undergo an imprisonment not exceeding one year, either or both, at the discretion of the court.

ARTICLE X.

Use of open lights prohibited, where.

SECTION 1. The use of open lights is prohibited in any entry, airway, traveling way, room, or any other working place where explosive gas is being generated in such quantity as can be detected by an approved safety lamp, also in pillar workings where a sudden inflow of explosive gas is likely to be encountered, and all such places shall be worked exclusively with locked safety lamps. The use of open lights is also prohibited in all working places, roadways, or other portions of the mine through which explosive gas might be carried in the air current in quantities indicating danger: *Provided, however*, That if the inspector is of the opinion that any mine, or any portion of any mine, should be operated by the use of locked safety lamps exclusively, he shall have the right to petition the chief of the department of mines, in writing, setting forth such opinion and his reasons therefor. Whereupon the said chief shall forthwith instruct two or more other inspectors to accompany the inspector of the district to make a further thorough examination into the matter in dispute and of all workings of said mine, whether in active operation or not. The said committee of inspectors shall, within seven days of their appointment, make a report in writing to the chief of the department of mines, and to the superintendent, general manager, operator or owner of said mine, giving the conclusions arrived at, with their reasons therefor; and the decision of said committee shall be final and conclusive, unless the superintendent, general manager, operator, or owner, shall, within seven days of the receipt thereof, appeal from such decision to the court of quarter sessions of the county in which the mine is located. Whereupon the court, or a judge of said court in chambers, shall forthwith appoint four practical, reputable and competent persons, two of whom shall be recommended by the superintendent, general manager, operator, or owner, and the other two by the chief of the department of mines, and the four persons thus recommended shall name a fifth person, who also must be practical, reputable and equally competent; and the five persons so named, none of whom shall be in the employ of the operator, operating company, or any of its officers, or of the State department of mines, shall constitute a commission to investigate and report on the matter in dispute: *Provided, however*, In case any or all of said four persons are not recommended, by a writing filed in said court within seven days after the appeal is filed, that then the said court shall fill the vacancy or vacancies by the appointment of a practical, reputable and competent person, or persons; and in case the four persons thus chosen shall not agree, in writing, upon the fifth person of this commission, within five days after they have received notice of their appointment, then the said court shall appoint the said fifth person on this commission. The duty of said commission of five persons shall be, under the instruction of the court, to forthwith examine said mine, or a portion thereof, and report under oath, within ten days after their appointment, the facts as they exist and the conditions

Safety lamps.

Inspection.

Report.

Appeal.

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pertaining thereto, and based upon such conditions and facts the decision of a majority on the matter in dispute; and their report and decision shall be final and conclusive, unless exceptions thereto shall be filed by the superintendent, general manager, operator, or owner, or the chief of the department of mines, within seven days of the filing of said commission's report. If exceptions are filed, the court shall at once hear, and, upon testimony taken thereon, determine them, and enter a decree in accordance with such determination: *Provided*, That the superintendent, general manager, operator, owner, or chief of the department of mines, shall thereafter have the right to have the record and proceedings removed to the supreme court for review, by appeal or writ of error.

Decree.

Appeal.

Costs of appeals.

SEC. 2. If said court of quarter sessions sustains the decision of the committee of inspectors, and said court's decree is not appealed from, or if on appeal the supreme court finally sustains the decision of the inspectors, then the appellant from said decision of the committee of inspectors shall pay all costs of such proceedings; but if the said court of quarter sessions or the supreme court shall not sustain the decision of the committee of inspectors, then all costs shall be paid by the Commonwealth: *Provided, however*, That any and all appeals from any decision made by the committee of inspectors, or made by the committee appointed by the court of quarter sessions, shall work as a supersedeas to such decision during the pendency of such appeal either to the court of quarter sessions or to the supreme court.

Open lights in return air current.

SEC. 3. The use of open lights is strictly prohibited in the return air current of any portion of a mine that is ventilated by the same continuous air current that ventilates any other portion of said mine in which locked safety lamps are used. The provisions of this section shall not apply to any mine wherein explosive gas is generated only at the face of active entries.

Return air.

SEC. 4. If at any time one portion of a mine is worked by the use of locked safety lamps while another portion is worked by the use of open lights, the return air from the gaseous portion shall be conducted directly into a return airway leading to the fan or to the outlet: *Provided*, That when a portion of a mine is worked by the use of locked safety lamps and other portions are worked by the use of open lights, it shall be the duty of the mine foreman to provide a suitable danger station, with an attendant on duty at all times during working hours, day and night, whose duty it shall be to see that the employees from the open light portion are not allowed to enter the locked safety lamp portion unless they are provided with locked safety lamps by said attendant.

Use of safety and open lights.

Traveling in return air current.

SEC. 5. The employees of a gaseous mine, or any portion thereof, are strictly prohibited from traveling into or out of the mine in the return air current, if explosive gas can be detected by an approved safety lamp in said air current.

Lamp station.

SEC. 6. When safety lamps are used, the position of the lamp station for lighting or relighting shall not be in the return air current.

Powers of inspectors.

SEC. 7. Nothing in this article shall interfere with the discretionary powers of inspectors as provided for in article twenty.

Construction of safety lamps.

SEC. 8. Whenever safety lamps are used in a mine by fire bosses or other persons, they shall be so constructed that they may be safely carried against the air current ordinarily prevailing in that portion of the mine in which the lamps are being used.

Ownership.

SEC. 9. All safety lamps used for examining mines or for working therein shall be the property of the operator, and shall be in the care of the mine foreman, assistant mine foreman, fire boss, or some other competent person or persons appointed by the mine foreman whose duty it shall be to clean, fill, trim, examine, light, and deliver them locked and in a safe condition to the men when entering the mine, and to receive the lamps from the men when returning from work, for which services a charge not exceeding the actual cost of labor and material may be made by the operator. At any mine wherein explosive gas was generated within one year

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before the passage of this act, in sufficient quantities to be detected by an approved safety lamp, a sufficient number of safety lamps, not less than one-fourth of the number of safety lamps in use, shall be kept in a convenient place and in good condition, for use in case of emergency. It shall be the duty of every person who knows that his safety lamp is injured or defective to return it immediately, and report such fact to the person authorized to receive and care for said lamp, who shall report the matter to the mine foreman, assistant mine foreman, or fire boss as soon as practicable.

Emergency lamps.

Defective lamps.

ARTICLE XI.

The following rules shall be observed as far as is reasonably practicable in the mines:

Use of electricity.

Definitions.

Potential.—The terms "potential" and "voltage" are synonymous, and mean electrical pressure.

Difference of potential.—The expression "difference of potential" means the difference of electrical pressure existing between any two points of an electrical system, or between any point of such a system and the earth, as determined by a voltmeter.

Potential of a circuit.—The potential or voltage of a circuit, machine, or any piece of electrical apparatus, is the potential normally existing between the conductors of such circuit or the terminals of such machine or apparatus.

(a.) Where the conditions of the supply of electricity are such that the difference in potential between any points of the circuit can not exceed three hundred volts, the supply shall be deemed a low voltage supply.

(b.) Where the conditions of the supply of electricity are such that the difference of the potential between any two points in the circuit may at any time exceed three hundred volts, but can not exceed six hundred and fifty volts, the supply shall be deemed a medium voltage supply.

(c.) Where the conditions of the supply of electricity are such that the difference of potential between any two points in the circuit may at any time exceed six hundred and fifty volts, the supply shall be deemed a high voltage supply.

Grounding.—Grounding any part of an electric system shall consist in so connecting such part to the earth that there shall be no difference of potential between them.

Explosion or flame proof.—Explosion or flame proof casings or enclosures are those which, when completely filled with a mixture of methane and air, and the same exploded, are capable of either entirely confining the products of such explosion within the casing or of so discharging them from the casing that they can not ignite a mixture of methane and air, combined in proportions most sensitive to ignition and entirely surrounding the points of discharge, and in most intimate proximity therewith.

Underground station.—An underground station is herein considered as any place where electrical machinery is permanently installed.

SECTION ONE.

1. All electrical apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and, as hereinafter prescribed, efficiently covered or safeguarded, and so installed, worked, and maintained as to reduce danger from accidental shock or fire to the minimum, and shall be of such construction, and so worked, that the rise in temperature caused by ordinary working will not injure the insulating materials.

Capacity and construction.

2. For work underground, when supplied with current at a voltage higher than medium voltage, no transformer shall have a normal capacity of less than five kilowatts, nor shall a motor have a normal capacity of less than fifteen brake horsepower.

3. All metallic coverings, armoring of cables, other than trailing cables, and, where installed underground, the frames and bed-

Grounding.

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plates of generators, transformers, and motors, other than low voltage portable motors, shall be efficiently grounded, as shall also the neutral wire of three wire continuous current systems.

Voltage. 4. Motors of coal cutting and other portable machines, and of electric locomotives, shall not be used at a voltage higher than medium voltage.

Same. 5. No higher voltage than medium voltage shall be used underground, except for transmission or for application to transformers or other apparatus in which the whole of the high voltage circuit is stationary.

Location. 6. In gaseous mines, high voltage transmission cables shall be installed in the intake airways only, and high voltage motors and transformers shall be installed only in suitable chambers ventilated by the intake air which has not passed through or by a gaseous district.

Marking. 7. All high voltage machines, apparatus, and lines shall be so marked as to clearly indicate that they are dangerous, by the use of the word "Danger" placed at frequent intervals.

Ground detectors. 8. All underground systems of distribution that are completely insulated from earth shall be equipped with properly installed ground detectors, of suitable design.

The condition of such system as indicated by the ground detector shall be noted each day by the person in charge of the underground wiring, or by another competent person, who shall immediately report to him the occurrence of a ground.

Switchboards. 9. Main and distribution switch and fuse boards shall be made of incombustible insulating material, such as marble or slate, free from metallic veins, and be fixed in as dry a situation as practicable.

Gloves, etc., for repair men. 10. Gloves or mats of rubber or other suitable insulating material shall be provided and used by persons so engaged when repairs are made to the live parts of any electrical apparatus, or when the live parts of electrical apparatus have to be handled for the purpose of adjustment.

Electrician to be employed. 11. At every mine where electricity is used below ground, for power, there shall be employed a competent mine electrician, who shall have full charge of the electrical apparatus in the mine, but shall be subject to the authority of the mine foreman.

Injuries to apparatus. 12. Any person who shall willfully damage, or, without authority, alter or make connections to any portion of a mine electrical system, shall be guilty of a misdemeanor.

First aid instructions. 13. Instructions shall be posted in every generating, transforming, and motor room, and at entrance to the mine, containing directions as to the restoration of persons suffering from electric shock, and all employees working in connection with electrical apparatus shall be familiar with, and know how to carry out, these instructions.

Plan of system. 14. A plan shall be kept at the mine, showing the location of all stationary electrical apparatus in connection with the mine electrical system, including permanent cables, conductors, lights, switches, and trolley lines. The plan shall be of sufficient size to show clearly the position of such apparatus, and the scale shall not be less than two hundred feet per inch. There shall be stated on the plan the capacity in horsepower of each motor, and in kilowatts of each generator or transformer, and the nature of its duty. Such plans shall be corrected as often as may be necessary to keep them up to date, at intervals not exceeding six months.

Accidents. 15. In the event of a breakdown, or of damage or injury to any portion of the electrical equipment in a mine, or of overheating, or of the appearance of sparks or arcs outside of enclosing casings, or in the event of any portion of the equipment, not a part of the electrical circuit, becoming alive, every such occurrence shall be promptly reported to the person in charge of electrical equipment.

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SECTION TWO.

Installations.

16. All switches, circuit breakers, rheostats, fuses, and instruments used in connection with underground motor generators, rotary converters, high voltage motors, transformers, and low and medium voltage motors of more than fifty horsepower capacity, shall be installed upon a suitable switchboard. Similar equipment, for low and medium voltage motors of fifty horsepower and less, may be separately installed, if mounted upon insulating bases of slate or equivalent insulating material.

Passageways.

17. In underground stations where switchboards are installed, there shall be a passageway in front of the switchboard not less than three feet in width, and, if there are any high voltage connections at the back of the switchboard, any passageway behind the switchboard shall not be less than three feet clear.

Back space.

18. The space at the back of the switchboards shall be properly floored, accessible from each end, and, in the case of high voltage switchboards, shall be kept locked up, but the lock shall allow of the door being opened from the inside without the use of a key. The floor at the back of high voltage boards shall be incombustible.

Clear front.

19. Where the supply is at a voltage exceeding the limits of medium voltage, there shall be no live metal work on the front of the main switchboard within seven feet of the floor or platform, and the space provided under rule seventeen of this section shall not be less than four feet in the clear. Insulating floors or mats shall be provided for medium voltage boards, where live metal work is on the front.

Switches and circuit breakers.

20. In every completely insulated feeder circuit in excess of twenty-five kilowatts capacity, leading underground and operating at a potential not exceeding the limits of medium voltage, there shall be provided above ground a switch on each pole and an automatic overload circuit breaker on at least one pole in the case of direct current circuits, and on at least two poles of polyphase alternating current circuits. In case of ground return direct current circuits, a switch and circuit breaker shall be installed in the underground side of the circuit, but may be omitted from the return side. Fuses may be substituted for circuit breakers in circuits transmitting twenty-five kilowatts or less. Each circuit leading underground shall be provided with a suitable ammeter.

Same.

21. Every alternating current feeder circuit, leading underground and operating at a potential exceeding the limits of medium voltage, shall be provided above ground with an oil break switch on each pole, such switch or switches to be equipped with an automatic overload trip. Each such circuit shall also be provided with a suitable ammeter.

Transformer rooms.

22. Transformer rooms shall be of fireproof construction.

Break switches for high voltage.

23. Where the potential of circuits entering or leaving a transformer exceeds the limits of medium voltage, they shall be protected by an oil break switch on each pole, each such switch or switches to be equipped with an automatic overload trip.

Medium voltage.

24. Where the potential of circuits entering or leaving a transformer does not exceed the limits of medium voltage, they shall be protected by a switch and an automatic circuit breaker on each pole, except that fuses may be substituted for the circuit breakers in the case of lighting circuits and in the case of power circuits transmitting twenty-five kilowatts or less.

Ammeters.

25. All transformers shall be provided with suitable ammeter in either the primary or secondary circuits.

Insulating covers.

26. All terminals on machines over medium voltage underground shall be protected with insulating covers or with metal covers connected to earth.

Who may enter stations, etc.

27. No person other than one authorized by the mine foreman shall enter a station or transformer room, or interfere with the working of any apparatus connected therewith.

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Fire buckets. 28. Fire buckets, filled with clean, dry sand, shall be kept in electrical stations and transformer rooms, ready for immediate use in extinguishing fires.

SECTION THREE.

High pressure wires. 29. All high pressure wires used inside of the mines shall be in the form of insulated, lead covered or armored conductors, subject to insulation tests, and with carrying capacity according to the rules of the national board of fire underwriters.

Other conductors. Medium or low pressure conductors may be bare; except in gaseous portions of mines no bare conductors shall be used in rooms, or beyond the last cut-through in intake entries.

Underground cables. 30. All underground cables and wires, other than trailing cables, unless provided with grounded metallic covering, shall be supported by means of efficient insulators. The conductor connecting lamp to the power supply shall in all cases be insulated.

Main circuits. 31. Every main circuit coming from generating or transformer stations shall there be provided with switches, fuses, and circuit breakers, as described in section two, rules twenty and twenty-one, and rules twenty-three to twenty-five, inclusive.

Lightning arresters. 32. If the transmission lines of low or medium voltage from the generating station are overhead, there shall be lightning arresters installed in connection therewith at the generating station. If the distance from the generating station to the point where the lines enter the mine is more than five hundred feet, an additional arrester shall be installed at this point, and in no case shall the arresters be more than one thousand feet apart.

Gaseous mines. 33. In any gaseous mine, or gaseous portions of a mine, the electrical supply shall be brought underground only through such portions of the mine as are ventilated by intake air.

Branch circuits. 34. Every branch circuit shall be provided, at the point where it leaves the main circuit, with a switch of not less than one-hundred-ampere capacity, on each pole.

Size of conductors. 35. The size of all conductors shall be determined with regard to the maximum amount of current which they are to carry, by reference to the table provided by the national board of fire underwriters, which shows maximum current-carrying capacities of copper conductors.

Grounded circuits. 36. One side of grounded circuits shall be very efficiently insulated from earth.

Overhead wires. 37. Overhead bare wires above ground shall be supported upon insulators which shall be adequate in quality, size, and design for voltage transmitted.

Trolley wires. 38. In underground roads the trolley wires shall be installed as far to one side of the passageway as is practicable, and securely supported upon hangers, efficiently insulated, and placed at such intervals that the sag between points of support shall not exceed three inches. The sag between points of support can exceed three inches if the height of the trolley wire above the rail is five feet or more and does not touch the roof when the trolley passes under.

Location of other wires. 39. All other wires, except telephone, shot-firing and signal wires, shall be on the same side of the road as the trolley wire.

Protection overhead. 40. At all landings and partings where men are required to regularly work or pass under trolley or other bare power wires, which are placed less than six and one-half feet above top rail, a suitable protection shall be provided. This protection may consist of channeling the roof, placing boards along the wire, which shall extend below it, or the use of other approved devices that afford protection.

Branch trolley lines. 41. All branch trolley lines shall be fitted with an automatic trolley switch or section insulator and line switch, or some other device, that will allow the current to be shut off from such branch headings.

Parallel pipes. 42. It is recommended that, where air or water pipes parallel the grounded return of power circuits, the return be securely bonded to such pipes at frequent intervals, to eliminate the possi-

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bility of a difference of potential between rails and pipes and to prevent electrolysis of the pipes. The rail return shall be of sufficient capacity for the current used, independent of the capacity of the pipes. On main haulage roads both rails shall be bonded, and cross bonds shall be placed at points not to exceed two hundred feet apart.

Lighting wires.

43. Where wires for electric incandescent lamps are connected to the trolley circuit, the lug of the trolley hanger, to which connection is made, shall be drilled to receive the lighting wire, and provided with a set screw for securing same in place. Lighting wires shall not be wrapped or tied about the stems or studs of trolley hangers. The ground connection for lighting wires taken off the trolley circuit must be made to the track circuit.

Insulation.

44. Wires for all lighting circuits shall be covered with an insulation adequate for the voltage of the circuit, and strung on porcelain or glass insulators, unless they are encased in pipes or other metallic covering. If separate uncased wires are used they shall be kept at least three inches apart, except where they enter the fittings. If metallic casings are used they shall be grounded efficiently.

Joints.

45. All joints in conductors shall be mechanically and electrically efficient, and, wherever it is possible to do so, they shall be soldered. Wherever the conductors can not be soldered together, suitable screw clamps or connectors shall be used. All joints in insulated wire shall, after the joint is complete, be reinsulated to at least the same extent as the remainder of the wire.

High voltage conductors.

46. All high voltage conductors inside of the mines shall be in the form of insulated, lead-covered or armored cables, subject to approved insulation tests, and having carrying capacities in accordance with rule thirty-five, section three.

Same.

47. Where lead-covered or armored cable is used, the lead or armor shall be electrically continuous throughout and shall be efficiently grounded.

Fittings.

48. The exposed ends of cables, where they enter fittings of any description, shall be so protected and finished off that moisture can not enter the cable, or the insulating material, if of an oily or viscous nature, leak.

Entering casings, etc.

49. Where unarmored cables or wires pass through metal frames, or into boxes or motor casings, the holes shall be substantially bushed with insulating bushings, and, where necessary, with gastight bushings which can not readily become displaced.

Joints.

50. Where cables other than signal cables are joined, suitable junction boxes shall be used, or the joints shall be soldered, and the insulation, armoring, or lead covering replaced in at least as good condition as it was originally.

Wires in shafts.

51. All power wires and cables in hoisting shafts or manway compartments shall be highly insulated and substantially fixed in position.

Shaft cables whose conductors or covering are not capable of sustaining their own weight shall be supported, at intervals not to exceed twenty-five feet, by suitable grips, which cannot cause abrasion of the covering or insulation, but shall so support the cable that no grip shall carry more than the weight of the cable beween any two successive grips. Where the cables are not completely boxed in and protected from falling material, space shall be left between them and the side of the shaft, that they may yield, and so lessen a blow given by falling material.

Cables in roads.

52. Where the cables or feed wires, other than trolley wires, in main haulage roads, cannot be kept at least twelve inches from any part of the mine car or locomotive, they shall be specially protected by proper guards.

Fixing to walls.

53. Cables and wires, unless provided with metallic coverings, shall not be fixed to walls or timbers by means of uninsulated fastenings.

Special protection.

54. When main or other roads are being repaired, or blasting is being carried on, suitable temporary protection from damage shall be given the cables.

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Trailing cables. 55. Trailing cables for portable machines shall be specially flexible, heavily insulated, and protected with extra stout braiding, hose pipes, or other equally effective covering.

Inspection. 56. Each trailing cable in use shall be daily examined by the machine operator, for abrasions and other defects, and he shall also be required to carefully observe the trailing cable while in use, and shall at once report any defect to the person in charge of electrical equipment.

Defective condition. 57. In the event of the trailing cable in service breaking down, or becoming damaged in any way, or of its inflicting a shock upon any person, it shall be at once put out of service. The faulty cable shall not again be used until it has been repaired and tested by a properly authorized person.

Division at motors. 58. The trailing cable shall be divided at the motor, but only for such length as is necessary for making connection to the motor, and the cable, with its outer covering complete, shall be securely clamped to the motor frame in such a manner as to protect the cable from injury, and to prevent any mechanical strain being borne by the single ends that make electrical connection to the motor.

Terminal boxes. 59. In gaseous portions of mines, a fixed terminal box shall be provided at the points where trailing cables are attached at the power supply. This terminal box shall be flame-proof and shall contain a switch and fuse on each pole of the circuit. The switch shall be so arranged that it can only be operated from without the box, when the latter is completely closed, and the switch shall also be so constructed that the trailing cables cannot be attached or removed when the switch is closed.

SECTION FOUR.

Fuses, etc. 60. Fuses and automatic circuit breakers shall be so constructed as effectually to interrupt the current on short circuit, or when the current through them exceeds a predetermined value. Open type fuses shall be provided with terminals.

Circuit breakers shall be adjustable to trip at from fifty per centum to one hundred and fifty per centum of their normal rated capacity, and provided with an indicator which shall show at what current the circuit breaker is set to trip.

Marking. 61. Fuses shall be stamped or marked, or shall have a label attached, indicating the maximum current which they are intended to carry. Fuses shall only be adjusted or replaced by a competent person authorized by the mine foreman.

Circuit breakers on feeders. 62. Circuit breakers used to protect feeder circuits shall be set to trip when the current exceeds by more than fifty per centum the current carrying capacity of the feeder. In case the feeder is subjected to overloads sufficient to trip the circuit breaker, but of short duration, the circuit breaker may be equipped with a device which will prevent its acting, unless the overload persists for a longer period than ten seconds.

Fuses on feeders. 63. Fuses used to protect feeders shall have a less current rating than the feeder.

Bases. 64. All switches, circuit breakers, and fuses shall have incombustible bases.

Switches. 65. All points at which a circuit, other than a signal circuit, has to be made or broken, shall be provided with proper switches. The use of hooks or other makeshifts is prohibited, except that connection for gathering locomotives, or locomotives and machines used in driving headings or rooms, may be made to the trolley by means of suitable hooks; switches shall be so installed that they cannot be closed by gravity. In any gaseous portion of a mine, switches, circuit breakers, or fuses shall not be of the open type, but must be enclosed in explosion-proof casings or break under oil.

SECTION FIVE.

Stationary motors. 66. Every stationary motor underground, together with its starting resistance, shall be protected by a fuse on each pole or

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circuit-breaking device on at least one pole for direct current, and two poles for alternating current, motors, and by switches arranged to entirely cut off the power from the motor. The above devices shall be installed in a convenient position near the motor, and every stationary underground motor of one hundred brake horsepower, or over, shall be provided with a suitable meter to indicate the load on the machine.

Gaseous mines.

67. In any gaseous portion of a mine, all motors, unless placed in such rooms as are separately ventilated with intake air, shall have all their current carrying parts, also their starters, terminals, and connections, completely enclosed in explosion proof enclosures made of noninflammable material. These enclosures shall not be opened except by an authorized person, and then only when the power is switched off. The power shall not be switched on while the enclosures are open.

Motors for fans.

68. Motors used for operating fans in nongaseous mines, where they are so situated that they are not under constant supervision of a competent man, shall be totally enclosed (not necessarily explosion-proof), unless placed in a chamber or passageway completely lined with incombustible material, and the chamber or passageway itself free from combustible material.

Indication of gas.

69. In working places where gas is likely to be encountered, a safety lamp, or other suitable apparatus for the detection of fire damp, shall be provided for use with each machine when working, and should any indication of fire damp appear on the flame of the safety lamp, or other apparatus used for the detection of fire damp, the person in charge shall immediately stop the machine, cut off the current at the nearest switch, and report the matter to the mine foreman.

Inspection of motors.

70. All enclosed motors used underground shall be opened and thoroughly inspected by the person in charge of electrical equipment, or his assistant, at least once a week, and, where necessary, shall then be cleaned and repaired. Enclosed switches shall be opened and inspected at least once a month.

Cutting machines.

71. No man shall be placed in charge of a coal-cutting machine in any gaseous portion of a mine who is not a competent person, capable of determining the safety of the roof and sides of the working place and detecting the presence of explosive gas.

Inspection.

72. In any gaseous portion of a mine, a coal-cutting machine shall not be brought within the last break through next the working face, until the machine man shall have made an inspection for gas in the place where the machine is to work, unless such examination is then made by some other competent person authorized or appointed for that purpose by the mine foreman. If any explosive gas in found in the place, the machine shall not be taken in.

Frequency.

73. No coal-cutting machine shall be continued in operation in a gaseous portion of a mine for a longer period than half an hour without an examination as above described being made for gas, and if gas is found the current shall at once be switched off the machine, and the trailing cable shall forthwith be disconnected from the power supply.

Notice.

74. The person finding gas shall at once report the fact to the fire boss or mine foreman, and the machine shall not again be started in such place until the fire boss, or a person duly authorized by the mine foreman, has examined it and pronounced it safe.

Duty of operator.

75. The person in charge of a coal cutter or drilling machine shall not leave the machine while it is working, and shall, before leaving the working place, see that the current is cut off from the trailing cables.

Defective condition.

76. In any gaseous portion of a mine, if any electric sparking or arc be produced outside a coal-cutting or other portable motor, or by the cables or rails, the machine shall be stopped, and not be worked again until the defect is repaired, and the occurrence shall be reported to an official of the mine.

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SECTION SIX.

Use of trolleys. 77. Electric haulage by locomotives operated from a trolley wire is not permissible in any gaseous portions of mines, except upon the intake air, fresh from the outside.

Voltage. 78. In no case shall the potential used in the trolley system be higher than medium voltage.

Storage battery haulage. 79. Storage battery locomotives shall be used in gaseous mines, only when the boxes containing the cells and all electrical parts are enclosed in flame and explosion-proof casings. (For regulations covering the installation of the trolley wire, see section three, rules thirty-eight to forty-two, inclusive.)

SECTION SEVEN.

Arc lamps. 80. Arc lamps shall not be used in gaseous mines, except under conditions where trolley locomotives are allowable.

Type. 81. If arc lamps are used underground in coal mines, they shall be of the enclosed arc type, and shall not be used in situations where there is likely to be danger from the presence of coal dust.

Incandescent lamps. 82. In all mines, the sockets of fixed incandescent lamps shall be of the so-called "weather-proof" type, the exterior of which shall be entirely nonmetallic. Flexible lamp cord connections are prohibited, except for portable lamps, as covered by rule eighty-five.

Protection. 83. In any gaseous portions of a mine, except where ventilated by fresh intake air, incandescent lamps shall be protected by gas-tight fittings of strong glass, except that lamps of two hundred and twenty volts, or higher, and of not more than eight candlepower and without tips, need not be so protected.

Location. 84. Incandescent lamps shall be so placed that they cannot come in contact with combustible material.

Portable lamps. 85. Portable incandescent lamps, other than battery lamps, shall not be used except in connection with the repair and inspection of machines and equipment, and then only in nongaseous portions of mines. When so used they shall be protected by a heavy wire cage, completely enclosing both lamp and socket, and shall be provided with a handle to which both cage and socket are firmly attached and through which the leading-in wires are carried.

Replacing lamps. 86. Electric lamps shall be replaced by a competent person only, and, in gaseous portions of a mine, only after an examination for gas has been made with a safety lamp.

For other regulations regarding electric lighting circuits, see section three, rules forty-three to forty-five, inclusive.

SECTION EIGHT.

Firing shots. 87. Electricity from any grounded circuit shall not be used for firing shots.

Same. 88. When shot-firing cables or wires are used in the vicinity of power or lighting conductors, special precaution shall be taken to prevent the shot-firing cables or wires from coming in contact with the light, power, or any other circuits.

Shot firers. 89. Only competent persons, who have the necessary training and skill, and who have been properly instructed in the work, and duly authorized by the mine foreman, shall be allowed to fire shots electrically in any mine.

Detonators. 90. All electric detonators and leads thereto shall be suitable for the conditions under which the blasting is carried on, and shall be of a type approved by the testing station of the Federal Bureau of Mines. Detonators shall be kept in a dry place, and never stored with any other explosive.

Portable shot-firing apparatus. 91. Portable shot-firing machines, sometimes called generators, shall be enclosed in a tightly constructed case, when employed in any portion of the mine. All contacts, when made or broken, shall be within the case, except that the binding posts for making connections to the firing leads may be outside.

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Batteries.

92. Primary or secondary batteries used for shot firing shall be provided with a suitable case, covered by rule ninety-one. The batteries shall be constructed so that, if the wires of the detonator or leads should accidentally or otherwise come in contact with the binding posts, no current will be discharged. They shall be provided with a detachable handle, plug, or key, without which the current can not be closed, or provided with one or more safety contact buttons, which are well countersunk or protected by a nonconducting housing. The plugs, handles, or keys shall be detached when not actually in use for firing a shot, and shall not, under any circumstances, pass from the personal custody of the person commissioned to fire the shots, while on duty.

Who to have charge.

93. All portable devices for generating or supplying electricity for shot firing, when in a mine, shall be in charge of the person commissioned to fire the shots.

Connecting.

94. No firing machine or battery shall be connected to the shot-firing leads until all other steps preparatory to the firing of a shot have been completed, and all persons have moved to a place of safety, and no person other than the shot firer shall make such connection.

Disconnecting.

95. Immediately after the firing of a shot, the firing leads shall be disconnected from the supply or source of electricity, and no person shall approach a shot which has failed to explode, until the firing leads have been so disconnected by the shot firer from the device and an interval of five minutes has elapsed since the last attempt to fire the shot.

Tests.

96. Frequent tests shall be made of all devices covered by rule ninety-three, to insure that their capacity has not been decreased by use or accident.

Special systems.

97. The use of special electrical shot-firing systems, or equipment not covered by the foregoing, shall receive the approval of the testing station of the Federal Bureau of Mines.

SECTION NINE.

Wires not to come into contact.

98. All proper precautions shall be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not.

Equipment for signaling.

99. Bells, wires, insulators, contact makers, and other apparatus used in connection with electric signaling underground, shall be of suitable design, of substantial and reliable construction, and erected in such a manner as to reduce the liability of failures or false signals to a minimum.

Potential.

100. In any gaseous portion of a mine, the potential used for signal purposes shall not exceed twenty-four volts, and bare wires shall not be used for signal circuits, except in haulage roads.

Telephones.

101. It is recommended that telephonic communication be established between the outside of the mine and the principal points of operation underground.

SECTION TEN.

Relighting stations.

102. If in any place or portion of a mine, in which safety lamps are used, they are relighted underground by electricity, the mine foreman shall select a suitable station or stations, not being in the return airway, and where there is not likely to be any accumulation of inflammable gas; and no electric relighting apparatus shall be used in any other place. All electrical relighting apparatus shall be securely locked, and shall not be available for use except by persons authorized by the mine foreman to relight safety lamps, and such persons shall examine all safety lamps brought for relighting, before they are reissued.

ARTICLE XII.

Openings on adjacent lands.

SECTION 1. If any person, firm, or corporation is or shall hereafter be seized in his or their own right of coal lands, or shall hold

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such lands under lease, and shall have opened or shall desire to open a coal mine on said land, and it shall not be practicable to drain or ventilate such mines, or to comply with the requirements of this act as to ways of ingress and egress or traveling ways, by means of openings on lands owned or held under lease by him, them, or it, and the same can be done by means of openings on adjacent lands, he, they, or it may apply by petition to the court of quarter sessions of the proper county, after ten days' notice to the owner or owners, their agents or attorney, setting forth the facts under oath or affirmation, particularly describing the place or places where such opening or openings can be made, and the pillars of coal or other material necessary for the support of such passageway and the right of way necessary to any public road as may be needed in connection with such opening, and that he or they cannot agree with the owner or owners of the land as to the amount to be paid for the privilege of making such opening or openings; whereupon the said court shall appoint three disinterested and competent citizens of the county, to view the ground designated and lay out, from the point or points mentioned in such petition, a passage or passages not more than eighty feet in area, by either drift, shaft, or slope, or by a combination of any of said methods, by any practicable and convenient route, to the coal of such person, firm, or corporation, preferring in all cases an opening through the coal strata where the same is practicable.

Viewers.

Assessment. The said viewers shall, at the same time, assess the damages to be paid by the petitioner or petitioners to the owner or owners of such lands, for the coal or other valuable material to be removed in the excavation and construction of said passage, also for such coal or other valuable material necessary to support the said passage, as well as for a right of way, not exceeding fifteen feet in width, from any such opening to any public road, to enable persons to gain entrance to the mine through such opening, or to provide therefrom upon the surface a watercourse of suitable dimensions to a natural water stream, to enable the operator to discharge the water from said mine, if such right of way shall be desired by the petitioner or petitioners, which damages shall be fully paid before such opening is made. The proceedings shall be recorded in the road docket of the proper county, and the pay of the viewers shall be the same as in road cases. If exceptions be filed, they shall be disposed of by the court as speedily as possible, and both parties shall have the right to take depositions as in road cases. If, however, the petitioner desires to make such openings or roads or waterways before the final disposition of such exceptions, he shall have the right to do so by giving bond, to be approved by the court, securing the damages as provided by law in the case of lateral railroads.

Right of way.

Exceptions.

Bond.

Proceedings compulsory, when. SEC. 2. It shall be compulsory upon the part of the mine owner or operator to exercise the powers granted by the provisions of the last preceding section, for the procuring of a right of way on the surface from the opening of a coal mine to a public road or public roads, upon the request in writing of fifty miners employed in the mine or mines of such owner or operator: *Provided, however,* That with such request satisfactory security be deposited with the mine owner or operator by said petitioners (being coal miners), to fully and sufficiently pay all costs, damages, and expenses caused by such proceedings and in paying for such right of way.

Security.

Removal of water. SEC. 3. In any mine or mines, or portions thereof, wherein water may have been allowed to accumulate in large and dangerous quantities, putting in danger the adjoining or adjacent mines and the lives of the miners working therein, and when such can be tapped and set free and flow by its own gravity to any point of drainage, it shall be lawful for any operator or person having mines so endangered, with the approval of the inspector of the district, to proceed to remove the said danger by driving a drift, or drifts, protected by bore holes, as provided for by this act, and

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in removing said danger it shall be lawful to drive across property lines if needful.

Interference.

And it shall be unlawful for any person to dam, or in any way obstruct, the flow of any stream from said mine or portions thereof, when so set free, on any part of its passage to point of drainage.

Headings, entryways, etc.

SEC. 4. From and after the passage of this act, it shall and may be lawful for any person or persons, company or companies, now or hereafter to be incorporated in this Commonwealth, to drive headings and construct entryways, tramways, and mine tracks, with one or more tracks, under the surface, or partly under and partly over the surface, through or over any intervening lands, not exceeding one mile in length, to or from any coal, and connect the same with any entryways, headings, tramways, or railroads belonging to any individual or individuals, company or companies, now or hereafter to be incorporated in this State, and also with any highway or public improvement: *Provided*, That the parties interested shall be subject to the same proceedings required in section one of this article: *And provided further*, That no such entryway, heading, tramway, mine track, or railroad shall be constructed through or over such intervening lands where the same would injure or interfere with the existing mining operations of any other person or company, or where the same would endanger the safety of the employees therein.

ARTICLE XIII.

Provisions for accidents.

SECTION 1. The operator or the superintendent of every mine, in which fifty or more persons are employed inside, shall provide, and keep in good condition at the principal entrance of the mine, or at such other place as the superintendent and inspector may determine and designate, one ambulance and at least two stretchers for conveying to his place of abode any person that may be injured while in the discharge of his duties, and also woolen and waterproof blankets: *Provided*, That if the places of abode of ninety per centum of the workmen at any mine are within a radius of one mile from the principal entrance to the mine, an ambulance shall not be required: *Provided further*, That where two or more mines are located within one mile of each other, or where the ambulance is located within one mile of each mine, only one ambulance as aforesaid shall be required if such mines have ready and quick means of communication by telegraph or telephone.

Ambulances.

SEC. 2. The ambulance shall be constructed upon good substantial easy springs. It shall be covered and closed, and shall have windows on the sides or ends, and shall be provided with spring mattresses or other comfortable bedding, to be placed on roller frames, together with sufficient covering and protection for the convenient movement of the injured. It shall be of sufficient size to convey at least two injured persons and two attendants at one time, and shall be provided with seats for the attendants. The stretchers shall be constructed of such material, and in such a manner, as to insure ease and comfort in the carriage of the injured persons.

Bandages, etc.

At all mines there shall be provided bandages, splints, and other medical supplies, to render first aid and relief to employees who may be injured. These supplies shall be kept in a suitable room. The room shall be located near the entrance to or inside of the mine, and shall be sufficiently large to accommodate the injured employees while they are receiving temporary medical attention.

Removal of injured men.

SEC. 3. Whenever any person employed in or about any mine shall receive such an injury, by accident or otherwise, as to render him unable to walk to his place of abode, the operator or the superintendent shall immediately have said person removed to his place of abode or to a hospital, as the case may require.

Other methods of conveyance.

SEC. 4. If the conditions are such that the person injured can be conveyed to his home or to the hospital more conveniently and more quickly by railroad, trolley road, or other conveyance, such

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mode of conveyance shall be permitted and no ambulance required, but in such cases the conveyance must be under cover and the comfort of the injured person must be provided for.

ARTICLE XIV.

Wash rooms. SECTION 1. When the clothing or wearing apparel of the employees in any mine becomes wet, by reason of working in wet places therein, it shall be the duty of the operator or superintendent of said mine, at the request in writing of the inspector, who shall make such request upon the petition of any ten employees working in the aforesaid wet places, to provide a suitable building, convenient to the principal entrances of such mine, for the use of the persons employed in wet places therein, for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall be maintained in good order and be properly lighted and heated, and shall be provided with hot and cold water and facilities for persons to wash. Any operator, superintendent, or inspector who shall neglect or fail to comply with the provisions of this article, or any person who shall maliciously injure or destroy, or cause to be injured or destroyed, the said building, or any part thereof, or any of the appliances or fittings used therein, or do any act tending to the injury or destruction thereof, shall be deemed guilty of a misdemeanor.

ARTICLE XV.

Stables. SECTION 1. It shall not be lawful for the superintendent or mine foreman to provide a horse or a mule stable inside of any mine, unless space for said stable is excavated in solid strata of rock, slate, or coal. If excavated in the coal seam, the wall shall be built of brick, stone, or concrete, not less than twelve inches in thickness, and said wall shall be built from the bottom slate to the roof. Wood or other combustible material shall be used in the smallest practicable quantity in the construction of the inside of said stable. The air current used for the ventilation of said stable shall not be intermixed with the air current used for ventilating any other portion of the mine, but shall be conveyed directly to the return air current. No open light shall be permitted in any stable in any mine.

Hay or straw. No hay or straw shall be taken into any mine, unless pressed and made up into compact bales, which shall be kept in a storehouse built apart from the stable and in the same manner as the stable. Under no circumstances shall the hay be stored in the stable.

ARTICLE XVI.

Amount of powder, etc. SECTION 1. No powder or high explosive shall be stored in any mine, and no more of either article shall be taken into any mine at one time, by any one person, than is required in one shift. The quantity shall not exceed five pounds: *Provided*, That in a mine where shot firers are employed, the shot firers shall have the right to take a sufficient quantity to complete their work.

Cans. Black powder for use in mines shall be put up in five, ten, fifteen, and twenty-five-pound metallic cans or canisters, or receptacles of equally safe material.

No black powder, high explosives, or detonators shall be hauled on any electric motor trip in any mine, unless the same are encased in nonconductive boxes or receptacles.

Explosives. SEC. 2. In such portions of dry and dusty mines, wherein explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, no explosive shall be used except "permissible" explosives, as designated by the testing station of the Federal Bureau of Mines. Each charge shall consist of only one kind of explosive. The department of mines shall for-

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ward to the operators, upon application, the names of all explosives on the permissible list.

No "permissible" explosive shall be sold for use in bituminous mines, unless the name of the manufacturer, name of explosive, method of handling, and full instruction for use are conspicuously displayed on or in the package containing the explosive. Labeling.

SEC. 3. Detonators shall at all times be kept in securely locked cases, separate and apart from other explosives, until required for use. Detonators.

The chief of the department of mines, when satisfied by tests that any permissible explosive has deteriorated from the standard established by the testing station of the Federal Bureau of Mines, and thereby becomes dangerous, may prohibit the use thereof, either absolutely or subject to conditions. Defective explosives.

ARTICLE XVII.

SECTION 1. The oiling or greasing of cars inside of any mine is strictly prohibited, unless the place where said oil or grease is used is thoroughly cleaned at least once every day to prevent the accumulation of waste, oil, or grease on the roads or in the drains at that point. Not more than one barrel of lubricating oil shall be permitted in any mine at one time, and it shall be kept in a fireproof building, cut out of solid rock, or made of masonry or concrete of sufficient thickness to insure safety in case of fire. Lubricating oil.

SEC. 2. No explosive oil shall be taken into or used in any mine for lighting purposes, except when used in safety lamps, and shall not be taken into or stored in any mine in quantities exceeding five gallons. Said oil when stored in a mine shall be kept in a fireproof vault made of masonry or concrete. Illuminating oil.

SEC. 3. All oils or materials used in open lamps shall be non-explosive, and free from odors and fumes deleterious to health, and shall have a burning point not lower than three hundred degrees, and must not produce over eleven one-hundredths of one per centum of their weight of soot when burned in a miner's lamp with a flame one and one-half inches high; the determination of the percentage of soot to be by tests specified by the department of mines. Same.

SEC. 4. Paraffine wax used in mines shall not contain over three per centum of oil. Wax.

SEC. 5. All illuminants sold to be used in open lamps in mines shall have branded conspicuously on the barrel or package containing the same the name of the manufacturer, date of shipment, and percentage of soot. Branding of containers.

SEC. 6. Any employee who shall use, or any mine foreman who shall permit to be used, or any person who shall sell for use, in any mine, any oil or any other material for illuminating purposes other than that prescribed in this article, shall be guilty of a misdemeanor: *Provided, however,* That any illuminant that is found not detrimental to health and safety, after the proper tests specified by the department of mines, can be used in any mine with the consent of the inspector. Violations.

SEC. 7. It shall be the duty of the inspector, whenever he has reason to believe that an illuminant is being used, or sold, or offered for sale, in violation of the provisions of this article, to take samples of the same and have them tested under the direction of the department of mines. Duty of inspector.

ARTICLE XVIII.

SECTION 1. No boy under the age of fourteen years, and no woman or girl of any age, shall be employed, permitted or suffered to work in or about any mine, and no boy under the age of eighteen years shall be permitted to mine or load coal in any room, entry, or other working place, unless in company with an experienced person over eighteen years of age. Employment of women and children.

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Employment certificates.

No boy under the age of sixteen years shall be employed in or about any mine, unless during the entire period that said boy is so employed there is on file in the office of said mine, and accessible to the inspector, an employment certificate issued by the city, borough, township, or county superintendent of public schools, or by the secretary of the school board of the township, borough, or city, or by a principal of a parochial school, or by such superintendent's, secretary's, or principal's duly appointed deputy or assistant reciting the age of said boy as it appears on any record that the person who issues said certificate has reason to believe to be true and correct, or, if such record of age be lacking, reciting the age of said boy according to an affidavit taken by his parent, guardian, or custodian, and attached to said certificate, and said certificate and the affidavit, if any, shall for the purposes of this act be conclusive evidence of the age of said boy.

Girls in offices.

Nothing in this section shall be held to forbid the employment of a girl between the ages of fourteen and sixteen years in the office of a mine: *Provided*, That during the entire period of said employment, there is in like manner on file for said girl, in said office, an employment certificate of the character hereinbefore provided for as a prerequisite to the employment of boys under the age of sixteen years inside any mine.

Noncompliance by superintendent and foreman.

SEC. 2. Any superintendent or mine foreman who fails to comply with the provisions of this article shall be deemed guilty of a misdemeanor, and it shall be the duty of the inspector, or any other person who knows that the superintendent or mine foreman has violated any of the provisions of this article, to prosecute said superintendent or said mine foreman in accordance with section two of article twenty-six of this act; and any person who

False certificate.

shall falsely certify or swear to the age of any boy or girl, in the certificate and affidavit described and required by section one of this article, shall be deemed guilty of a misdemeanor.

ARTICLE XIX.

Mine inspectors' examining board.

SECTION 1. The governor shall appoint during the month of January, one thousand nine hundred and thirteen, and every four years thereafter, five citizens of this Commonwealth, of good repute, to be known as the mine inspectors' examining board, whose duty it shall be to examine applicants for the office of inspector in the bituminous coal region of this Commonwealth. Two of the members of said board shall be mining engineers, and three of the members shall have passed successful examinations qualifying them to act as inspectors or mine foremen in bituminous mines generating explosive gas, and shall have had at least five years' practical experience as miners in the bituminous mines of Pennsylvania. Applicants for appointment on the said examining board shall be at least thirty years of age.

Compensation.

Each member of the examining board shall receive the sum of ten dollars a day for each day actually employed, and all necessary expenses incurred in carrying out the provisions of this article, which shall be paid out of the State treasury, on warrant of the auditor general, issued upon presentation of vouchers properly made out and sworn to by each member of the board, and approved by the chief of the department of mines. The examining

Clerk.

board is hereby authorized to engage the services of a clerk, who shall be a stenographer.

Vacancies.

Any vacancy that may occur in the membership of the examining board shall be filled by the governor, according to the provisions of this section.

Meetings.

SEC. 2. The said examining board shall meet on the first Tuesday in March following its appointment, in the city of Pittsburg, to examine applicants for the office of inspector. Two weeks previous to the aforesaid time the board shall meet to prepare questions and formulate rules for conducting the examination. The board may also be convened by the governor, at any other time,

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