for the purpose of filling vacancies or performing any other necessary work.

The board, after being duly organized, shall take and subscribe to, before any officer authorized to administer the same, the following oath, namely:

Oath of office.

We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for appointment as inspector of mines to the best of our ability, and that in recommending or rejecting said applicants we will be governed by the evidence of their qualifications to fill the position, and not by any consideration of political or personal favor, and that we will certify all whom we may find qualified according to the true intent and meaning of this act, and none other.

The oaths of the members of the examining board shall be filed in the department of mines.

Qualifications of applicants.

SEC. 3. The qualifications of candidates for the office of inspector shall be certified to the examining board, and shall be as follows:

The candidates shall be citizens of Pennsylvania, of temperate habits, of good repute as men of personal integrity, in good physical condition, and shall be between the ages of thirty and fifty years: *Provided, however*, That any inspector appointed under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, or under the provisions of this act, shall be eligible for reappointment, even if beyond fifty years of age, if in good physical condition. The candidates shall have a knowledge of the different systems of working coal seams, and shall have had at least ten years' practical experience in bituminous mines, five years of which, immediately preceding their examination, shall have been in bituminous mines of this Commonwealth, and shall also have had practical experience with explosive gas and other dangerous gases found in coal mines; and, upon examination, shall give evidence of such theoretical as well as practical knowledge and general intelligence respecting mines and mining, and the working and ventilation of mines, as will satisfy the examining board of their capability and fitness for the duties imposed upon inspectors of mines by the provisions of this act.

Examinations.

SEC. 4. The principal examination shall be in writing, and each applicant shall also undergo an oral examination pertaining to explosive gas, safety lamps, methods of ventilation, and mine management. The questions and answers thereto in the oral examination shall be reported verbatim by an expert stenographer, and typewritten fully, to assist the board in the work of rating the qualifications of the candidates. Candidates who shall make a general average of at least ninety per centum shall be deemed successful. The manuscripts and other papers of all applicants in the principal examination, together with the tally sheets and the correct solution of each question as prepared by the examining board, and also the stenographer's report of the oral examination, shall be filed in the department of mines. The examining board, or at least four members thereof, shall certify to the governor, and also to the department of mines, the names and percentages of all successful candidates who are properly qualified, under the provisions of this article, to fill the office of inspector. A certificate of qualification prepared by the chief of the department of mines shall be issued to each successful candidate.

Papers to be filed.

Certificate.

The examining board shall, as soon as practicable after the examination, furnish to each applicant, on printed slips of paper, a copy of all questions (oral and written) given at the examination, marked "solved right," "imperfect," or "wrong," as the case may be.

Inspectors to be appointed.

SEC. 5. The governor shall, from the names certified to him by the examining board, commission one person to be inspector for each district, in pursuance of this act, whose commission shall be for a full term of four years from the fifteenth day of May following the regular examinations. Each inspector appointed under the provisions of the act of May fifteen, one thousand eight hundred

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and ninety-three, may continue in office until May fifteen, one thousand nine hundred and thirteen.

Assignments. After the passage of this act, the chief of the department of mines shall have the right to assign the inspectors to the districts for which, in his opinion, they are best fitted.

Vacancies. SEC. 6. When a vacancy occurs in said office of inspector, the governor shall commission for the unexpired term, from the names on file in the department of mines, a person who has received an average of at least ninety per centum. When the number of candidates who have received an average of at least ninety per centum shall be exhausted, the governor shall cause the aforesaid examining board to meet for a special examination, and examine the persons who may present themselves for examination in accordance with section three of this article, and the board shall certify to the governor, and also to the chief of the department of mines, the names of all applicants who have made a general average of at least ninety per centum in said examination, as provided for in section four of this article; one of whom shall be commissioned by the governor, according to the provisions of section five of this article, for the office of inspector for the unexpired term. In conducting the said special examination the board shall comply with all the requirements of sections three and four of this article.

Special examination.

Salaries. SEC. 7. After the passage of this act, the salary of the inspectors shall be three thousand dollars a year, to be paid quarterly by the State treasurer, on warrant of the auditor general, issued upon the presentation of voucher approved by the chief of the department of mines. Each inspector may also incur traveling expenses, and such other expenses as may be necessary for the proper discharge of his duties under the provisions of this act, which shall be paid quarterly by the State treasurer, on warrant of the auditor general, issued upon presentation of vouchers properly made out and sworn to by the inspector and approved by the chief of the department of mines.

Expenses.

Offices. Each inspector shall have an office in his district, which may be at his place of residence: *Provided*, That a suitable room, approved by the chief of the department of mines, be set apart for that purpose. The chief of the department of mines shall have authority to procure for the inspectors, on their request, furniture, instruments, chemicals, typewriters, stationery, and all other necessary supplies, which shall be paid for by the State treasurer, on warrant of the auditor general, issued upon presentation of vouchers approved by the chief of the department of mines. All furniture, instruments, plans, books, memoranda, notes and other materials pertaining to the office of inspector, shall be the property of the State, and shall be delivered by the inspector to his successor in office.

Supplies.

Property of the State.

Court costs. SEC. 8. The inspectors shall be allowed all necessary expenses incurred by them in enforcing the several provisions of this act in the respective courts of this Commonwealth (provided they have the consent of the department of mines before such expense is incurred), the same to be paid by the State treasurer, on warrant of the auditor general, issued upon presentation of itemized vouchers approved by the court before which the proceedings were instituted, and also by the chief of the department of mines.

Bond. SEC. 9. Each inspector shall, before entering upon the discharge of his duties, give bond in the sum of five thousand dollars, with sureties to be approved by the president judge of the district in which he resides, conditional for the faithful discharge of his duties; and shall take an oath, or make affirmation, that he will discharge his duties with impartiality and fidelity, to the best of his knowledge and ability. But no person who is acting as manager or agent of any coal mine, or as mining engineer, or who is interested in operating any coal mine, shall at the same time act as inspector under this act.

Who ineligible.

Temporary appointments. SEC. 10. In case the inspector becomes incapacitated to perform the duties of his office, or is granted a leave of absence by the chief of the department of mines, it shall be the duty of the governor, at the request of the chief of the department of mines, to

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appoint temporarily to the office a person on the eligible list of applicants filed in the department of mines. The temporary inspector shall act until the regular inspector is able to resume the duties of his office, and shall be paid in the same manner as hereinbefore provided for the payment of the regular inspector.

Duties of inspectors.

SEC. 11. Each inspector shall devote the whole of his time to the duties of his office. It shall be his duty to thoroughly examine each mine in his district as often as possible (but at least once every four months), giving special attention to all mines generating explosive gas, and to other mines where unusual dangers may be suspected to exist, and to see that all the provisions of this act are observed and strictly carried out, especially those that demand that the air current be carried to the working faces. He shall keep in his office a record of all examinations of mines, showing the condition in which he finds them, especially with reference to ventilation and drainage, the number of persons employed inside of each mine, the extent to which the law is obeyed, and the progress made in the improvement of mines. He shall keep a record of all serious accidents, showing the nature and causes thereof, and the number of deaths resulting therefrom.

Record.

Report.

SEC. 12. It shall be the duty of the inspector, after the final examination of any mine, to make out a written, or partly written and partly printed, report of the condition in which he finds it, and to post the said report, immediately after the final examination, in the office at the mine, or in some other conspicuous place, where it shall remain for one year, open to examination by any person employed in or about the said mine. The report shall show the date of the inspection, the number of cubic feet of air in circulation, where the measurement of the air was made, and the quantity of air as measured at the last cut-through in each split, together with the number of persons employed in each split, and also at any other place requested by the chief of the department of mines. The report shall contain such other information as the inspector may deem necessary.

Contents.

Violations.

If the inspector discovers any room, entry, airway, or other working places being driven in advance of the air current, contrary to the requirements of this act, he shall order the workmen in such places to cease work at once, until the law is complied with.

Inspector's powers, etc.

SEC. 13. To enable the inspector to perform the duties imposed upon him by this act, he shall have the right at all times to enter any mine in his district, or any mine in any other district when directed to do so by the chief of the department of mines, to make examinations or obtain information; and upon the discovery of any violation of this act, or upon being informed of any violation of the act, he shall institute proceedings against the person or persons at fault, under the provisions of section two of article twenty-six of this act. In case any mine or portion of a mine is, in the judgment of the inspector, in so dangerous a condition, from any cause, as to jeopardize life and health, he shall at once notify the chief of the department of mines, who shall immediately direct two or more of the other inspectors to accompany promptly the said inspector to the mine wherein said dangerous condition is alleged to exist. The inspectors shall make a full investigation, and if they shall agree that there is immediate danger they shall direct the superintendent of the mine, in writing, to remove forthwith said dangerous condition. If the superintendent fails to do so, the inspectors shall immediately apply, in the name of the Commonwealth, to the court of common pleas of the county in which said mine is located, or to a judge of said court in chambers, for a writ of injunction, to enjoin the operation of all work in and about said mine. Whereupon said court, or judge, shall at once proceed to hear and determine the case; and if the cause appear to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the working of said mine until all cause of danger is removed; and the costs of said proceedings shall be borne by the owner,

Dangerous conditions.

Injunction.

Hearing.

Costs.

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lessee, or agent of the mine: *Provided*, That if said court shall find the cause not sufficient, then the case shall be dismissed, and the costs shall be borne by the county wherein said mine is located: *Provided also*, That should any inspector find during his inspection of a mine, or portion of a mine, such dangerous conditions existing therein that in his opinion, any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employees, the said inspector shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

Withdrawing workmen.

Monthly reports.

Accidents.

Inspections.

Annual reports.

SEC. 14. Each inspector shall make the following reports to the chief of the department of mines, on blank forms provided for that purpose: Not later than the tenth of each month he shall make a report of all fatal and serious nonfatal accidents that have occurred in his district during the preceding month, stating the date, nature, and cause of each accident, and placing the responsibility therefor, together with the name, age, occupation, and nationality of each person killed or injured, and whether married or single, and the number of widows and orphans left; which report shall be recorded and filed in the department of mines, and included (or a synopsis of the same) in the annual report of said department. Not later than the sixth of each month he shall make a report, giving the name of operator, and the name and location of each mine inspected during the preceding month, with date of inspection, condition of mine, quantity of air in circulation at all points required by the chief of the department of mines, and the number of persons employed in each split of air. Not later than the twentieth of February of each year he shall make an annual report, which shall briefly recapitulate the duties performed by him during the preceding year, and briefly describe the condition of the mines in his district relative to ventilation, drainage, and general sanitary arrangements, as relating to the health, safety, and welfare of the employees, and which shall also contain such suggestions or information of importance as he may deem necessary, or as required by the chief of the department of mines.

ARTICLE XX.

Appeals.

Appeals to courts.

Commission.

SECTION 1. The inspector shall exercise sound discretion in the performance of his duties under the provisions of this act, and if the operator, superintendent, mine foreman, or other person employed in or about any mine, shall be dissatisfied with any decision the inspector has given in the discharge of his duties, which decision shall be in writing, it shall be the duty of the dissatisfied person to appeal from said decision to the chief of the department of mines, who shall at once direct two or more of the other inspectors to accompany promptly the inspector of the district to make further examination into the matter in dispute. If the said inspectors shall agree with the decision of the inspector of the district, their decision shall be final, unless the dissatisfied person shall, within seven days of the receipt of the decision of the committee of inspectors, appeal therefrom to the court of quarter sessions of the county in which said mine is situated.

SEC. 2. Whereupon the court, or the judges of said court in chambers, shall forthwith appoint a commission of five persons as required by article ten of this act, and thereafter the proceedings had shall be as prescribed by sections one and two of said article ten.

ARTICLE XXI.

SECTION 1. The court of common pleas in any county or district, upon a petition signed by not less than fifteen reputable citizens, who shall be miners or operators of mines, and with the affidavit of one or more of said petitioners attached, setting forth

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that any inspector of mines is neglectful of, or is incompetent to perform the duties of, his office, or that he is guilty of malfeasance in office, shall issue a citation, in the name of the Commonwealth to the said inspector to appear, on not less than fifteen days' notice, upon a day fixed, before said court; at which time the court shall proceed to inquire into and investigate the allegations of the said petitioner: *Provided, however*, That the citation shall not issue until the petitioners shall file a bond in said court, with sufficient sureties to be approved by the court, conditioned that the petitioners shall pay all costs of the proceedings in case the charges are not sustained. Negligent inspectors. Hearing. Bond.

SEC. 2. If the court finds that the said inspector is neglectful of, or is incompetent to perform the duties of his office, or that he is guilty of malfeasance in office, the court shall certify the same to the governor, who shall declare the office of said inspector vacant, and proceed in compliance with the provisions of this act to fill the vacancy. Finding.

The costs of said investigation shall, if the charges are sustained, be imposed upon the inspector; but, if the charges are not sustained, they shall be imposed upon the petitioners. Costs.

ARTICLE XXII.

SECTION 1. Under this act the bituminous counties of the Commonwealth shall be arranged by the chief of the department of mines into twenty-five inspection districts, and it shall be the duty of the chief of the department of mines to assign the inspectors to their respective districts. He shall also designate their places of abode, at points as convenient as possible to the mines of their districts. Districts.

SEC. 2. With the consent of the governor, the chief of the department of mines may, at any time, redistrict the bituminous districts and add to the number of inspectors, if in his judgment the number should be increased. Redistricting, etc.

ARTICLE XXIII.

SECTION 1. On or before the twenty-fifth day of January in each year, the operator or the superintendent of every mine shall send to the inspector of the district a correct report, specifying, with respect to the year ending the thirty-first day of December preceding, the name of the operator and officers of the mine, number of tons of coal mined, number of tons of coke manufactured, number of different employees, classified, and the total number of days worked during the year. The report shall be in such form, and give such information regarding the mine, as may be, from time to time, required and prescribed by the chief of the department of mines. Reports of operators.

The operator or the superintendent who fails to comply with the provisions of this article shall be deemed guilty of a misdemeanor. Failure to comply.

ARTICLE XXIV.

SECTION 1. On petition of the mine inspector, the court of common pleas in any county in said district shall appoint an examining board of three persons, consisting of a mine inspector, a miner, and an operator, or superintendent,—which said miner shall have had at least ten years' practical experience, and be in actual practice in mines of this Commonwealth generating explosive gases,—and the members of said examining board shall be citizens of this Commonwealth, and the persons so appointed shall, after being duly organized, take and subscribe, before an officer authorized to administer the same, the following oath, namely: Boards of examiners for mine foremen, etc.

"We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses; that we will not divulge or make known to any person any Oath of office.

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question prepared for the examiners, or in any manner assist any applicant to pass the examination, but will be governed by the evidence of the qualifications of the applicants to fill said positions, and not by any consideration of personal favor; and that we will certify all whom we may find qualified in accordance with this act, and none other."

Assisting applicants. Any member of any board of examiners who shall divulge or make known any question prepared for an examination, prior to such question being handed to the applicants at the examination, or in any manner assist any applicant to pass the examination, shall be deemed guilty of a misdemeanor. Any vacancy that may occur in the membership of the board shall be filled by the court of common pleas, in accordance with the provisions of this section.

Vacancies.

Meetings. The said board of examiners shall meet, for the purpose of holding examinations, at the call of the mine inspector, and at least two weeks' notice of time and place where the examination will be held shall be given.

Annual meetings. SEC. 2. The members of the boards of examiners appointed by the courts of common pleas, with the inspectors in office, shall meet in the city of Pittsburg each year, two weeks before the time set for the examination of applicants, for the purpose of discussing the general scope of the theoretical and practical questions to be given the applicants, and to adopt rules to govern the examinations, and to decide any other important matters pertaining to their duties; and said boards shall select a committee of six of their number, comprising two inspectors, two miners, and two operators, managers, or superintendents, to formulate a code of questions to be used at the next succeeding examinations. The said committee shall select one of their members as chairman and one as secretary. The questions prepared by the said committee shall be printed, under the personal direction of the chairman and the secretary of the committee, and sent by them by express, in sealed packages, each package containing a set of questions for each session, to the chairman of each board of examiners, who shall break the seal and open the package at the commencement of each session in the presence of the other members of the board.

Questions.

Answers. After the examinations of applicants are over, and before the several boards meet to examine the papers of the applicants, the said committee of six shall meet again to prepare answers for the questions propounded, and these answers shall be sent to the chairman of each board, to be used in rating the value of the answers given by the applicants. While preparing answers to the questions the committee is hereby authorized to engage the services of a clerk, who shall be a stenographer, and whose compensation and mileage shall be the same as that of the members of the committee.

Compensation. SEC. 3. Each member of each board shall receive six dollars a day for each day actually employed, not exceeding twenty days in all, and mileage at the rate of two and one-half cents a mile for each mile necessarily traveled in going from his home to the place of meeting and return, by the shortest practicable railway route: *Provided*, That the mileage shall be paid but once for each continuous session of the board. By a continuous session is meant a session of not less than four days in each week: *Provided further*, That the committee of six shall each receive additional compensation at the rate of six dollars a day for the time spent in preparing the questions and answers. Each member shall also be reimbursed for all other necessary expenses incurred by him in discharge of his duties. Each board of examiners is hereby authorized to employ the services of a clerk, who shall be a stenographer, and whose compensation and rate of mileage shall be the same as that of the members of the board. The clerk of each board shall, on final adjournment, send to the chief of the department of mines properly attested vouchers for compensation and expenses of each member of the board, and also a voucher covering his own compensation and expenses, which vouchers shall be first approved by the chairman and the secretary of the board. The chief of the

Additional compensation.

Expenses.

Clerks.

Vouchers.

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department of mines shall then approve said vouchers and transmit them to the auditor general, who shall issue a warrant, for their payment, to the State treasurer.

Applicants.

SEC. 4. Applicants must appear before the board of examiners of which the inspector of the inspection district in which they reside is a member. All persons who desire to attend the examination shall notify the chairman of the board of their intention, if possible, not less than six days prior to the day set for the examination. The boards shall inquire into the character and qualifications of applicants who present themselves for examination.

Qualifications. Mine foremen, etc.

Applicants for certificates of qualification as mine foremen and assistant mine foremen shall be citizens of the United States, of good moral character and of known temperate habits, at least twenty-three years of age, and shall have had at least five years' practical experience, after sixteen years of age, as miners or mining engineers, or men of general work inside of the mines of Pennsylvania.

Fire bosses.

Applicants for certificates of qualification as fire bosses shall be citizens of the United States, of good moral character and of known temperate habits, at least twenty-three years of age, and shall have had at least five years' practical experience, after sixteen years of age, as miners or men of general work, and shall have had experience in mines in Pennsylvania that generate explosive gas.

Certificates of character, etc.

All applicants shall be able to read and write the English language intelligently, and shall furnish the board with certificates as to their character and temperate habits, which certificates shall also show the length of service in the different mines.

Mine foremen. Certificates—First grade; Second grade.

Certificates of qualification as mine foremen shall be of two grades, namely: Certificates of first grade shall be granted to persons who have given to the board of examiners satisfactory evidence of their ability to perform the duties of mine foremen in gaseous mines, and who shall have received an average of at least eighty per centum in the examination. Certificates of second grade shall be granted to persons who have given to the board of examiners satisfactory evidence of their ability to perform the duties of mine foremen in nongaseous mines, and who shall have received an average of at least eighty per centum in the examination.

Assistant mine foremen.

Certificates of qualification as assistant mine foremen shall be granted to persons who have given to the board of examiners satisfactory evidence of their ability to perform the duties of assistant mine foremen in gaseous mines, and who shall have received an average of at least seventy per centum in the examination.

Oral examination.

All applicants for certificates as mine foremen and assistant mine foremen in gaseous mines must also undergo an oral examination in the presence of explosive gas.

Certificates of fire bosses.

Certificates of qualification as fire bosses shall be granted to persons who have given to the board of examiners satisfactory evidence of their ability to perform the duties of fire bosses in gaseous mines, and who shall have received an average of at least sixty-five per centum in the examination, and shall also have undergone an oral examination in the presence of explosive gas.

Fees.

SEC. 5. Before examination each applicant for a certificate of qualification as mine foreman, assistant mine foreman, or fire boss shall pay to the board of examiners the sum of one dollar, and, if successful, two dollars additional for a certificate. All money received by the boards of examiners for examination fees and certificates shall be transmitted to the chief of the department of mines, who shall pay the same into the State treasury, less the cost of issuing and recording certificates.

Issuing certificates.

SEC. 6. Each board of examiners, or at least two members thereof, shall certify to the chief of the department of mines, on forms furnished by him, every person whose examination shall disclose his fitness for the duties of mine foreman, assistant mine foreman, or fire boss, as above classified; and the chief of the

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department of mines shall then prepare certificates of qualification for the successful applicants and send them to the chairman of the board for distribution. Each certificate shall contain the full name, age, and place of birth of applicant, and also the length and nature of his previous service in or about the mines. The certificates shall be in manner and form as prescribed by the chief of the department of mines.

Papers to be filed.

SEC. 7. Each board of examiners shall send to the chief of the department of mines the answers and all other papers of the applicants, together with the tally sheets, and a list of the questions and answers as prepared by the committee selected by the boards, which shall be filed in the department of mines as public documents.

Certificates of service.

SEC. 8. Certificates of service, that shall have the same effect for the purposes of this act as certificates of qualification, shall be granted by the chief of the department of mines, on the reports of the boards of examiners, to all persons who are acting as assistant mine foremen in gaseous mines when this act becomes effective. Certificates of service shall be in manner and form as prescribed by the chief of the department of mines, and shall contain the full name, age, and place of birth of applicant, and also the length and nature of his previous service in or about the mines.

Fees.

Applicants for certificates of service shall pay to the board the sum of two dollars, which shall be transmitted to the chief of the department of mines.

Employment without certificate.

SEC. 9. It shall be unlawful for any operator, manager, or superintendent to employ as mine foreman in any mine, or as assistant mine foreman in any gaseous mine, any person who has not obtained the proper certificate of qualification or service required by this act: *Provided*, That all persons holding certificates of qualification as mine foremen, granted under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, may continue to serve: *And provided further*, That any person acting as mine foreman by virtue of holding a certificate of service granted previous to the passage of the act of May fifteen, one thousand eight hundred and ninety-three, may continue to serve at any mine where the general conditions affecting the health and safety of the persons employed do not differ materially from those at the mine in which he was employed when said certificate was granted, which question shall be decided by the inspector of the district; and it shall be unlawful for any operator, manager, superintendent, or mine foreman to employ as fire boss any person who has not obtained the proper certificate of qualification required by this act: *Provided*, That all persons holding certificates of qualification as fire bosses, granted under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, may continue to serve.

Holders of old certificates.

Forgery. False statement.

SEC. 10. If any person shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate issued under this act or any previous act, or in any copy thereof, or shall make use of such forged or false certificate, or copy thereof, or shall make use of any false declaration, representation, or statement in any such certificate, or copy thereof, or any document containing the same, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned for a term not exceeding one year, or both, at the discretion of the court.

Penalty.

Loss of certificate.

SEC. 11. In case of the loss or destruction of a certificate, the chief of the department of mines shall issue a copy thereof to the person losing said certificate, on payment of the sum of one dollar: *Provided*, That it shall be shown to the satisfaction of the chief of the department of mines that the loss or destruction has actually occurred.

Proviso.

Eligibility.

SEC. 12. Nothing in this article shall prevent a first-grade mine foreman from acting as assistant mine foreman in any mine, or a second-grade mine foreman from acting as assistant mine foreman in a nongaseous mine.

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ARTICLE XXV.

SPECIAL RULES.

Duties of miners.

Rule one.—The miner shall examine his working place before beginning work, and take down all dangerous slate, or otherwise make it safe by properly timbering it, before commencing to mine or load coal. He shall examine his place to see whether the fire boss has left the date marks indicating his examination thereof, and if said marks can not be found it shall be the duty of the miner to notify the mine foreman or the assistant mine foreman of the fact. The miner shall at all times be careful to keep his working place in a safe condition during working hours.

Danger.

Should he at any time find his place becoming dangerous from gas or roof or from any unusual condition that may arise, he shall at once cease working and inform the mine foreman or the assistant mine foreman of said danger, but before leaving his place he shall put some plain warning across the entrance thereto to warn others against entering into danger.

Blasting.

It shall be the duty of the miner to mine his coal properly before blasting, and to set sprags under the coal while undermining, to secure it from falling. After each blast he shall exercise care in examining the roof and coal, and shall secure them safely before beginning to work.

Ordering props, etc.

He shall order all props, cap pieces, and all other timbers necessary, at least one day in advance of needing them, as provided for in the rules of the mine. If he fails to receive said timbers, and finds his place unsafe, he shall vacate it until the necessary timbers are supplied.

Use of coal dust, etc., for tamping.

Under no condition shall the miner use coal dust or any other combustible material for tamping in any gaseous mine.

Explosive gas.

When places are liable to generate sudden outbursts of explosive gas, no miner shall be allowed to charge or fire shots, except under the supervision and with the consent of the mine foreman or the assistant mine foreman, or some other competent person designated by the mine foreman for that purpose.

Remaining in working place.

The miner shall remain during working hours in the working place assigned to him by the mine foreman or the assistant mine foreman, and he shall not leave his working place for another working place without the permission of the mine foreman, assistant mine foreman, or fire boss, and he shall not wander about the hauling roads or enter abandoned or idle workings.

Drivers.

Rule two.—When a driver has occasion to leave his trip he must be careful to see that it is left, when possible, in a safe place, secure from cars or other dangers, and where it will not endanger the driver of other trips or other persons.

He must take care while taking his trip down grade to have the brakes or sprags so adjusted that he can keep the cars under control, and prevent them from running over himself or others.

He shall not leave any cars standing where they may materially obstruct the ventilating current, except in case of accident, which he shall promptly report to the mine foreman or assistant mine foreman.

He shall not allow any person to ride on loaded mine cars. He shall not allow any person to drive his horses or mules in his stead. When it is his duty to open a door for the purpose of passing his trip through, he shall see that the door is immediately closed thereafter.

Trip riders.

Rule three.—The trip rider shall exercise care in seeing that all hitchings are safe for use, and that all the trip is coupled before starting, and should he at any time see any material defect in the rope, link, or chain he shall immediately remedy said defect, or, if he is unable to do so, he shall detain the trip and report the matter to the mine foreman or assistant mine foreman. He shall not allow any person to ride on the full trip. He shall not allow any person to ride on the empty trip, except by the authority of

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the mine foreman, and the speed shall not exceed six miles an hour.

Hoisting engineers. *Rule four.*—It shall be the duty of the engineer, who shall be a sober, competent person, over twenty-one years of age, to keep a careful watch over his engine and all machinery under his charge, and to see that the steam pressure does not exceed at any time the limit allowed by the superintendent. He shall make himself acquainted with the signal codes provided for in this act.

He shall not allow any unauthorized person to enter the engine house, nor shall he allow any person to handle or run the engine without the permission of the superintendent.

When workmen are being lowered or raised, he shall take special precautions to keep the engine well under control.

Motormen and locomotive engineers. *Rule five.*—The motorman or locomotive engineer shall keep a sharp lookout ahead, and sound the whistle or alarm bell frequently when coming near the parting switches or landings, and shall not exceed the speed allowed by the mine foreman. He shall see that the motors, cables, and controlling parts are kept clean and in a safe operating condition, and that the headlight is burning properly when the locomotive is in motion. He shall not allow any person except his attendant to ride on the locomotive or on the full cars.

Firemen. *Rule six.*—Every fireman in charge of a boiler or boilers for the generation of steam shall keep a careful watch over the same. He shall see that the steam pressure does not at any time exceed the limit allowed by the 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 it without delay to the superintendent, or other person designated by the superintendent, and take such other action as may under the circumstances be necessary for the protection of life and the preservation of property.

Fan engineers. *Rule seven.*—The engineer in charge of the ventilating fan at a mine shall keep it running at such speed as the mine foreman shall direct in writing. He shall report promptly to the mine foreman or assistant mine foreman any defect in the pressure gauge; and, in case of accident to the boiler or fan machinery, he shall immediately notify the mine foreman or the assistant mine foreman. If only ordinary repairs of the fan or machinery become necessary, he shall await the instructions of the mine foreman or assistant mine foreman before stopping the fan. Should it become impossible to run the fan, or become necessary to stop it to prevent its destruction, he shall notify at once the superintendent or mine foreman, who shall give immediate warning to the persons in the mine.

Furnace men. *Rule eight.*—The furnace man shall be over eighteen years of age, and shall attend to his duties with regularity, and in case it is necessary for him to be off duty, for any reason whatever, he shall give timely notice to the mine foreman.

The furnace man shall at all times keep a clear, brisk fire, and the fire must not be smothered with coal or slack during working hours, and he shall not allow ashes to accumulate excessively on or under the bars or in the approaches to the furnace, and ashes shall be cooled before being removed.

Hookers-on. *Rule nine.*—The hooker-on at the bottom of any slope shall be over eighteen years of age; and shall be very careful to see that the cars are properly coupled to a rope or chain, and that the safety catch or other device is properly attached to the rear car, before giving the signal to the engineer. He shall not allow any person to ride up the slope on the full trips, other than the trip rider.

Cagers. *Rule ten.*—The cager at the bottom of any shaft shall be over eighteen years of age. He shall not attempt to withdraw the car until the cage comes to a rest; and, when putting the full car on the cage, he must be very careful to see that the springs or

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catches are properly adjusted so as to keep the car in its proper place, before giving the signal to the engineer.

Footmen.

Rule eleven.—At every shaft or slope where persons are lowered into or hoisted from the mine, a footman (who shall be over twenty-one years of age), shall be designated by the mine foreman. He shall be at his proper place from the time that persons begin to descend until all persons who may be at the bottom of said shaft or slope, when quitting work at the end of the day, shall be hoisted. The footman shall personally attend to the signals, and see that the provisions of this act in respect to hoisting persons in shafts or slopes are complied with.

The footman shall not allow any tools to be placed on the same cage with men or boys, or on either cage when they are being hoisted out of the mine, except for the purpose of repairing the shaft or machinery therein. The men shall place their tools in cars provided for that purpose, which cars shall be hoisted before or after the men have been hoisted. He shall see that no driver or other person ascends the shaft with any horse or mule, unless the said horse or mule is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule shall accompany it in any case. The footman shall immediately inform the mine foreman of any violation of this rule or of general rule fifteen.

Topmen.

Rule twelve.—At every shaft or slope where persons are lowered into or hoisted from the mine, a topman or trip rider (who shall be over twenty-one years of age), shall be designated by the superintendent or mine foreman. He shall be at his proper place from the time that persons begin to descend until all the persons who may be at the bottom of the shaft or slope, when quitting work at the end of the day, shall be hoisted. The topman or trip rider shall personally attend to the signals, and see that the provisions of this act in respect to lowering persons in shafts or slopes are complied with.

The topman shall not allow any tools to be placed on the same cage with men or boys, or on either cage when persons are being lowered into the mine, except for the purpose of repairing the shaft or the machinery therein. The men shall place their tools in cars provided for that purpose, which cars shall be lowered before or after the men have been lowered.

He shall also see that no driver or other person descends the shaft with any horse or mule, unless the said horse or mule is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule shall accompany it in any case.

The topman of a slope or incline plane shall be careful to close the safety block or other device as soon as the cars have reached the landing, in order to prevent any loose or runaway cars from descending the slope or incline plane, and in no case shall said safety block or other device be withdrawn until the cars are coupled to the rope or chain and the proper signal given. He shall carefully inspect each day all the machinery in and about the check house and the rope used for lowering the coal, and shall promptly report to the superintendent any defect discovered, and shall use care in attaching securely the cars to the rope and in lowering them down the incline. He shall ring the alarm bell in case of accident, and when necessary immediately set free to act the drop logs or safety switch.

The topman of a shaft shall see that the springs or keeps for the cage to rest upon are kept in good working order, and when taking the full car off he must be careful that no coal or other material is allowed to fall down the shaft.

It shall be the duty of the topman to report to the superintendent any violation of general rule fifteen of this article.

GENERAL RULES.

Entering mines.

Rule one.—No unauthorized person shall enter the mine without permission from the superintendent.

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Intoxicated persons. *Rule two.*—No person in a state of intoxication shall be allowed to go into or loiter about the mine.

Blasters. *Rule three.*—No person shall be employed to blast coal, rock, or slate unless the mine foreman is satisfied that he is qualified by experience to perform the work with ordinary care.

Mining pillars. *Rule four.*—No inexperienced person shall be employed to mine out pillars unless in company with one or more experienced miners.

Examining working place. *Rule five.*—Every workman employed in the mine shall examine his working place before commencing work, and after any stoppage of work during the shift he shall repeat such examination.

Rules. *Rule six.*—Every workman, when first employed, shall have his attention directed by the mine foreman or his assistant to the

Posting. general and special rules contained in this act. Said rules shall be posted at a conspicuous place at or near the main entrance to the mine, and shall be printed in the various languages of the employees.

Unsafe conditions. *Rule seven.*—All employees shall notify the mine foreman or the assistant mine foreman of the unsafe condition of any working place, hauling roads, or traveling ways, or of damage to doors, brattices or stoppings, or of obstructions in the air passages, when said conditions are known to them.

Travel on foot. *Rule eight.*—No person shall be allowed to travel on foot to and from his work on any hoisting slope, incline plane, dilly or locomotive road, unless no other roads are provided for that purpose.

Riding on loaded car; *Rule nine.*—No person shall ride upon or against any loaded car or cage in any shaft or slope in any mine. No person, other

On empty cars; that the trip rider, shall be permitted to ride on empty trips on any slope, incline plane, or dilly road, except as provided for in other sections of this act.

On full cars. *Rule ten.*—No person, other than the driver or trip rider, shall be allowed to ride on the full cars.

Defacing notices, etc. *Rule eleven.*—Any person who shall deface, pull down or destroy any notice board, danger signal, general or special rules, record books, or mining laws, shall be prosecuted by the superintendent, on notice given by the mine foreman or obtained from other sources, as provided for in section two of article twenty-six of this act.

Tampering with equipment. *Rule twelve.*—All persons are forbidden to meddle or tamper in any way with any electric or signal wires, or any other equipment in or about the mine.

Amount of powder, etc. *Rule thirteen.*—No powder or high explosive shall be taken into the mine at one time, by any one person, in greater quantities than is required for use in one shift, and the quantity shall never exceed five pounds, except as provided for in article sixteen, section one. All powder shall be carried into the mine in metallic cans or canisters, or in receptacles of equally safe material.

Storage, etc. *Rule fourteen.*—No explosive shall be stored in any tipple or weighing office, and no naked lights shall be used while the attendant is weighing and giving out explosives.

Number of persons to be hoisted. *Rule fifteen.*—No greater number of persons shall be lowered or hoisted at any one time, in any shaft or slope, than is permitted by the inspector, and whenever the said number of persons returning from work shall arrive at the bottom of the shaft or slope, in which persons are regularly hoisted or lowered, they shall be promptly furnished with an empty cage or car and be hoisted to the surface, and in cases of emergency a less number than the permitted number shall be promptly hoisted.

Crowding. Any person crowding or pushing to get on or off the cage or car, thereby endangering life, shall be deemed guilty of a misdemeanor, and the superintendent shall discharge or prosecute him in accordance with section two of article twenty-six of this act, when the matter is reported to him by the topman or footman.

Use of safety lamps. *Rule sixteen.*—No safety lamp shall be entrusted to any person, for use in a mine, until said person has given satisfactory evidence to the mine foreman that he understands the proper use thereof and the danger of tampering with the same.

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Keys.

Rule seventeen.—No one except a person duly authorized by the mine foreman shall have in his possession a key or other instrument for the purpose of unlocking any safety lamp, in any mine where locked safety lamps are used. Other persons than those duly authorized by the mine foreman having keys or other instruments for the opening of safety lamps shall be prosecuted by the superintendent, in accordance with section two of article twenty-six of this act.

Bore holes.

Rule eighteen.—In the cutting of clay veins, spars, or faults, entries or other narrow workings, going into the solid coal, in mines wherein explosive gas is generated in dangerous quantities, a bore hole shall be kept not less than three feet in advance of the face of the work, or three feet in advance of any shot hole drilled for a blast to be fired in.

Brushing gas.

Rule nineteen.—An accumulation of gas in a mine shall not be removed by brushing, or when persons in the mine may be endangered thereby.

Ignited gas.

Rule twenty.—When gas is ignited by a blast, or otherwise, the person having charge of the place where the said gas is ignited, shall immediately extinguish it, if possible, and if unable to do so he shall immediately notify the mine foreman or the assistant mine foreman of the fact. Miners must see that no gas blowers are left burning upon leaving their working places. It shall be the duty of the superintendent to notify the inspector of any violation of this rule, and the inspector shall then prosecute as provided for in section two of article twenty-six of this act.

Notice of blast.

Rule twenty-one.—When a miner or shot firer is about to fire a blast he shall be careful to notify all persons who may be endangered thereby, and shall give sufficient alarm so that any person approaching may be warned of the danger.

Opening box of explosives.

Rule twenty-two.—Whenever a miner or shot firer shall open a box containing powder or other explosives, or while in any manner handling the same, he shall first place his lamp not less than five feet from such explosive and in such a position that the air current can not convey sparks to the explosive, and he shall not smoke while handling explosives.

Tamping bar.

Rule twenty-three.—In charging and tamping a hole for blasting no person shall use any iron or steel needle. The charger or tamping bar shall be of wood or tipped with copper.

Forcing charges.

Rule twenty-four.—No explosive shall be forcibly pressed into a hole that is of insufficient size, and when a hole has been charged the explosive shall not be taken out, and no hole shall be bored for blasting at a distance of less than twelve inches from any hole when the charge has misfired.

Tamping material.

Rule twenty-five.—In gaseous mines, shot firers or other persons charging holes for blasting shall use incombustible material for tamping. All holes before being fired shall be solidly tamped the full length of the hole. Any person who violates this rule shall be deemed guilty of a misdemeanor.

Abandoned slopes, etc.

Rule twenty-six.—Every abandoned slope, shaft, air hole, or drift shall, when so abandoned, be properly fenced around or across its whole entrance.

Unauthorized use of ways.

Rule twenty-seven.—No person shall go into an old or abandoned portion of any mine, or into any other place that is not in actual course of working, without permission from the mine foreman, and no person shall travel to and from his work except by the traveling way assigned for that purpose. It shall be the duty of the mine foreman to prosecute all persons who violate this rule, in accordance with section two of article twenty-six of this act.

Injuring airways, etc.

Rule twenty-eight.—Workmen and all other persons are expressly forbidden to commit any nuisances, or throw into, deposit or leave coal or dirt, stones or other rubbish, in the airway or road, so as to interfere with, pollute, or hinder the air passing into and through the mine.

Steam pipes.

Rule twenty-nine.—No steam pipes, through which high pressure steam is conveyed for the purpose of driving pumps or other

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machinery, shall be laid on traveling or haulage ways, unless they are encased in asbestos or some other suitable nonconducting material, or so placed that the radiation of heat into the atmosphere of the mine will be prevented as far as possible.

Use of steam locomotives.

Rule thirty.—When a steam locomotive is used for the purpose of hauling coal out of a mine, the tunnel or tunnels through which the locomotive passes shall be properly ventilated and kept free as far as practicable of noxious gases, and a ventilating apparatus shall be specially provided by the operator to produce such ventilation.

Signals.

Rule thirty-one.—In all shafts and slopes, where persons, coal, and other materials are hoisted by machinery, the following code of signals shall be used:

One rap or whistle—to hoist coal.

One rap or whistle—to stop car or cage when in motion.

Two raps or whistles—to lower car or cage.

Three raps or whistles—to hoist persons. The engineer shall signal back when ready, after which the person shall get on the car or cage, and then one rap or whistle shall be given to hoist.

Four raps or whistles—to turn on steam to the pumps.

Carrying matches, etc.

Rule thirty-two.—No person shall carry any matches, pipes, or other smokers' articles into a mine, or portion of a mine, worked exclusively with locked safety lamps, nor shall he have any of said articles in his possession while in such a mine.

Medical treatment.

Rule thirty-three.—If any person shall receive any injury in or about the mine, and the same shall come within the knowledge of the mine foreman, and if he shall be of the opinion that the injured person requires medical or surgical treatment, he shall see that said injured person receives treatment, and in case of inability of such person to pay therefor the expense shall be borne by the county.

Rules, forms, etc.

Rule thirty-four.—The special and general rules in the various languages, and all books, blank forms, and notices mentioned in this act, shall be printed at the expense of the State, and shall be furnished to the operators by the department of mines, through the inspectors, and all record books shall at all times be accessible to the inspector.

Violations.

Rule thirty-five.—Every person who contravenes or does not comply with any of the special and general rules in this act shall be deemed guilty of a misdemeanor.

ARTICLE XXVI.

Injuring apparatus, etc.

SECTION 1. Any person who shall intentionally or carelessly injure any safety lamp, instrument, air course or brattice, or without proper authority handle, remove or render useless any fencing, means of signaling, apparatus, instrument or machinery, or shall obstruct or throw open airways, or enter a place in or about a mine against caution, or carry fire, open lights, matches, pipes and other smokers' articles beyond any station inside of which locked safety lamps are used, or open a door in the mine and not close it immediately, or open any door the opening of which is forbidden, or disobey any order given in carrying out the provisions of this act, or do any other act whatsoever, whereby the lives or the health of the persons employed, or the security of the mine or the machinery, are endangered, shall be deemed guilty of a misdemeanor, and shall be punished as provided in section two of this article.

Neglect of duties.

SEC. 2. Any person who neglects or refuses to perform the duties required of him by this act, or who violates any of the provisions or requirements thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, in the court of quarter sessions of the county in which the misdemeanor was committed, be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail for a period not exceeding three months, or both, at the discretion of the court. Any viola-

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tion of this act which has been declared to be a misdemeanor by any part thereof shall be punished in like manner.

ARTICLE XXVII.

Accidents.

SECTION 1. Whenever a fatal accident occurs in or about any mine, or whenever an explosion or other serious accident of an unusual nature occurs, whether fatal or not, it shall be the duty of the mine foreman or superintendent in charge of such mine to give notice thereof forthwith, by telephone or telegraph, to the inspector, and also to the coroner of the county, if any person is killed.

Deaths.

Coroner's jury.

SEC. 2. If the coroner shall determine to hold an inquest he shall notify the inspector of the time and place of holding the same, and the inspector shall offer such testimony as he may deem necessary to thoroughly inform the said inquest of the cause of the death. He shall also have authority at any time to appear before such coroner or jury and examine or cross-examine any witness. No person who is directly or indirectly interested or employed in any capacity by the person, persons or company owning or operating such mine, or employed in or about any other mine in which such owners or operators may be interested, shall be competent to serve upon such coroner's jury.

Eligibility of jurors.

Duty of inspector.

SEC. 3. It shall be the duty of the inspector, upon being notified of any fatal accident as hereinbefore provided, to proceed in person as soon as practicable to the scene of the accident, and make such suggestions or give such directions as may appear to him necessary to secure the safety of any person who may still be endangered through said accident. Whether or not the results of the accident require an investigation by the coroner, the said inspector shall proceed to investigate and ascertain the cause of the accident, and make a record thereof, which he shall file as provided for; and to enable him to make the investigation he shall have power to compel the attendance of persons to testify, and also to administer oaths or affirmations. If it is found, upon investigation, that the accident is due to the violation of any of the provisions of this act by any person other than those who may be deceased, the inspector shall institute proceedings against such person or persons as provided for in section two of article twenty-six of this act.

Investigation.

Costs.

SEC. 4. The cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as costs of inquests held by coroners or justices of the peace are paid.

ARTICLE XXVIII.

Change in mine to non-gaseous.

SECTION 1. Should a mine, or a portion of a mine, that has at any time generated explosive gas in quantities sufficient to be detected by an approved safety lamp, after the passage of this act not so generate explosive gas during any one period of one year, then such mine, or portion of a mine, shall not be governed or controlled by the provisions of this act for mines or portions of mines generating explosive gas.

Application of act.

SEC. 2. The provisions of this act as to mines, or portions of a mine, generating explosive gas in quantities sufficient to be detected by an approved safety lamp, shall not apply to any mine wherein explosive gas is being generated only in live entries.

Exempt mines.

SEC. 3. The provisions of this act shall not apply to any mine employing less than ten persons inside the mine, in any one period of twenty-four hours.

Mine regulations—Construction of inside buildings.

(Page 979.)

Fireproof buildings.

SECTION 1. Within six months after the approval of this act, all buildings inside of any coal mine in Pennsylvania, including

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engine houses, pump houses, stables, et cetera, shall be constructed of incombustible material, approved in writing by the chief of the department of mines: *Provided, however*, That the time may be extended by the chief of the department of mines, for a period not exceeding six months, upon sufficient cause shown by any person, firm, or corporation, of inability to comply with the provisions of section one as to the time therein specified.

Violations.

SEC. 2. Any company failing to comply with section one of this act shall be subject to a penalty of five hundred dollars, to be recoverable by the Commonwealth as debts of like amount are now by law recoverable. Any superintendent of a coal mine failing to comply with section one of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of one hundred dollars, or undergo imprisonment in the county jail for a period of ten days, or both, at the discretion of the court.

Railroads—Sufficient crews for trains.

(Page 1053.)

Crew for freight trains.

SECTION 1. 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 Commonwealth, 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 a train crew consisting of less than six (6) persons, to wit, one engineman, one fireman, one conductor, one flagman, and two brakemen.

Thirty or more cars.

SEC. 2. 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 Commonwealth, 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, one engineman, one fireman, one conductor, one flagman, and one brakeman.

Less than thirty cars.

Passenger trains of not more than four cars.

SEC. 3. 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 Commonwealth, 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. This not to include the train porters or Pullman employees.

Statute construed.

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.

Passenger trains of five or more cars;

SEC. 5. 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 Commonwealth, 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; this not to include the train porters or Pullman employees.

Without baggage car.

SEC. 6. 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 Commonwealth, to run or operate over

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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 the train porters or Pullman employees.

Rear car.

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 Commonwealth, 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 ($100) dollars for each and every such violation, to be recovered with costs as debts are now by law recoverable, by a suit in the name of the Commonwealth, 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.

This act is within the police power of the State, and does not impose a burden on interstate commerce. It does not take property without due process of law, and is constitutional. 88 Atl. 775.

ACTS OF 1913.

No. 76.—*Payment of wages—Semimonthly pay day.*

Semimonthly pay day.

SECTION 1. Unless otherwise stipulated in the contract of hiring, each person, firm, or corporation employing any person, other than at an annual salary, shall pay to such person his or her earnings or wages semimonthly. The first payment shall be made between the first and fifteenth day of each month, and the second payment shall be made between the fifteenth and the last day of each month.

Violation.

SEC. 2. Any person, firm, or corporation that shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before any alderman, magistrate, or justice of the peace of the proper county shall be sentenced to pay a fine not exceeding one hundred dollars ($100).

Effect.

SEC. 3. Nothing in this act shall prohibit the payment of wages or earnings oftener than semimonthly.

No. 80.—*Mothers' pensions—Aid for children.*

Provision for support.

SECTION 1. On and after the passage of this bill, and its approval by the governor of the Commonwealth, the chief executive shall appoint not less than five and not more than seven women, residents of each county desiring to avail itself of the provisions of this act, to act as trustees, in whom shall be intrusted the carrying into effect the provisions of this act, to provide monthly payment, as approved by the trustees, to indigent, widowed, or abandoned mothers, for partial support of their children in their own homes; such payment to be made direct to the recipient by the State treasurer, upon warrants drawn by the auditor general, and direct to the recipient by the county treasurer. Such payments to continue at the will of the trustees, but not beyond the time that the law will permit a child to secure employment.

Administration.

SEC. 2. The administration of this act shall lie solely in the hands of the trustees appointed annually by the governor. They shall serve without pay; but shall be permitted to charge for traveling expenses, in making investigations of cases before a final

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recommendation is made to the auditor general and county treasurer. The trustees shall provide a headquarters and appoint an investigator, and a stenographer (if necessary), also suitable furnishings, stationery, and postage; but at no time shall the yearly expense be more than three thousand dollars for counties with cities of the first class, twenty-four hundred dollars for counties with cities of the second class, eighteen hundred dollars for counties with cities of the third class, and twelve hundred dollars for counties other than the aforesaid classes, with the exception of the first year, when the trustees shall be permitted to expend an additional sum of not more than five hundred dollars, if necessary, for furnishings. In order to carry the provisions of this act into effect an appropriation of two hundred thousand dollars, from moneys not otherwise appropriated, is hereby made:

Expenses.

Proviso. * * * *Provided, however,* That no county, through their trustees or otherwise, shall receive their allotment of the State's appropriation unless an equal amount has been provided by the government of such county desiring the benefits under this act.

Regulations. SEC. 3. The trustees shall in no case recommend payment to any widow or abandoned mother until they are thoroughly satisfied that the recipient is worthy in every way, and that, in order to keep her children in her own home, a monthly payment is necessary; but then only upon satisfactory reports from a teacher in the district school, stating that the child or children of the recipient of this fund are attending school, provided they are of proper age and physically able to do so. The combined total maximum payment shall not exceed twelve dollars per month for one child, twenty dollars per month for two children, twenty-six dollars per month for three children, and five dollars per month for each additional child. These payments to continue at the will of the trustees, but not beyond the time that the law will permit a child to secure employment.

Amount.

Residential requirement. SEC. 5. No family shall be a beneficiary under this act unless the mother has been a continuous resident of the county, in which she is applying for the benefits under this act, for a period of three years.

Violation. SEC. 6. Any person securing an allowance not entitled thereto shall be declared guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than one year, or both, as the court may decide.

Report. SEC. 7. A detailed report of the number of beneficiaries, the amount expended, the advantages and disadvantages of the system, improvements and recommendations, shall be made by the trustees to the members of the general assembly, at the beginning of the session of one thousand nine hundred and fifteen.

No. 92.—*Employment of children—Vocational education.*

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 meaning:

1. "Vocational education" shall mean any education, the controlling purpose of which is to fit for profitable employment.

2. "Industrial education" shall mean that form of vocational education which fits for the trades, crafts, and manufacturing pursuits, including the occupations of girls and women, carried on in workshops.

3. "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.

4. "Household arts education" shall mean that form of vocational education which fits for occupations connected with the household.

5. "Industrial, agricultural, or household arts school or department," or "vocational school or department," shall mean a distinctive organization of courses, pupils, and teachers approved

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by the State board of education, designed to give their industrial, agricultural, or household arts education, as herein defined.

6. "Evening class," in an industrial agricultural school or department, shall mean a class giving such training as can be taken by persons already employed during the working-day, and which, in order to be called vocational, must in its instruction deal with the subject matter of, and be so carried on as to relate to, the day employment.

7. "Evening class," in a household arts school or department, shall mean a class giving training in home making to girls or women, over fourteen years of age, however they may be employed or engaged during the day.

8. "Part-time or continuation class," in an approved agricultural or household arts school or department, shall mean a vocational class for persons giving a part of their working-time to profitable employment, and receiving in the part-time school or department instruction complementary to the practical work carried on in such employment. To give "a part of their working time" such persons must give part of each day, week, or longer period, to such part-time class during the period in which it is in session.

9. "Household arts school or department" shall mean a vocational school designed to develop, on a vocational basis, the capacity for household work, such as cooking, household service, and other occupations in the household.

Supervision.

SEC. 2. (1) The State board of education is hereby authorized and directed to investigate, and to aid in the introduction of, industrial, agricultural, and household arts education; to assist in the establishment of schools and departments for the aforesaid forms of education, and to inspect and approve such schools or departments as are hereinafter provided. The State board of education shall make a report annually to the governor and legislature describing the condition and progress of industrial, agricultural, and household arts education during the year, and making such recommendations as the board may deem advisable.

State superintendent to administer.

(2) The State superintendent of public instruction shall be the executive officer of the State board of education for the administration of this act. He shall appoint, from time to time, with the approval of the State board of education, such expert assistants, other than those already provided for by law, as may be necessary in industrial, household arts, or agricultural education, and all clerical and other agents necessary in carrying out the provisions of this act.

Assistants.

Classes.

SEC. 3. In order that instruction in the principles and the practice of arts may go on together, industrial, agricultural, and household arts schools or departments may offer instruction in day, part-time, and evening classes. Attendance upon such day, evening, or part-time classes shall be restricted to those over fourteen.

Age limit.

Local administration.

SEC. 4. Any school district may, through its board of school directors, establish and maintain industrial, agricultural, and household arts schools or departments.

Joint schools.

SEC. 5. Two or more districts may, as provided in article eighteen, sections one thousand eight hundred and one to one thousand eight hundred and eight, inclusive, of the School Laws of Pennsylvania of one thousand nine hundred and eleven, * * * through a joint school committee, establish and maintain industrial, agricultural, or household arts schools or departments, to be known as joint vocational schools or departments.

Advisory committee.

SEC. 6. Local school boards and joint school committees administering approved industrial, agricultural, or household arts schools or departments, may, under a plan to be approved by the State board of education, appoint an advisory committee composed of members representing local trades, industries, and occupations. It shall be the duty of such a committee to counsel with and advise the local or joint board of trustees, and other school officials, having the management and supervision of such schools.

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Nonresident pupils.

SEC. 7. (1) Any resident of any school district in Pennsylvania which does not maintain an approved industrial, agricultural, or household arts school or department, offering the type of training which he desires, may make application to the school board of any other district for admission to such school or department maintained by said board. In case said board refuses him admission, he may apply to the State board of education for admission to such school or department. The State board of education—decision of which shall be final—may approve or disapprove such application. In making such decision the State board of education shall take into consideration the opportunities for free vocational training in the community in which the applicant resides, the financial status of the community, the age, sex, preparation, aptitude, and previous record of the applicant, and all other relevant circumstances.

Tuition fee.

(2) The school district in which the person resides, who has been admitted, as above provided, to an approved industrial, agricultural, or household arts school or department maintained by another school district, shall pay a tuition fee, to be determined after the same manner provided for the high schools in article seventeen, section one thousand seven hundred and eleven, of the School Laws of Pennsylvania, for one thousand nine hundred and eleven, * * * and the Commonwealth shall reimburse such school districts, as provided for in this act. If any school district neglects or refuses to pay for such tuition it shall be liable therefor, in an action of contract, to the school district or school districts maintaining the school which the pupil, with the approval of the board, attended.

Approved schools.

SEC. 8. Industrial, agricultural, and household arts schools or departments shall, so long as they are approved by the State board of education as to organizations, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employment of pupils, and expenditures of money, constitute approved local or joint vocational schools. School districts maintaining such approved local or joint vocational schools or departments shall receive reimbursement as hereinafter provided.

Reimbursement.

SEC. 9. (1) The Commonwealth, in order to aid in the maintenance of approved local or joint industrial, household arts, and agricultural schools or departments, shall, as provided in this act, pay annually from the treasury to school districts and unions of school districts, maintaining such schools or departments, an amount equal to two-thirds the sum which has been expended during the previous school year by such a school district, or districts, for instruction in practical subjects and in such related technical and academic subjects as may be necessary to complete well-rounded courses of training: *Provided*, No one school district shall receive more than five thousand dollars in any one school year.

(2) School districts that have paid claims for tuition in approved local or joint vocational schools or departments shall be reimbursed by the Commonwealth, as provided in this act, to the extent of one-half the sum expended by such school districts in payment of such claims.

* * * * *

No. 190.—*Fire escapes on factories, etc.*

Exits to be fireproof.

SECTION 1. All exits to external fire escapes shall be by means of doors of fireproof construction, in which doors there may be placed wire glass, if glass is required for lighting the interior; and all windows, hereafter opening upon, over, or under external fire escapes, shall be of fireproof construction, with wire glass therein, and with metal fireproof frames around the windows.

Violation.

SEC. 2. Every person, firm, or corporation, trustee, board of education, and board of school directors, or any person or persons

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having charge, either as agents, trustees, or as a commission, having charge of any building, neglecting or refusing to comply with section one of this act, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars, or an imprisonment for not more than two months, or either or both, within the discretion of the court: *Provided*, That nothing in this act shall interfers [interfere] with fire escapes, now in use, approved by the proper authorities.

No. 267.—*Department of labor and industry.*

Department of labor and industry. Commissioner.

SECTION 1. There is hereby established a department of labor and industry, the head of which shall be a commissioner of labor and industry, who shall be appointed by the governor, by and with the consent of the senate, and who shall hold office for the term of four years from the date of his appointment, and who shall receive an annual salary of eight thousand dollars ($8,000), and shall appoint, and may at pleasure remove, all officers, clerks and other employees of the department of labor and industry except as herein otherwise provided.

Chief inspector.

SEC. 2. The commissioner of labor and industry shall forthwith appoint, upon entering upon the duties of his office, one chief inspector of the department of labor and industry, who shall receive a salary of five thousand dollars ($5,000) a year, and who shall, during the absence or disability of the commissioner of labor and industry, possess all the powers and perform all the duties of the said commissioner, except the power to make appointments, and who, in addition to his duties prescribed by this act, shall perform such other duties and possess such other powers as the commissioner of labor and industry shall prescribe.

Assistants.

SEC. 3. The office force of the department, excluding that of the different bureaus, shall be a chief clerk at an annual salary of two thousand dollars ($2,000); two copying clerks, at an annual salary of fifteen hundred dollars ($1,500) each; a stenographer, who shall be a typewriter, at an annual salary of fifteen hundred dollars ($1,500); and a messenger, at an annual salary of twelve hundred dollars ($1,200).

Bureaus.

SEC. 4. The department of labor and industry shall be divided into three bureaus, as follows:—

1. Bureau of inspection;
2. Bureau of statistics and information;
3. Bureau of arbitration,—

together with such other bureaus as the commissioner of labor and industry may deem necessary, and shall, with the consent of the governor, from time to time, establish.

Branch offices.

SEC. 5. The commissioner of labor and industry shall establish and maintain branch offices in the cities of Philadelphia and Pittsburgh, and in such other cities of the Commonwealth as he may deem advisable. Such branch offices shall, subject to the supervision and direction of the commissioner of labor and industry, be in immediate charge of such officers or employees as the said commissioner may designate; and the reasonable and necessary expenses of such offices shall be paid as are the other expenses of the said department of labor and industry.

Attorney.

SEC. 6. The attorney general shall have authority to employ, and may at pleasure remove, an attorney of the Commonwealth of Pennsylvania, who shall represent the department of labor and industry, and shall take charge of and assist in the prosecution of actions and proceedings brought by or on behalf of the said commissioner, or of the said department, and who shall act, generally, as legal adviser to the said commissioner. Such counsel shall receive an annual salary of three thousand dollars ($3,000), to be paid out of the appropriation made to said department. The commissioner of labor and industry shall have further power to employ attorneys and counsellors at law, to be

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designated by the attorney general, to assist the counsel in special actions or proceedings, or generally in performance of his duties.

The said commissioner of labor and industry may purchase such supplies and materials as may be necessary in carrying on the work of his department.

Bureau of inspection.

SEC. 7. The bureau of inspection, subject to the supervision of the commissioner of labor and industry, shall have charge of all inspections made pursuant to the provisions of this act, and shall perform such other duties as may be assigned to it by the commissioner of labor and industry. The said bureau shall be under the charge of the chief inspector, hereinabove provided for, subject to the supervision and direction of the commissioner of labor and industry.

There may be in the said bureau fifty-eight inspectors, divided into four grades, as follows:—

Inspectors.

1. Inspectors of the first grade,—of whom there may be fifty in number, and not less than five of whom shall be women, and such additional inspectors as the commissioner may deem necessary and proper to appoint, from time to time, each of whom shall receive an annual salary of one thousand five hundred dollars ($1,500).

2. Inspectors of the second grade,—of whom there shall be two in number, and who shall act as supervising inspectors, with offices at the cities of Philadelphia and Pittsburgh, respectively. Each of said inspectors shall receive an annual salary of two thousand five hundred dollars ($2,500).

3. Inspectors of the third grade,—of whom there shall be two, one of whom shall be a woman, and both of whom shall be physicians, duly licensed to practice medicine in Pennsylvania, and who shall act as medical inspectors, and each of whom shall receive an annual salary of two thousand five hundred dollars ($2,500).

4. Inspectors of the fourth grade,—of whom there shall be four, one of whom shall be a physician, duly licensed to practice medicine in the State of Pennsylvania; and who shall be chief medical inspector; one of whom shall be a mechanical engineer, and expert in ventilation and accident prevention; one of whom shall be a chemical engineer; and one of whom shall be a civil engineer, and expert in fire prevention and building construction. Each of the inspectors of the fourth grade shall receive an annual salary of three thousand dollars ($3,000).

Districts.

SEC. 8. The commissioner of labor and industry shall, from time to time, divide the State into districts; and shall assign to such districts such inspectors and supervising inspector as may, in his judgment, appear expedient; and shall, from time to time, assign and transfer such inspectors from one district to any other district, or to special duty in any bureau of the said department; and may assign an inspector to inspect any special class of factories or establishments, and may assign one or more of them to act as clerks in any office of the department.

Inspections.

The commissioner of labor and industry shall visit and inspect, or cause to be visited and inspected, during reasonable hours and as often as practicable, every room, building, or place, where and when any labor is being performed which is affected by the provisions of any law of this Commonwealth or of this act, and shall cause to be enforced therein the provisions of all such existing laws and of this act, and the rules and regulations of the industrial board hereinafter provided for.

Access to premises.

The commissioner of labor and industry and all inspectors may, in the discharge of their duties, enter any such place, building, or room, whenever they have reasonable cause to believe that any such labor is being or will be performed therein.

Medical inspection.

SEC. 9. The inspectors of the third grade shall, together with the chief medical inspector, hereinabove provided for, inspect all rooms, buildings, and other places subject to the provisions of this act, throughout the State, with respect to the conditions of work affecting the health of persons employed therein, and shall perform

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such other duties and render such other service as the commissioner of labor and industry shall direct.

Division of industrial hygiene.

SEC. 10. The inspectors of the fourth grade shall constitute a division of industrial hygiene, which shall be under the immediate charge of the commissioner of labor and industry. The members of the division of industrial hygiene shall make special inspections of factories and mercantile establishments, and all rooms, buildings or other places subject to the provisions of this act; and shall conduct special investigations, throughout the Commonwealth of Pennsylvania, relative to industrial processes and conditions. The members of such division shall prepare material for leaflets and bulletins, calling attention to dangers in particular industries and the precautions to be observed to avoid them, and shall perform such other duties and render such other services as may be required by the commissioner of labor and industry. Each member of said division shall make an annual report to the commissioner of labor and industry, which shall be transmitted to the legislature as part of the annual report of said commissioner.

Bureau of statistics and information.

SEC. 11. The bureau of statistics and information shall be under the immediate charge of a chief of the bureau, subject to the direction and supervision of the commissioner of labor and industry, who shall receive an annual salary of three thousand dollars ($3,000). There shall also be in the office of said bureau an assistant, who shall receive a salary of two thousand five hundred dollars ($2,500); one statistician, at an annual salary of two thousand dollars ($2,000); one filing clerk and one copying clerk, at an annual salary of fifteen hundred dollars each; and three collectors of statistics, who shall receive an annual salary of fifteen hundred dollars ($1,500) each. It shall be the duty of said bureau to keep in touch with labor in the Commonwealth, especially in relation to commercial, industrial, physical, educational, social, moral, and sanitary conditions of wage earners of the Commonwealth, and to the productive industries thereof; also, to collect, assort, publish, and systematize the details and general information regarding industrial accidents and occupational diseases, their causes and effects, and the methods of preventing and remedying the same, and of providing compensation therefor; also, to make inquiry and investigation into the condition, welfare, and industrial opportunities of all aliens arriving and being within the State, and to gather information with respect to the supply of labor afforded by such aliens, and ascertain the occupations for which such aliens may be best adapted, and to bring about communication between the aliens and the several industries requiring labor; and to collect, assort, and publish statistical details and general information relative thereto.

Powers.

The chief, or duly authorized deputy, shall have power to issue subpœnas, administer oaths, and take testimony in all matters relating to the duties herein required of said bureau. Any corporation, firm, or individual doing business within the Commonwealth, who shall neglect or refuse for thirty days to answer questions by circular or upon personal application, or who shall refuse to obey the subpœna and give testimony according to the provisions of this act, shall be liable to a penalty of one hundred dollars, to be collected by order of the commissioner of statistics in an action of debt, in which the Commonwealth of Pennsylvania shall be plaintiff. This bureau shall also be required to collect, compile, and publish annually, the productive statistics of manufacturing, commercial, and other business interests of the State.

Industrial board.

SEC. 12. There is hereby created and established in the department of labor and industry an industrial board, to consist of the commissioner of labor and industry, and four additional members, to be appointed by the governor, by and with the consent of the senate,—one of whom shall be an employer of labor, one a wage earner, and one a woman. The said additional members shall be designated by the governor to serve until the first day

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of January in the years one thousand nine hundred and fifteen, one thousand nine hundred and sixteen, one thousand nine hundred and seventeen, and one thousand nine hundred and eighteen, respectively. Upon the expiration of each of the said terms, the term of office of each associate member thereafter appointed shall be four years, from the first of January. The commissioner of labor and industry shall be the chairman of the said board. Vacancies shall be filled by appointment, for an unexpired term, in the same manner as provided for the appointments of the previous holders of the office in which said vacancy occurs.

Compensation. The commissioner of labor and industry shall receive no additional compensation for services as member of the said board. The four associate members shall each receive a compensation of ten dollars ($10.00) per day, and expenses actually and necessarily incurred while engaged in the performance of their duties.

Secretary. The board shall appoint, and may remove, a secretary, who shall receive a salary to be fixed by the board. The commissioner of labor and industry shall detail, from time to time, to the

Assistants. assistance of said board, such employees of the department of labor and industry as the board may require. In aid of its work, the said board is empowered to employ experts for special and occasional services. The counsel to the department of labor and industry shall act as counsel to the board, without additional compensation.

Meetings. The board shall hold stated meetings, which shall be open to the public, at least once a month during the year, and shall hold other meetings at such times and places as may be necessary. Such meetings shall be called by the chairman or majority of the

Records. board. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, and records of its examination and other official action.

Powers. SEC. 13. The industrial board shall have the power to make investigations concerning, and report upon, all matters touching the enforcement and effect of the provisions of all laws of the Commonwealth, the enforcement of which shall now and hereafter be imposed upon the department of labor and industry, and the rules and regulations made by the industrial board in connection therewith; and to subpœna and require the attendance in this Commonwealth of all witnesses, and the production of books and papers pertinent to the said investigation, and to examine them and such public records as it may require in relation to any matter which it has power to investigate. Any witness who refuses to obey a subpœna of the said board, as hereinabove provided for, or who refuses to be sworn or to testify, or who fails or refuses to produce any books, papers, or documents touching any matter under investigation or examination by the said board, or who is guilty of any contempt after being summoned to appear before the said board as above provided, may be punished as for contempt of court; and, for this purpose, application may be made to any court within whose territorial jurisdiction the said contempt took place, and for which purpose the courts of the common pleas of this Commonwealth are hereby given jurisdiction. In the course of such investigation each member of said board shall have power to administer oaths. Each member shall have the further power to make personal investigations of all establishments in this Commonwealth where labor is employed.

Construction, etc., of buildings. SEC. 14. All rooms, buildings, and places in this Commonwealth where labor is employed, or shall hereafter be employed, shall be so constructed, equipped, and arranged, operated and conducted, in all respects, as to provide reasonable and adequate protection for the life, health, safety, and morals of all persons employed therein. For the carrying into effect of this provision, and the provisions of all the laws of this Commonwealth, the enforcement of which is now or shall hereafter be entrusted to or imposed upon the commissioner or department of labor and industry, the industrial board shall have power to make, alter, amend, and repeal general rules and regulations necessary for applying such

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provisions to specific conditions, and to prescribe means, methods, and practices to carry into effect and enforce such provisions.

Rules and regulations.

SEC. 15. The rules and regulations of the industrial board, and the amendments and alterations thereof, may embrace all matters and subjects to which power and authority of the department of labor and industry extends, and shall be distributed to all applicants. Every rule or regulation adopted by the board shall be promptly published in bulletins of the department of labor and industry, and in such daily newspapers as the board may prescribe, and no such rule or regulation shall take effect until thirty days after such publication. Any employer, employee, or other person interested, either because of ownership in or occupation of any property affected by any such order or regulation, or otherwise, may petition for a hearing on the reasonableness of a rule or regulation. Such petition for hearing shall be by verified petition, filed with the said industrial board, setting out specifically and in full detail the rule or regulation upon which a hearing is desired, and the reasons why such rule or regulation is deemed to be unreasonable. All hearings of the board shall be open to the public. Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the industrial board shall determine the same by confirming, without hearing, its previous determination; or, if such hearing is necessary to determine the issue raised, the industrial board 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 industrial board may find directly intrested in such decision.

Petition.

Hearings.

Violations.

SEC. 16. Every person who violates any of the provisions of this act, or any of the rules or regulations of the industrial board, or who resists or interferes with any officer or agent of the department of labor and industry in the performance of his duties in accordance with the said rules and regulations, shall be deemed guilty of a misdemeanor; and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars ($100.00), or by imprisonment not exceeding one month, or both, at the discretion of the court.

Bureau of mediation and arbitration.

SEC. 17. There shall be created in the department of labor and industry a bureau of mediation and arbitration, the head of which shall be a chief of bureau, who shall receive an annual salary of three thousand five hundred dollars ($3,500).

Mediation.

SEC. 18. Whenever a difference arises between an employer and his employees, which cannot be readily adjusted, the chief of the bureau shall proceed promptly to the locality thereof, and endeavor by mediation to effect an amicable settlement of the controversy. If such settlement cannot be effected, the dispute may be arbitrated by a board composed of one person selected by employer, and one person selected by employees, and a third who shall be selected by the representatives of the employer and the employees; and such third member of the board shall be selected and appointed within a period of five days after the matter has been submitted for arbitration, and, in the event of any such appointment or selection not being made within a period of five days, then the chief of the bureau of mediation and arbitration shall constitute the third member of the board, and be the chairman of the board; and if such third representative is chosen, by the two representatives of the employer and employee, within five days, then a chairman of the board shall be established by the board itself. A submission to the board shall be made in writing, and the parties thereto shall agree to abide by the determination of the board. Said board shall render a written decision within ten days after the completion of the investigation, one copy thereof to be filed in the bureau, and a copy to be furnished each party to the controversy. The chief of the bureau shall make an annual report of his work, containing such information as the commissioner of labor and industry may request.

Decision.

Report.

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Clerks. SEC. 19. The commissioner of labor and industry may assign to this bureau, from his department, such clerical assistance as, from time to time, he may think necessary.

Expenses. SEC. 20. In addition to their respective salaries, as hereinabove provided, the commissioners, inspectors, and other officers of the department of labor and industry, shall receive the expenses actually and necessarily incurred in the performance of their official duties; which expenses, together with all other necessary expenses under the provisions of this act, shall, after the approval in writing by the governor and the commissioner of labor and industry, be paid by the State treasurer, upon warrant of the auditor general, in the manner now provided by law.

Offices. SEC. 21. Upon requisition of the commissioner of labor and industry, the board of public grounds and buildings shall furnish suitable accommodations in the State capitol building for the use of this department.

Printing and binding. SEC. 22. Upon requisition of the commissioner of labor and industry, and order of the superintendent of public printing and binding, the State printer shall do the printing and binding necessary for the proper performance of the duties of this department.

Vesting of powers. SEC. 23. All of the powers and duties now by law vested in and imposed upon the department of factory inspection, which is hereby abolished, are now hereby vested in the department of labor and industry.

No. 268.—*Assignments of wages.*

Acceptance by employer. SECTION 1. No assignment of, or order for, wages or salary to be earned in the future, to secure a loan, shall be valid against the employer of the person making said assignment or order, unless said assignment or order is accepted, in writing, by the employer.

Consent of wife. SEC. 2. No such assignment of, or order for, wages or salary to be earned in the future, to secure a loan, 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 before any such assignment or order is accepted, in writing, by the employer, as provided in the first section of this act.

No. 394.—*Accident insurance.*

Copy of policy to be filed. SECTION 1. No policy of insurance against loss from sickness, or loss or damage from bodily injury or death of the insured by accident, shall be issued or delivered to any person in this Commonwealth until a copy of the form thereof, and of the classification of risks and the premium rates pertaining thereto, have been filed with the insurance commissioner; nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed, unless the said commissioner shall sooner give his written approval thereto. * * *

Standard provisions. SEC. 3. Every such policy 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." In each such standard provision, wherever the word "insurer" is used, there shall be substituted therefor "company," or "corporation," or "association," or "society," or such other word as will properly designate to the insurer. Said standard provision shall be:—

Change of occupation. (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:"

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(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)-1. This policy includes the endorsement 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 policy.

SEC. 12. (1) Nothing in this act, however, shall apply to or affect any policy of liability or workman'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, underwriters' 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.

* * * * *

No. 408.—*Accidents to be reported.*

Duty of employer.

SECTION 1. Within thirty days after the beginning of the disability of an employee because of any personal injury, caused by an accident occurring in the course of his employment, the employer, whether a person, firm, or corporation, shall make report of such accident to the department of labor and industry. Such report shall set forth the name, address, and nature of the business of the employer; name, address, sex, age, nationality, and occupation of the employee; date, day or week, hour, place, and character of the accident, and the nature of the injury, and the duration of the disability, or probable disability, as far as the same can be ascertained. Such employer shall, also, upon request of the department of labor and industry, make such further report as may reasonably be required by it.

Violation.

SEC. 2. Any person, firm, or corporation having knowledge of the occurrence of such personal injury to an employee, in the course of employment, who shall fail to make report as aforesaid, shall be liable to the Commonwealth for a penalty of one hundred dollars to be recovered by action brought by said department.

Reports not evidence.

SEC. 3. Reports made in accordance with this act shall not be evidence against the employer in any proceeding, either under the workmen's compensation law of one thousand nine hundred and thirteen or otherwise.

Required report sufficient.

SEC. 4. No employer who has made the report required by this act shall be required to make any other or further report of such accident to any other department of the government of the Commonwealth.

Application.

SEC. 5. This act shall not apply to casual employments; nor to accidents resulting in disability continuing less than two days.

No. 428.—*Manufactures in tenements.*

Permit required.

SECTION 34. No part of any dwelling, rooming house, or tenement shall be used by the tenant, members of his family, or others,

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for manufacturing purposes, or for other than domestic work, without a permit from the bureau or board of health, and the permit, when issued, shall expire not later than the calendar year for which it is issued. No such permit shall be granted if such use would create dust, foul odors, or undue noise, liable to affect injuriously the health or comfort of the tenants, occupants, or neighbors, or for any reason would affect injuriously the health and safety of those engaged in such manufacturing or other work. The permit may be revoked by the bureau or board of health at any time, for the same reason for which it may refuse to issue same. No such room or rooms, when used for manufacturing purposes, shall be occupied at any one time by more persons than would give to each occupant at least four hundred cubic feet of air space.

No. 447.—*Inspection and regulations of factories, etc.—Blowers for emery wheels, etc.*

Blowers required.

SECTION 1. All persons, companies, or corporations operating any factory or workshop 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 such wheels or belts, in such a manner as to protect the person or persons using the same from the particles of 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 shall be exempt from the provisions of this act: *And, provided*, This act shall not apply to factories or workshops where men are not employed continuously at such wheels or belts more than three hours in twenty-four hours.

Hoods.

SEC. 2. 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 act, as set forth in the preceding section, as follows: Each and every wheel shall be fitted with a sheet of case iron, or 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.

Access to premises.

SEC. 4. The inspectors of the department of labor and industry are hereby authorized to enter and inspect all factories and workshops, for the purpose of enforcing the provisions of this act.

Violation.

SEC. 5. Any person or persons, or company, or managers or directors of any company or corporation, who shall have the charge or management of any factory or workship, who shall fail to comply with 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 exceeding three hundred dollars.

No. 466.—*Employment of women—Factory regulations.*

Definitions.

SECTION 1. The term "establishment," when used in this act, shall mean any place within this Commonwealth where work is done for compensation of any sort, to whomever payable: *Provided*, That this act shall not apply to work in private homes and farming.

The term "person," when used in this act, shall be construed to include any individual, partnership, or other unincorporated association, corporation, and municipality.

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The term "week," when used in this act, shall mean any seven consecutive days, and the term "day" shall mean any twenty-four consecutive hours.

Construction.

SEC. 2. Whenever in this act the singular is used the plural shall be included, and whenever the masculine gender is used the feminine and neuter shall be included.

Hours of labor.

SEC. 3. (a) No female shall be employed or permitted to work in, or in connection with, any establishment for more than six days in any one week, or more than fifty-four hours in any one week, or more than ten hours in any one day.

Provided, That during weeks in which a legal holiday occurs and is observed by an establishment, any female may be employed by such establishment during three days of such week for a longer period of time than is allowed by this act; but no female shall be permitted to work more than two hours overtime during any one of such three days, nor more than the maximum hours per week specified in this act.

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section, unless it appears that such employment was to make up time lost in the same week in consequence of the alteration, repairs or accidents to machinery or plant upon which she was employed and dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be legal unless a written report of the same is sent to the commissioner of labor and industry; but no female shall be permitted to work more than two hours overtime during any one day, nor for more than the maximum number of hours per week specified in this act: *Provided*, That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products.

Canneries.

(b) Whenever any female shall be employed or permitted to work in, or in connection with, more than one establishment in any one week or in any one day, the aggregate number of hours during which she shall be employed or permitted to work in, or in connection with, such establishment shall not exceed the number of hours prescribed in this section for such females in any one week or any one day.

(c) The provisions of this section shall not apply to the work of nurses in hospitals.

Nightwork.

SEC. 4. No female shall be employed or permitted to work in any manufacturing establishment before the hour of six o'clock in the morning, or after the hour of ten o'clock in the evening, of any day: *Provided*, That this section shall not apply to managers, superintendents, or persons doing clerical or stenographic work.

Nightwork by females under 21.

SEC. 5. No female under twenty-one years of age shall be employed or permitted to work in, or in connection with, any establishment before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day: *Provided*, That this section shall not apply to females over the age of eighteen years employed as telephone operators.

Time for meals.

SEC. 6. Not less than forty-five minutes shall be allowed to every female employed or permitted to work in, or in connection with, any establishment, for the midday meal, which period shall not be considered a part of the hours of labor: *Provided*, That whenever any female shall be employed or permitted to work in, or in connection with, any establishment for less than eight hours in any one day, the time allowed for the midday meal may be reduced to not less than thirty minutes.

Employees shall not be required to remain in the workrooms during the time allowed for meals.

Rest period.

SEC. 7. No female shall be employed or permitted to work for more than six hours continuously in, or in connection with, any establishment, without an interval of at least forty-five minutes, and no period of less than forty-five minutes shall be deemed to interrupt a continuous period of work: *Provided*, That whenever

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any female shall be employed or permitted to work in, or in connection with, any establishment for less than eight hours in any one day, the interval between work periods may be reduced to not less than thirty minutes.

Employees shall not be required to remain in the workrooms during the rest periods required by this section.

Seats. SEC. 8. Every person employing or permitting females to work in any establishment shall provide suitable seats for their use in the rooms where they shall work, and shall maintain and keep them there, and shall permit the reasonable use thereof by such females. At least one seat shall be provided for every three females employed or permitted to work, and all seats shall during work hours be conveniently accessible to the workers for whose use they shall be provided.

Wash rooms, etc. SEC. 9. Every person employing or permitting females to work in any establishment shall provide suitable wash and dressing rooms and water-closets, or privies, for their use, so located as to be accessible to such females. In any establishment in which males and females shall be employed or permitted to work, separate wash and dressing rooms and water-closets, or privies, shall be provided for each sex; and such wash and dressing rooms and water-closets, or privies, for each sex, shall be entirely separate from those provided for the other sex. The water-closets or privies provided for females shall be in the ratio of one for every twenty-five females employed or permitted to work. All water-closets or privies shall be properly lighted, and shall be separated from the rooms in which employees shall be permitted to work by partitions extending from floor to ceiling, and the compartments containing such water-closets or privies shall have sufficient direct outside ventilation, by window or other means. The entrances to the water-closets or privies shall be screened from the rooms in which employees work, and from the entrances to the water-closets or privies provided for the other sex, by screens or partitions at least six feet high. All water-closets or privies shall at all times be kept clean, sanitary, and free from all obscene writing or marking.

Lunch rooms. SEC. 10. Any person employing or permitting any female to work in any establishment where white lead, arsenic or other poisonous substances, or injurious fumes, dust or gases, shall be present, shall provide and maintain a suitable room, free from the aforesaid substances, fumes, dust and gases, for the use of said female employees; and no such person shall, during the time allowed for meals, permit any such female to remain in any room where the aforesaid substances, fumes, dust, and gases shall be present.

Exhaust fans. SEC. 11. Any person who shall employ or permit any female to work in any establishment in which poisonous or injurious dust, fumes, or gases shall be created by the machinery or material in process of manufacture, shall provide proper hoods and pipes connected with exhaust fans of sufficient capacity to remove such dust, fumes, or gases at their point of origin, and prevent them from mingling with the air in the room, and such fans shall be kept running constantly while such dust, fumes, or gases shall be generated.

Drinking water. SEC. 12. Any person employing any female in any establishment shall make reasonable efforts to at all times provide a sufficient supply of clean and pure drinking water. Such water shall be supplied through proper pipe connections with water mains which furnish water for domestic purposes, or from a spring or well, or body of pure water. If drinking water be placed in receptacles in the establishment, such receptacles shall be properly covered to prevent contamination, and shall at all times be kept thoroughly clean: *Provided*, That no employer in any establishment shall collect from any such female employee any money for ice furnished in his establishment for drinking purposes, for the use of the employees.

Copy of law to be posted. SEC. 13. Every person employing or permitting any female to work in any establishment shall keep posted, in a conspicuous

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place in the room where such female shall be employed or permitted to work, a printed abstract of the provisions of this act, and a schedule of the hours of labor of such female: *Provided*, That when any female shall be employed or permitted to work in more than one room in any establishment, the aforesaid abstract and schedule shall be required in only one of the said rooms. If any female shall be employed or permitted to work in connection with any establishment, but not in such establishment, the aforesaid abstract and schedule shall be kept posted in a conspicuous place in the office of such establishment. Schedule of hours.

The schedule of hours of labor herein required shall contain the name of the female employed or permitted to work, the maximum number of hours such female shall be required or permitted to work on each day of the week, with the total for the week, the hours of commencing and stopping work, and the hours when the time allowed for meals shall begin and end for each day of the week. Such female may begin work after the time for beginning, and stop before the time for ending work, stated in such schedule; but she shall not otherwise be employed or permitted to work in, or in connection with, any establishment, except as stated in such schedule.

The commissioner of labor and industry shall prepare the abstract of the provisions of this act, and a form for the schedule of hours of labor required by this section. Copies of such abstract and such form shall be printed, in accordance with the laws of this Commonwealth regulating printing and publishing, under the supervision of the superintendent of public printing and binding, and the commissioner of labor and industry shall supply the same, upon application, to all persons required to post the abstract and schedule aforesaid. Abstracts and forms.

SEC. 14. Whenever any female shall be employed or permitted to work in, or in connection with, any establishment, before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day, who, in the judgment of the commissioner of labor and industry or his deputy, is under twenty-one years of age, such officer may demand from any person employing or permitting any such female to work in, or in connection with, his establishment, that such person shall either furnish to such officer within ten days satisfactory evidence, such as shall be required by law for the issuing of employment certificates to minors, that such female is, in fact, twenty-one years of age or over, or shall cease to employ or permit such female to work in, or in connection with, such establishment, before or after the hours above named. In case such employer shall fail to furnish to said officer, within ten days after making such written demand, the required evidence of age, and shall thereafter continue to employ such female, or permit her to work in, or in connection with, such establishment, before or after the hours aforesaid, proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such female, in any prosecution brought therefor. Proof of age.

SEC. 15. No person shall hinder or delay the commissioner of labor and industry or any of his deputies in the performance of his duties in the enforcement of this act, or refuse to admit, or lock out, any inspector from any place while females are employed therein, and which said inspector shall be authorized to inspect, or refuse to give any inspector information required for the proper enforcement of this act. Hindering officials.

SEC. 16. It shall be the duty of the commissioner of labor and industry and his deputies to enforce all the provisions of this act. They shall visit and inspect establishments, and shall have power at any reasonable time to visit and inspect any establishment in or in connection with which any female shall be employed or permitted to work. They shall investigate all complaints of violations of this act received by them, and shall institute prosecutions for violations of the provisions thereof. Enforcement.

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Prosecutions. SEC. 17. All prosecutions for violations of this act shall be instituted by the commissioner of labor and industry or his deputy, before a magistrate, alderman, or justice of the peace, who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days. Upon a conviction after hearing, the penalties provided in this act shall be imposed, and shall be final, unless an appeal be taken to the court of proper jurisdiction, within twenty days after the imposition of the penalties aforesaid, in the manner already provided by law in appeals from penalties.

Violations. SEC. 18. Any person who, whether by himself or for another, or through an agent, servant, or foreman, shall violate any provision of this act, shall be guilty of a misdemeanor.

Upon conviction for a violation of any provision of sections three, four, five, six, or seven of this act, he shall be punished, for a first offense, by a fine of not less than ten ($10) dollars or more than fifty ($50) dollars; for a second or subsequent offense, by a fine of not less than twenty-five ($25) dollars or more than two hundred ($200) dollars, or by imprisonment for not more than sixty days, or by both, at the discretion of the court; and whenever any person shall have been notified by the commission of labor and industry or his deputy, or by the service of a summons in a prosecution, that he is violating such provision, he shall be punished by like penalties in addition for each and every day that such violation shall have continued after such notification.

Upon conviction for a violation of any of the provisions of sections eight, nine, ten, eleven, twelve, thirteen, fourteen, or fifteen of this act, the punishment shall be, without regard to the number of females employed, for a first offense, not less than twenty-five ($25) dollars or more than fifty ($50) dollars; for a second or subsequent offense, a fine of not less than fifty ($50) dollars or more than two hundred ($200) dollars, or imprisonment for not more than sixty days, or both at the discretion of the court, and whenever any person shall have been notified by the commissioner of labor and industry or his deputy that he is violating such provisions, and shall have been given a reasonable time in which to remedy the condition which shall constitute such violation, he shall be punished, in addition to the penalties aforesaid, by like penalties for each and every day that such violation shall have continued after the expiration of the time allowed by the commissioner of labor and industry or his deputy for remedying the aforesaid condition: *Provided*—

First. That any person who shall demand evidence, such as shall be required by law for the issuing of employment certificates to minors, that any applicant for employment or permission to work in, or in connection with, his establishment, is twenty-one years of age, and shall receive the same before employing or permitting such applicant to work, and who shall have kept the same on file, and, in the case of such applicant, shall have complied with all the requirements of this act applying to a female of the age stated in such evidence of age, shall not be liable to punishment for the violation of section five of this act, though it shall subsequently appear that such applicant was in fact less than twenty-one years of age: *Provided*, That this provision shall not apply to any person who shall demand and receive the evidence herein provided for, if he knows at the time of receiving such evidence that the applicant is, in fact, less than twenty-one years of age; nor shall this provision prevent the punishment of any person for violating section five of this act after knowledge of the true age of the female employed.

Second. That whenever a violation of any provision of this act shall also be a violation of another provision, or other provisions, of this act, penalties may be imposed for the violation of each and every such provision.

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Third. That under no circumstances shall any person be sentenced to imprisonment for more than one year for any one violation of this act.

Fourth. That whenever a violation of any of the provisions of this act shall also be a violation of the laws of this Commonwealth regulating the hours of labor and conditions of employment of minors, penalties shall be imposed under only one of such acts.

SEC. 20. Nothing in this act shall be construed to prevent females of any age from receiving industrial training or other education in, or in connection with, any school or educational institution in this Commonwealth. Construction.

Each section of this act and every part thereof is hereby declared to be an independent section, or part of a section, and if any section, subsection, sentence, clause, or phrase of this act shall for any reason be held unconstitutional, the validity of the remaining phrases, clauses, sentences, subsections, and sections of this act shall not be affected thereby.

No. 468.—*Payment of wages of miners.*

SECTION 1. At every anthracite coal mine in this Commonwealth, where coal is mined and paid for by the car, a record of all cars of coal mined shall be kept at the miners' chutes, or at the most convenient and practical of said chutes, where said coal is loaded in cars, which record shall be the final basis in computing the miners' earnings per car, without any deduction for any slate or other refuse that may be loaded on said car or cars in the usual and natural course of mining and loading coal, and which record shall be open at all times for the inspection of all miners. Record of cars.

SEC. 2. Any individual, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall, for each offense, be sentenced to pay a fine of not less than fifty dollars, nor more than one hundred dollars. Violation.

SEC. 3. *Provided*, That this act shall not affect any existing contract, nor shall it prevent the making of any contract between the owner or operator of any mine and the miners employed therein as to the method of recording cars mined, and of deducting for refuse therein, and no penalty provided in this act shall apply to such owner or operator so contracting or agreeing. Proviso.

No. 775.—*Commission on safety and efficiency in mining operations.*

SECTION 1. The governor is hereby authorized to appoint a commission, to consist of three citizens of this State, one of whom shall be the dean of the school of mines of the Pennsylvania State College, one the chief of the department of mines, and one a practical miner. It shall be the duty of the commission to cooperate with the director, or other representative of the United States Bureau of Mines, in the establishment in this State of a mining experiment station, which shall have for its purposes the conducting of investigations, and the making of tests, to better safeguard the lives of miners, and to bring about greater efficiency in the mining and mineral industries. The members of the said commission shall serve without compensation, but shall be allowed their expenses actually and necessarily incurred in the performance of their duties. Constitution of commission. Duties.

SEC. 2. * * * The commission shall submit to the governor, as he may require, reports giving the results of its work, and shall arrange for the prompt transmission to the department of mines, and to the topographic and geological survey of this State, copies of all reports, circulars, bulletins the other publications issued from time to time, embodying the results of tests and investigations conducted at the said mining experiment station; and also from time to time such special reports as to them, or any of them, may seem useful, growing out of the results of the experiments conducted at said station. Reports, etc.

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No. 851.—*Inspection and regulation of factories—Occupational diseases.*

Prevention. SECTION 1. Every employer shall, without cost to the employees, provide reasonably effective devices, means, and methods to prevent the contraction by his employees of any illness or disease incident to the work or process in which such employees are engaged in the industries and occupations specified in section two of this act.

Dangerous occupations. SEC. 2. Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or 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.

Duty of employer. SEC. 3. 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 two, 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 separated by partition walls from all departments in which the work or process is of 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.

Every work or process referred to in section two, 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 two, 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

Hoods. lead fumes. Every kettle, vessel, receptacle, or furnace in which lead, in any form referred to in section two, 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 two 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, conveyers, 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

Dust. 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 of the workrooms.

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 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.

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Where basins are provided there shall be at least one basin for every five such employees; and where troughs are provided, at least two feet of trough length for every five such employees. The employers shall also furnish nailbrushes and soap, and shall provide at least three clean towels per week for each such employee. A 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 wash room before the lunch hour and at the close of the day's work.

The employer engaged in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluosilicate shall also provide at least one shower bath for every ten such employees. The baths shall be approached by wooden runways, be provided with movable wooden floor 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 labor and industry, and also by the State department 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 employees.

Working clothes.

(f) The employer shall provide at least one pair of overalls and one pair of jumpers for each such employee, and repair or renew such clothing when necessary, and wash the same weekly.

Respirators.

(g) The employer shall provide, and renew when necessary, at least one reasonably effective respirator for each employee who is engaged in any work or process included in section two.

Duty of employees.

SEC. 4. Every employee who, while engaged in any work or process included in section two, is exposed to lead dusts, lead fumes, or lead solutions, shall—

(a) Use the washing facilities provided by the employer in accord with section three (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 three (d), unless the employee goes off the premises for his meals;

(c) Put on, and wear at all times while engaged in such work or process, a suit of the clothing provided by the employer in accord with section three (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 three (c).

(d) Keep clean the respirators provided by the employer in accord with section three (g), and use one at all times while he is engaged in any work or process included in section two of this act.

Instructions to be posted.

SEC. 5. The employer shall post in a conspicuous place in every workroom where any work or process included in section two is

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carried on, in every room where washing facilities are provided, and in every dressing room 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 commissioner of labor and industry shall prepare a notice containing the provisions of this act, and shall furnish free of cost a reasonable number of copies thereof to every employer included in section two, and the employer shall post copies thereof in the manner hereinbefore 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; interpreters being provided by the employer when necessary to carry out the above requirements.

Physician's examinations.

SEC. 6. The employer shall cause every employee who while engaged in any work or process included in section two, is exposed to lead dust, 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.

Record.

SEC. 7. Every physician making an examination, under section six, and finding what he believes to be symptoms of lead poisoning, shall enter, in a book kept for that purpose in the office of the employer, a record of such examination, containing the 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 labor and industry and by the State department of health.

Report.

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 labor and industry and one to the State department of health. The report shall be on, or in conformity with, blanks to be prepared and furnished by the State department of health, free of cost, to every employer included in section two, and shall state: (a) name, occupation, and address of employee; (b) name, business, and address of employer; (c) nature and probable extent of disease; and (d) such other information as may be reasonably required by the State department of health.

The examination 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, included in section two of this act.

Enforcement.

SEC. 8. The State department of labor and industry 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.

Violations by employers.

[SEC. 9.] Every employer who, either personally or through any agent, violates or fails to comply with any provision of section one or section three, shall be guilty of a misdemeanor and on conviction, for the first offense, shall be sentenced to pay a fine of not less than one hundred ($100) dollars, nor more than two hundred ($200) dollars; and on conviction for a second offense shall be sentenced to pay a fine of not less than two hundred

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($200) dollars, nor more than five hundred ($500) dollars; and on conviction for each subsequent offense shall be sentenced to pay a fine of not less than three hundred ($300) dollars, nor more than one thousand ($1,000) 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.

Violations by employee.

Every employee who violates or fails to comply with any provision of section four shall be guilty of a misdemeanor; and on conviction, for the first offense, shall be sentenced to pay a fine of not less than ten ($10) dollars, nor more than twenty ($20) dollars; and on conviction for the second offense shall be sentenced to pay a fine of not less than twenty ($20) dollars, nor more than fifty ($50) dollars; and on conviction for each subsequent offense, not less than thirty ($30) dollars, nor more than one hundred ($100) 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.

Violations of certain provisions.

Every employer who, either personally or through any agent, violates or fails to comply with any provision of sections five, six or seven relating to him, and every employee who violates or fails to comply with the provisions of section six relating to him, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than ten ($10) dollars, nor more than one hundred ($100) dollars.

Definition.

SEC. 10. In this act, unless the context otherwise requires, "employer" includes persons, firms, partnerships, limited partnerships, and corporations.

Construction.

SEC. 11. For the purpose of determining the constitutionality of any provision of this act, section one hereof is declared to be independent of, and separable from the remaining sections.

When takes effect.

SEC. 12. This act shall take effect on the first day of October, one thousand nine hundred and thirteen, except as to subdivisions (a), (b), (c), and (d) of section three, which subdivisions shall take effect as follows:

Subdivisions (b), (c), and (d) of section three, on the first day of October, one thousand nine hundred and fourteen;

Subdivision (a) of section three, on the first day of October, one thousand nine hundred and fifteen.

No. 854.—*Accidents to public-service employees—Reports and investigations.*

ARTICLE II, SECTION 1. It shall be the duty of every public service company—

* * * * *

Reports required.

(x) To give immediate notice to said commission of the happening of any accident in or about, or in connection with the operation of its property, facilities, or service, wherein any person shall have been killed or injured; and to furnish such full and detailed report of such accident, within such time and in such manner as the commission shall, by general rule or special order, or otherwise, require. Such report shall not be open for public inspection, except by order of the commission, and shall not be admitted in evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in said report.

* * * * *

Investigation.

ARTICLE IV, SEC. 8. The commission shall appoint an investigator of accidents, whose duty it shall be to have charge of the investigation of—and to investigate, subject to the orders and direction of the commission—the cause of any accident in or about, or in connection with, the operation of the property, facilities, or service of any public-service company, wherein any person shall have been killed or injured, or property shall have been destroyed or injured, which may be assigned to him for investigation by the commission, or of the happening of which he may by

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due diligence obtain knowledge, and to make a full and complete report thereon to the commission; and also to report to the commission whether any public-service company has failed to perform the duties prescribed by article two, section one (X), of this act [act No. 854, Acts of 1913], with relation to accidents of the happening of which, in the exercise of due diligence, he may obtain knowledge; and also to collate and tabulate all data, statistics, and other pertinent information for the use of the commission, obtained by him as the result of such investigations; and to make an annual report of such investigations to the commission, with recommendations as to means or methods whereby such accidents may be averted; and to perform all such other duties concerning said accidents as to the commission may seem advisable for the promotion of the safety of patrons and employees of public-service companies and of the safety and welfare of the public. Such reports, statistics, data, or information shall not be open for public inspection, except by order of the commission, and shall not be admitted in evidence for any purpose in any suit for damages growing out of any matter or thing mentioned therein.

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PHILIPPINE ISLANDS.

ACTS OF U. S. PHILIPPINE COMMISSION, 1900-01.

ACT No. 83.—*Compensation for injuries of employees of the provincial governments.*

SECTION 13 (as amended by act No. 2123).

* * * * *

[It shall be the duty of the provincial board:]

(nn) To provide, in its discretion, for the payment from provincial funds of their regular compensation during the period of their disability, not exceeding ninety days, to unclassified employees of the provincial government, including laborers, when said employees or laborers are injured in the clear line of duty, the necessary expenses of medical attendance, transportation, and hospital fees for such injured employees or laborers, and in case of their death from said injuries, their reasonable burial expenses and a donation in money to the family of the deceased employee or laborer in a sum, not exceeding ninety days' pay, which shall be in accord with his efficiency and services to the government.

Period of payment during disability.

Fatal injuries.

* * * * *

ACTS OF U. S. CONGRESS, 1901-2.

CHAPTER 641.—*Chinese labor—Exclusion.*

[See under United States, Acts of 1901-2, below.]

CHAPTER 1369.—*Slave labor.*

SECTION 5.

* * * * *

Neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

Slavery prohibited.

* * * * *

SEC. 74. The government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain for the construction and operation of works of public utility and service, * * * *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in said islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than ten thousand dollars.

Employment of slave labor.

ACTS OF U. S. PHILIPPINE COMMISSION—1902.

ACT No. 296.—*Bureau of public printing—Skilled workmen to be employed.*

SECTION 2. There shall be a chief of the bureau of public printing, * * * who shall be known as the public printer.

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The duties of the public printer shall be:

* * * * *

Competency to be tested.

4. To employ workmen who are thoroughly skilled in their respective branches of industry as shown by trial of their skill under his direction, in accordance with the provisions of the civil service act.

ACTS OF U. S. PHILIPPINE COMMISSION—1903.

ACT No. 650.—*Bureau of printing—Apprentices—Rates of pay.*

Apprentices.

SECTION 1. There may be employed in the bureau of public printing as many apprentices as in the judgment of the secretary of public instruction the interests of the public service will permit, such apprentices to be selected by the public printer subject to such requirements as to age, physique, health, character, and education as may be prescribed by the Philippine civil service board.

Classes.

Apprentices shall be designated as first, second, third, fourth, fifth and sixth class apprentices, and shall be paid and serve in each class as hereinafter prescribed. All original appointments shall be to the sixth class, and apprentices shall be required to serve at least three months in this class at twenty cents per day before promotion to the fifth class, at least six months in the fifth class at thirty cents per day before promotion to the fourth class, at least nine months in the fourth class at forty cents per day before promotion to the third class, at least six months in the third class at sixty cents per day before promotion to the second class, at least six months in the second class at eighty cents per day before promotion to the first class, and at least six months in the first class at one dollar and ten cents per day, when they may be rated in the bureau of public printing as craftsmen. The promotion or reduction of an apprentice from one class to another shall be made by the public printer, and shall be based on the civil service efficiency rating of the apprentice.

Extra compensation.

SEC. 2 (as amended by act No. 1440). Native craftsmen, from the date of their entrance into the service, and native apprentices, from the date of their entrance into the second class, for each year of honest, faithful, satisfactory, and continuous service in the bureau of printing shall be entitled to receive at the end of the next succeeding year of honest, faithful, satisfactory, and continuous service, extra compensation as follows: Twenty centavos per diem for each full day of actual service rendered at a daily wage of one peso and twenty centavos or more but less than two pesos and forty centavos; forty centavos per diem for each full day of actual service rendered at a daily wage of two pesos and forty centavos or more but less than three pesos and twenty centavos; and sixty centavos per diem for each full day of actual service rendered at a daily wage of three pesos and twenty centavos or more: *Provided*, That this extra compensation shall not be paid for service rendered prior to March first, nineteen hundred and three. A native craftsman or apprentice separated from the bureau of printing after such extra compensation has been earned and before it becomes due shall not be entitled to receive any part thereof unless such separation shall be on account of lack of work, permanent disability, or death, in which event such native craftsman or apprentice, or his estate in case of death, may, on the recommendation of the director of printing, approved by the secretary of public instruction, receive the extra compensation accumulated at the time of separation. For the purposes of this act the services of native craftsmen and apprentices shall be deemed continuous until such craftsmen and apprentices are definitely separated from the service in the bureau of printing.

United States money.

SEC. 4. The compensation mentioned in this act is stated in money of the United States, but may be paid either in money of the United States or its equivalent in local currency at the authorized rate, as may be provided by law or order.

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ACT No. 701.—*Relief socictics.*

Objects.

SECTION 1. Mutual benefit, relief, and benevolent societies or associations, whether incorporated or not, formed or organized for the purpose of paying sick benefits to members, or of furnishing support to members while out of employment, or of furnishing professional assistance to members, or of paying to relatives of deceased members a fixed or any sum of money, or providing for any method of accident or life insurance out of dues or assessments collected from the membership, and societies or associations making either or any of such purposes features of their organization on the basis of fixed dues or assessments, shall report to the insular treasurer within thirty days after the passage of this act or within thirty days after their organization the fact of their formation, the name of the association, its principal place of business, the name of the president, secretary, and treasurer, and board of directors, or the names of officers having the usual duties of such offices by whatever name designated, the general purposes of such societies and the provision of the constitution or by-laws fixing the amount of dues or assessments and their disposition. Such societies or associations shall annually, on the first day of July, make a full report to the insular treasurer of their financial condition and a complete itemized statement of all their receipts and disbursements, including the name and address of the person from whom received and the name and address of the person to whom disbursed.

Reports.

Examinations.

SEC. 2. Whenever a petition is presented to the insular treasurer duly verified by at least three persons interested in such society either as members, beneficiaries, or creditors and showing the necessity or expediency of such action, or whenever he deems it proper or necessary, the said insular treasurer either by himself or his duly authorized representative must make a careful examination into the financial affairs of such society or association, verify the resources and moneys on hand, check up the expenditures and ascertain its ability to meet its liabilities and fulfill the obligations entailed upon it by its constitution, by-laws, rules, or regulations.

Misuse of funds.

SEC. 4. Any person, whether a member or not of any such society or association, who shall misappropriate or divert from its lawful purpose, or appropriate to his own use or that of another, without proper authority, any of the funds or property of the society, shall be punished by a fine not to exceed five thousand dollars or by imprisonment not to exceed five years, or by both such fine and imprisonment.

Insolvency.

SEC. 5. Whenever the result of the examination by the insular treasurer shall show that the finances of the association are in such condition that it can not meet its liabilities and that its funds have been diverted from the purposes for which it was organized, to such an extent as to require him to declare it to be [in]solvent, he shall report the same to the attorney general, who shall, in the name of the insular government, file a petition in the court of first instance to dissolve the association, sell its property, collect its assets and distribute the proceeds to the persons by law entitled to receive the same. In the settlement of the affairs of the association it shall be within the discretion of the court either to appoint the insular treasurer as the agent of the association to close up the affairs of the association or to appoint a receiver who shall discharge the same duty.

Business to cease.

SEC. 8. The order appointing a receiver or designating the insular treasurer as an agent for the settlement of such societies shall contain an injunction against all officers, agents, and collectors of the society, forbidding them to continue in the collection or disbursement of moneys belonging to the society, whether such officers or agents are resident or actually in the judicial district in which the petition is filed, or in other provinces, and it shall be the duty of the officers of the association at once, upon the making of the order appointing the receiver, to notify all agents and

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collectors of the making of the order and to direct same to cease collecting or disbursing money of the association.

Publishing information.

SEC. 9. It shall be unlawful for the insular treasurer or the attorney general, or the deputy of either, engaged in the investigations and examinations provided by this act, to make public either the condition of the society or any information obtained with respect to the condition of the receipts or the expenditures of such society, unless it shall be necessary to proceed against any of the officers of the association criminally for an offense under section four, or to apply to the court of first instance for a dissolution of the society under section five.

ACT No. 702.—*Chinese labor—Immigration—Registration.*

Registration directed.

SECTION 1. The collector of customs for the Philippine Archipelago is hereby authorized and directed to make the registration of all Chinese laborers in the Philippine Islands as required and prescribed by section four of the act of Congress approved April twenty-ninth, nineteen hundred and two, [chapter 641, Acts of 1901–2] entitled "An act to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent," and to employ for that purpose the personnel of the Philippine customs service, the provincial and military officers hereinafter provided, and such other persons as may be necessary.

Rules, etc.

SEC. 2. The insular collector of customs shall make such rules and regulations as may be necessary for the efficient execution of this act, prescribing the form of certificates of registration required hereby, and making such provisions that certificates may be procured in localities convenient to the applicants.

Certificates.

SEC. 3. Each certificate of registration shall contain the name age, date, and place of birth, registry of birth, if any, local residence, occupation, and photograph of the person therein described, and such other data in respect to him as shall be prescribed by the insular collector of customs, and shall be issued by the proper officer upon payment to him of a fee of fifty cents, United States currency, said fee to be accompanied by a true photograph of the applicant in triplicate to the satisfaction of such officer.

Neglect to procure.

SEC. 4. Any Chinese laborer within the limits of the Philippine Islands who shall neglect, fail, or refuse to obtain within the time prescribed by section four of the act of Congress of the United States, referred to in section one of this act, the certificate of registration by this act provided to be issued, and who shall be found within the Philippine Islands without such certificate of registration after such time has elapsed, may be arrested upon warrant issued by the court of first instance of the province or by the justice's court of the municipality returnable before said court of first instance, by any customs official, police, constabulary, or other peace officer of the Philippine Islands and brought before any judge of a court of first instance in the islands whose duty it shall be to order that such Chinese laborer be deported from the Philippine Islands, either to China or the country from whence he came unless he shall affirmatively establish clearly and to the satisfaction of such judge, by at least one credible witness other than Chinese, that although lawfully in the Philippine Islands at and ever since the passage of this act he has been unable by reason of accident, sickness, or other unavoidable cause to procure the certificate within the time prescribed by law, in which case the court shall order and adjudge that he procure the proper certificate within a reasonable time and such Chinese laborer shall bear and pay the costs of the proceedings: *Provided, however*, That any Chinese laborer failing for any reason to secure the certificate required under this law within two years from the date of its passage shall be deported from the islands. If it appears that such Chinese laborer had procured a certificate in due time but that the same has been lost or destroyed, he shall be allowed a reason-

Lost certificate.

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able time to procure a duplicate from the insular collector of customs or from the officer granting the original certificate, and upon the production of such duplicate such Chinese laborer shall be discharged from custody upon payment of costs.

Any Chinese person having procured a certificate of registration, and the same having been lost or destroyed, shall have a right to procure a duplicate thereof under such regulations as may be prescribed by the insular collector of customs upon the payment of double the fee exacted for the original certificate and the presentation of his true photograph in triplicate.

No Chinese person heretofore convicted in any court of the States or Territories of the United States or the Philippine Islands of a felony shall be permitted to register under the provisions of this act without special authority from the civil governor.

Application of law.

SEC. 5. Every Chinese person having a right to be and remain in the Philippine Islands shall obtain the certificate of registration specified in section three of this act as evidence of such right and shall pay the fee and furnish his photograph in triplicate as in said section prescribed; and every Chinese person found without such certificate within the Philippine Islands after the expiration of the time limited by law for registration shall be presumed, in the absence of satisfactory proof to the contrary, to be a Chinese laborer and shall be subject to deportation as provided in section four of this act. Every Chinese person shall on demand of any customs official, police, constabulary, or other peace officer exhibit his certificate, and on his refusal to do so may be arrested and tried as provided in section four of this act.

Forgery, etc.

SEC. 6. Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate of registration or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate the person to whom said certificate was originally issued, or who shall falsely present any such certificate, shall be punished by a fine not to exceed one thousand dollars and imprisoned for a term not to exceed five years.

Certificate on landing.

SEC. 7. Every Chinese person who may be entitled to come into the Philippine Islands shall upon landing, if he so requests, be given by the collector of customs of the port at which he lands a certificate containing his name, age, photograph, occupation, place of last residence, the date on which he landed, and such other data in respect to him as may be prescribed by the insular collector of customs and such certificate shall be issued upon payment to the proper officer of fifty cents, United States currency, accompanied by a true photograph of the applicant in triplicate to the satisfaction of such officer.

Copies.

SEC. 8. Each certificate issued under this act shall be made out in triplicate and to each of the triplicate copies shall be attached a true photograph of the person to whom issued. One of such triplicate certificates shall be delivered to the applicant, one filed in the office of the registrar of Chinese for the district within which the application is made, and the third transmitted to the insular collector of customs for permanent record and file.

Definitions.

SEC. 12. The word "laborer" or "laborers" wherever used in this act shall be construed to mean both skilled and unskilled manual laborers, including Chinese laundrymen and Chinese employed in mining, fishing, huckstering, peddling, or taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant" as employed in this act signifies a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant does not engage in the performance of any manual labor except such as is necessary in the conduct of his business as such merchant. The definition of "laborer" and "merchant" set out in this section shall receive the same construction as that given to it by the

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Federal courts of the United States and the rulings and regulations of the Treasury Department of the United States.

ACT No. 703.—*Railroads—Safety appliances—Rules.*

Brakes, etc.

SECTION 19. * * * Brakes and such other safety appliances for the security of life and property shall be installed by the grantee [Manila Railway] company on all trains and locomotives, at road crossings and at other places of danger, as may from time to time be designated and approved by the government.

Rules.

SEC. 29. Before inaugurating the first district of the line conceded the grantee company shall submit for the approval of the proper governmental authority of the islands the working rules and regulations * * * for the guidance of its employees, and the government having given the company opportunity to be heard thereon, shall make in said working rules and regulations the additions and alterations which shall be considered necessary. These working rules and regulations, after being approved by the proper governmental authority, shall have the force of law, but they shall be subject to modification at any time at petition of the company, or by direction of the government, said modifications being subject, after giving the company opportunity to be heard, to alteration by the proper authority, and when approved in presented or modified form shall have the force of law.

ACTS OF U. S. PHILIPPINE COMMISSION—1904.

ACT No. 1189.—*License tax—Exemption of mechanics.*

Tax.

SECTION 139. Except as hereinafter specifically exempted, there shall be paid by each merchant and manufacturer a tax at the rate of one-third of one per centum on the gross value in money of all goods, wares, and merchandise sold, bartered, or exchanged for domestic consumption in the Philippine Islands, and this tax shall be paid whether such commodities consist of raw materials or manufactured or partially manufactured products, and whether of domestic production or imported. * * *

Exemptions.

SEC. 142. The following persons shall be exempted from the payment of the taxes imposed in section one hundred and thirty-nine:

* * * * *

(*f*) Carpenters, brick masons, tinsmiths, joiners, plumbers, and other mechanics and artisans, and all other persons who work by contract, by the piece, or by the day for others and who have no shop and keep no stock for sale or distribution of articles manufactured by them.

ACTS OF U. S. PHILIPPINE COMMISSION—1906.

ACT No. 1416.—*Compensation of workmen for injuries—Employees of insular government.*

Compensation during disability.

SECTION 6. Unclassified employees of the insular government, including laborers, who are injured in clear line of duty may, in the discretion of the chief of the bureau and with the approval of the head of the department under which they are employed, continue to receive their regular compensation during the period of disability not exceeding ninety days: *Provided*, That the governor general or proper head of department may, in his discretion, authorize payment of medical attendance, necessary transportation, and hospital fees for officers and employees injured in clear line of duty, but such payment shall not be made from the appropriation for the insular salary and expense fund when the bureau or office concerned has an available appropriation for contingent expenses or public works, as the case may be, from which such payment can be made, nor shall the provisions of this section be construed to cover sickness as distinguished from physical wounds.

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ACTS OF U. S. PHILIPPINE COMMISSION—1907.

ACT No. 1582.—*Protection of employees as voters.*

SECTION 30.

* * * * *

Threats of discharge, etc.

Any person who influences or attempts to influence a voter to give or to withhold his vote at an election by threatening to discharge such voter from his employment or to reduce his wages, or by promising to give him employment at higher wages, and any person who discharges any voter from his employment or reduces his wages for giving or withholding his vote at an election, shall be punished by imprisonment for not less than thirty days nor more than one year, or by a fine of not less than two hundred pesos nor more than five hundred pesos, or both, in the discretion of the court.

* * * * *

ACT No. 1698.—*Compensation for injuries of employees of the insular government, etc.*

* * * * *

SECTION 25 (as amended by act No. 2120).

* * * * *

Period of payment during disability.

(d) When an officer or employee in the civil service, insular or provincial, or of the city of Manila, permanent or temporary, is wounded or injured in the performance of duty, the governor general or proper head of department may direct that absence during the period of disability caused by such wound or injury shall be on full pay for a period not exceeding six months: *Provided:* That if the officer or employee is entitled to the vacation leave provided in section twenty-four of this act, absence for this reason shall be charged first against such vacation leave: *And provided further,* That the governor general or proper head of department may, in his discretion, authorize payment of medical attendance, necessary transportation, subsistence and hospital fees for all insular officers, employees and laborers, and the municipal board of the city of Manila may also in its discretion, authorize the payment of such expenses for all officers, employees and laborers of the city of Manila, whether permanently or temporarily appointed, and whatever their rate of compensation[,] pay, or wages, who have been wounded or injured in the performance of their duty: *And provided further,* That the governor general or proper head of department or the municipal board of the city of Manila, as the case may be, may authorize payment of reasonable burial expenses and of three months' salary or wages to the widow or dependent child or children of any officer, employee or laborer who is killed or dies from wounds or injuries received while in line of duty: *And provided further,* That payments made under this paragraph shall not be made from the appropriation for general purposes when the bureau or office concerned has an available appropriation for contingent expenses or public works, as the case may be, from which such payments can be made, nor shall the provisions of this section be construed to cover sickness as distinguished from physical wounds: *Provided, however,* That when such sickness is the direct and immediate result of the performance of some act in the line of duty, the governor general or proper head of department may in his discretion authorize the payment of necessary hospital fees.

Fatal injuries.

ACTS OF PHILIPPINE LEGISLATURE—1908.

ACT No. 1868.—*Bureau of labor.*

Bureau established.

SECTION 1. There is hereby established in the department of commerce and police a bureau which shall be known as the bureau of labor.

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SEC. 2 (as amended by act No. 2258). The purpose of this bureau shall be:

Purposes: Law enforcement.

(a) To see to the proper enforcement of all existing laws and those which shall be enacted hereafter with reference to labor and capital in the Philippine Islands, and to promote the enactment of all other legislation which shall tend to establish the material, social, intellectual, and moral improvement of workers;

Statistics.

(b) To acquire, collect, compile, systematize, and submit from time to time reports to the secretary of commerce and police, statistical data relative to the hours and wages of labor, the number of workers in each trade or occupation employed and unemployed, their place of birth, age, sex, civil status, and moral and mental culture; the estimated number of families of married workers, houses rented by them, and annual rental; property owned by them, the value of such property; the cost of living, the amount of labor required, the estimated number of persons dependent on their daily wages, the probable changes in all the persons employed, the condition of shops, factories, railways, tramways, industrial and commercial establishments, and all other places or temples of labor, whether public or private, including the penal institutions of these Islands, with respect to the safety of life and health of workers; the means adopted to avoid accidents or make reparation therefor; the number of accidents which take place, their causes and the action taken in each case; conditions and certainty of the payment of wages; the business of savings banks with the working classes; corporations, strikes, suspensions of work, and other labor difficulties, their causes and the remedies adopted in each case; mutual benefit associations, workers' insurance societies, associations for the collection of statistics and cooperative production and other labor organizations, and their effects on labor and capital; private employment, complaint, defense, and consultation agencies for laborers; their conditions and effects and other matters relative to the commercial, industrial, social, educational, moral, and sanitary condition of the working classes and the permanent prosperity of the various industries of the Islands; and in the case of laborers born in foreign countries, the date of their arrival and the length of their stay in these Islands;

Inspection of factories, etc.

(c) To inspect all shops, factories, railways, tramways, vessels, industrial and commercial establishments, and all other places or centers of labor, whether public or private, and to take the proper legal steps to prevent the exposure of the health or lives of laborers, and to aid and assist by all proper legal means laborers and workers in securing just compensation for their labor, and the indemnity prescribed by law for injuries resulting from accidents when engaged in the performance of their duties.

Arbitration of disputes.

(d) To secure the settlement of differences between employer and laborer and to avert strikes and lockouts by inducing all parties to the controversy to submit their differences to arbitration.

Establishment of free employment offices.

(e) To organize in such towns in the Philippine Islands as it may deem necessary or advisable one or more free employment agencies.

Hindering director.

(f) Any person obstructing or resisting the director of labor or his deputies in their compliance with the duties prescribed in subsections (b) and (c) of this section shall, upon conviction thereof, be punished by a fine of not less than fifty pesos nor more than two hundred pesos for each offense.

Witnesses.

SEC. 3 (as amended by act No. 2258). By and with the approval of the governor general, the director of labor or his deputies shall have power to administer oaths, to issue subpœnas and subpœnas duces tecum, and to receive and take affidavits and the testimony of witnesses and experts when making investigations authorized by this act.

Officers.

SEC. 4. The bureau of labor shall have one chief and one assistant chief, who shall be appointed by the governor general, by and

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with the consent of the Philippine Commission, and who shall be known respectively as the director of labor and the assistant director of labor. The director of labor shall exercise the powers and perform the duties herein imposed upon the bureau of labor. The assistant director of labor shall perform the duties of the director of labor during the absence or disability of the latter and such other duties as may be required of him by the director of labor. The salary of the director of labor shall be seven thousand pesos and that of the assistant director of labor four thousand pesos per annum.

ACT No. 1874.—*Liability of employers for injuries to employees.*

SECTION 1. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care, by reason of— Injury caused by—

First, a defect in the condition of the ways, works, or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been intrusted by him with the duty of seeing that the ways, works, or machinery were in proper condition; or Defective appliances;

Second, the negligence of a person in the service of the employer who was intrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or, in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or Negligence of superintendent;

Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, or train upon a railroad; the employee, or his legal representatives, shall, subject to the provisions of this act, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer. Negligence of person in charge of signals, etc., on a railroad. Status of employee.

A car which is in use by, or which is in possession of, a railroad corporation shall be considered as part of the ways, works, or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, or train within the meaning of said clause. Construction of statute.

SEC. 2. If, as the result of the negligence of the employer or that of a person for whose negligence the employer is liable under the provisions of section one, an employee is killed or dies by reason of injuries received, his widow, or legal heirs, or next of kin who at the time of his death were dependent upon his wages for support, shall have a right of action for damages against the employer. Injuries causing death.

SEC. 3. If, under the provisions of this act, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable. Degree of culpability.

The amount of damages which may be awarded in an action under the provisions of section one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section two, shall not exceed two thousand pesos. Damages.

The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section two, shall not be less than five hundred pesos nor more than two thousand five hundred pesos for both the injury and the death.

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Notice. Limitation.

SEC. 4. No action for damages for injuries or death under this act shall be maintained if a report thereof is not furnished to the employer within ninety days of the date, place, and cause of the injury or if the action is not brought within one year from the time of the accident causing the injury or death. The report required by this section shall be made in writing and signed by the person injured or by another in his name, or if, on account of physical or mental disability, it is impossible for the person injured to give the notice within the time provided by this section, the same may be given within ten days after such disability shall have been removed, and in case of death without said report having been given and without the person having for ten days at any time after the period above mentioned been able to give such notice, the widow, legal heirs, or next of kin dependent upon his wages for support, may give such notice within thirty days following the death of the laborer. No report given under the provisions of this act shall be considered void or insufficient by reason only of some inaccuracy as regards the date, place, or cause of the injury, if there was no intention to mislead or the employer has not been misled by reason of such inaccuracy.

Suits take precedence.

SEC. 5. All actions for damages which may be brought under this act shall have preference over all other matters save and except criminal cases and habeas corpus matters on the dockets of the courts of first instance, and shall be promptly tried by the court and decided within fifteen days after final submission of the case to the court for decision.

Allowance pending action.

On application to the court by the party injured or by his duly authorized representatives, the court may make a proper allowance for food and medical attendance during the pendency of the action and while medical attendance is still necessary by reason of the injury: *Provided, however*, That the defendant in the action shall be given an opportunity to be heard before any such allowance is made.

Employees of contractors and subcontractors.

SEC. 6. If an employer enters into a contract, written or verbal, with an independent 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 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.

Contributions to insurance funds.

SEC. 7. 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 the provisions of this act or who shall have contributed to any relief society for the same purpose may prove in mitigation of the damages recoverable by an employee under the provisions of this act such proportion of the pecuniary benefit which has been received by such employee from any fund or society on account of such contribution of said employer as the contribution of such employer to such fund or society bears to the whole contribution thereto.

Effect of knowledge of employee.

SEC. 8. An employee or his legal representatives shall not be entitled under the provisions of this act to any right of action for damages against his employer if 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 was intrusted with general superintendence.

Exemptions.

SEC. 9. This act shall not be applicable to domestic servants or agricultural laborers.

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SEC. 10. Any agreement to renounce the benefits of this act made by the laborer prior to the occurrence of any accident resulting in his injury or death shall be null and void. Waivers void.

ACTS OF 1909.

ACT No. 1956.—*Wages as preferred claims—In insolvency.*

SECTION 50. The following shall be preferred claims which shall be paid in the order named: Order of payment of claims.

(a) Legal expenses, and expenses incurred in the administration of the insolvent's estate for the common interest of the creditors, when properly authorized and approved by the court;

(b) Necessary funeral expenses of the debtor, or of his wife, or children who are under their parental authority and have no property of their own, when approved by the court;

(c) Debts, taxes, aid assessments due to the insular government;

(d) Debts, taxes, and assessments due to any province or provinces of the Philippine Islands;

(e) Debts, taxes, and assessments due to any municipality or municipalities of the Philippine Islands;

(f) Debts for personal services rendered the insolvent by clerks, laborers, or domestic servants during the sixty days immediately preceding the commencement of proceedings in insolvency, not to exceed two hundred pesos for each claimant.

All other creditors shall be paid pro rata.

ACTS OF 1911–12.

ACT No. 2098.—*Contracts of employment—Repayment of advances.*

SECTION 1. Any person who, with intent to injure or defraud his employer, enters into a contract for the performance of any act of personal service, and thereby obtains money or other personal property from such employer as a gratuity or advance on wages to be earned under such contract of employment, and without just cause, and without refunding such money or paying for such property, refuses or fails to perform such act of service, shall on conviction thereof be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties. Failure to render service;

SEC. 2. Any person who with intent to injure or defraud his landlord, enters into a contract in writing for the rent of land, under an agreement to cultivate such land, and thereby obtains money or other personal property from such landlord, and without just cause, and without refunding such money or paying for such personal property, refuses or fails to cultivate such land, or to comply with his contract relative thereto, shall on conviction be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties. To cultivate rented land;

SEC. 3. Any person who with intent to injure or defraud shall contract with another to receive from him personal services of any kind and to compensate him therefor, and thereafter with like intent receives the benefit of such services in whole or in part and fails or refuses to pay the compensation agreed upon shall upon conviction thereof be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties. To pay wages.

ACT No. 2120.—*Employment offices—Public registry of workmen.*

SECTION 1. Municipal councils organized under act numbered eighty-two, and the townships of Mindoro, Palawan, and Batanes, are hereby authorized to establish a general register of mechanics or day laborers residing in their respective municipalities. Said Registry authorized.

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register shall be in charge of the municipal secretary, who shall keep same in his office and at the disposal of the public for the purposes of this act.

Registration. SEC. 2. The municipal treasurer shall, as soon as the municipal council shall have so ordered by resolution, carefully ascertain the trade of each person presenting himself in his office to pay for his registration certificate or personal cedula, for the purpose of separating and making a list of those persons who are mechanics or day laborers by occupation, and the list made in the manner hereinafter specified shall be turned over to the municipal secretary for the purpose of entering the names of such persons in the register provided for by this act: *Provided*, That said list shall contain the name, age, civil status, barrio or sitio of residence, and trade of the person registered, and whether such person is then employed or unemployed: *And provided further*, That in municipalities where there are free labor exchanges or employment agencies established as provided in section two (*c*) of act numbered eighteen hundred and sixty-eight, the duties hereby imposed on the municipal secretary shall be performed by the superintendent of said exchanges or agencies.

Register to be open. SEC. 3. The register or registers provided for in the next preceding section shall be at the disposition of the public.

Dates of contracts to be entered. SEC. 4. As soon as said mechanics or day laborers shall have accepted the conditions of a contract and both parties thereto shall have complied with all of the requirements of existing laws regulating the relations between employers and laborers, the municipal secretary shall note in the register in his office, by the side of each name, the date on which such mechanics or day laborers were contracted and the name of the person, contractor, company, or firm to whom they are to render their services.

Termination of contract. SEC. 5. Upon the cancellation or termination of the contract, the contractor or contractors or employers shall report the fact to the municipal secretary, who shall make a note of it under the proper date by the side of the respective name or names.

Employment not restricted. SEC. 6. Nothing herein contained shall be understood to restrict the liberty of a mechanic or day laborer to seek employment or occupation elsewhere, subject to the provisions of act numbered two thousand and ninety-eight, he being obliged only, when he does so, to report the fact to the municipal secretary for the purpose of noting his name in the register: *Provided*, That no fee shall be charged for the work of making the entries, notations, and registrations provided for in this act.

Reports. SEC. 7. The municipal secretary shall send a report of current transactions or statistics regarding mechanics and day laborers registered in his office to the bureau of labor, monthly or quarterly, as may be ordered by the director of labor.

ACTS OF 1912–13.

ACT No. 2193.—*Protection of employees as traders.*

Coercion forbidden. SECTION 1. No person, firm, or corporation engaged in any business or enterprise within the territory inhabited by Moros or other non-Christian tribes shall, in any manner force, compel, or oblige any laborer or other employee employed by him to purchase merchandise, commodities, or personal property of any kind or nature from such person, firm, or corporation, or from any other person, firm, or corporation.

Violation. SEC. 2. Every person violating the provisions of this act and every member of a firm, and every director or officer of a corporation, who knowingly consents to any violation of this act or directs the same, shall, for each offense, be punished by a fine of not less than twenty-five nor more than two hundred pesos or by imprisonment for a period of not less than five days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

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PORTO RICO.

REVISED STATUTES AND CODES—1911.

Liability of employers for injuries to employees.

SECTION 916. Where, after the passage of this act, personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time: Injury caused by—

1. By reason of any defect in the condition of the ways, works, or machinery, 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, or machinery, were in proper condition; or Defective machinery;

2. By reason of the negligence of any person in the service of the employer intrusted with the exercising of superintendence whose sole or principal duty is that of superintendence; or Negligence of superintendent;

3. By reason of the negligence of any person in the service of the employer who has charge of, or physically controls, any signal, switch, locomotive engine, car, or train in motion, whether attached to an engine or not, upon a railroad, the employee, or, in case the injury results in death, his widow or children, or both of them, and if there be no such widow and children, then his parents (provided that said parents were dependent upon such employee for support) may maintain an action for damages against the employer, pursuant to the provisions of this act [secs. 916–925]. Person in charge of locomotive, etc. Who may sue.

SEC. 917 (as amended by act No. 69, Acts of 1913). When an employee receives a personal injury under any of the conditions enumerated in section one hereof he may bring an action against his employer before the proper district court to recover damages for such injury. In assessing the amount of such damages the court shall take into consideration the degree of culpability of the employer, or of the person for whose negligence the employer is liable hereunder, the sums expended by the employee for medical assistance, for drugs, medicines, and similar necessary expenses, and the loss of wages while recovering from the injury; the court shall also take into consideration the pain and suffering caused by the injury. If the injury be of such character as to permanently impair the earning capacity of the employee, the court shall include in the damages awarded an allowance for such loss. In case the injury results in a temporary impairment of his earning capacity, the court, in addition to pain and suffering and the expenditures for medical services and drugs, shall take into consideration the average rate of wages which, under ordinary conditions, he might have earned if not injured. Assessment of damages.

SEC. 918 (as amended by act No. 69, Acts of 1913). In case of the death of the employee before the termination of the action so brought against the employer, it may be continued in the name of his widow or children, and if there be no such widow or children, then in the name of his parents, if they, or either of them, were dependent upon such employee for support at the time of the injury. If it shall appear in any action so continued in the name of the widow, children or parents of a deceased injured employee, that the death was the result of the injury, damages shall be as- Survival of action.

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sessed by the court, and the court shall estimate such damages in accordance with:

(a) The degree of culpability of the employer or of the person for whose negligence the employer is liable.

(b) The material damage incurred by the claimant or claimants through the death of the employee, in accordance with the actual needs that said claimant or claimants had to depend upon the wages of such employee for their support, taking into consideration his earning capacity and his probabilities of life at the time of the accident.

Suit by widow, etc.

SEC. 919. When, before having commenced an action hereunder, an employee dies as the result of personal injury received under any of the conditions enumerated under section 1 hereof [sec. 916], his widow, children, or both of them, or if there be no such widow or children, then his parents: *Provided,* Such parents were dependent upon such employee for support at the time of the injury, may maintain an action against the employer before the proper district court, for damages caused by the death of such employee. Such damages shall not exceed the sum of three thousand dollars and shall be fixed by the court in accordance with:

Limit of damages.

(a) The degree of culpability of the employer or of the person for whose negligence the employer is liable.

(b) The material damage incurred by the claimant or claimants through the death of the employee in accordance with the actual needs that such claimant or claimants had to depend upon the wages of such employee for their support, taking into consideration his earning capacity and his probabilities of life, at the time of the accident.

Division of damages.

SEC. 920. The court, when fixing the amount of damages to be paid in case of death by personal injury under this act, shall determine the amount due to each of the claimants in proportion to the material damages incurred by each of them in accordance with the actual needs which each of them had to depend upon the wages of the employee whose death was caused by accident.

Limitation.

SEC. 921. No action for the recovery of damages for injury or death under the provisions of this act [secs. 916–925] shall be maintained unless notice of the time, place and cause of the injury is given to the employer within thirty days after the injury is received or unless it is commenced within six months from the date of 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 physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in said section, he may give the same within ten days after the incapacity is removed, and in case of his death without having given the notice and without having been at any time after his injury of sufficient capacity to give the notice, the person or persons entitled to claim compensation pursuant to the provisions of this act, or their representatives, may give such notice within thirty days after the death of such employee. But no notice given 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: *Provided,* It is shown that there was no intention to mislead, and that the party entitled to notice was not in fact mislead thereby.

Employer liable, when.

SEC. 922. Whenever an employee [employer] enters into a contract, either written or verbal, with an independent contractor to do part of such employer's work, or whenever 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 injuries to the employees of such contractor or subcontractor, by reason of any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer, or furnished by him, and if such defect arose or had not been discovered or remedied through the negligence of the

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employer or of some person intrusted by him with the duty of seeing that they were in proper condition.

Knowledge of defect a bar.

SEC. 923. No employee, or his widow or children, or either of them, or his parents, if there be no such widow or children, shall be entitled under this act [secs. 916–925] 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 intrusted to him some general superintendence.

Contribution to insurance fund.

SEC. 924. Any 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 [secs. 916–925], or who has insured the said employee in any insurance company against the accidents of labor, shall be entitled to have deducted from the sum which he shall have to pay as compensation under the provisions of this act, the amount that shall have been received by the person injured, or by his widow, or children, or both of them, or by the parents, if there be no such widow and children, from the aforesaid fund or from the insurance company, by reason of the same accident.

Exceptions.

SEC. 925. This act shall not apply to injuries caused to domestic servants, or farm laborers, by fellow employees.

Labor combinations—Intimidation.

Assemblages, etc., not unlawful.

SECTION 1653. 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, shall not be unlawful, nor shall it be unlawful for such persons to organize trade or labor assemblies or unions for the purpose of bettering the mental and material condition of the members thereof by lawful peaceable means.

Interference with employment.

SEC. 1654. The employment of force, violence, intimidation or menace, or any form of coercion, by any person, or by persons associated together, against any other person or persons, whether with the object of preventing them from freely pursuing their employments, professions or trades, or whether with the object of influencing the price or remuneration paid for their work, shall be a misdemeanor, and any person convicted thereof shall be imprisoned not less than thirty days nor more than one year, or fined not less than ten dollars nor more than five hundred dollars, or both fined and imprisoned.

Hours of labor on public works.

Limit of eight hours.

SECTION 1657. Eight hours shall constitute the maximum length of a working-day, for any work performed and paid out of funds from the municipalities, school boards, and all other dependencies of the people of Porto Rico.

Contracts.

SEC. 1658. In all contracts for work to be paid out of the funds of the people of Porto Rico, municipalities or school boards, each of said contracts shall contain a provision limiting a day's work to eight hours.

Emergencies.

SEC. 1659. In works of a public nature, a working-day may be lengthened only in cases where the lives and property of the inhabitants of a municipality or of the insular government would be endangered, if same were not done. This act [secs. 1657–1660] shall not apply to the insular police force, internal revenue agents, telegraph operators and telegraph messengers, nor to the clerks of the departments of the insular government when, in the opinion of the heads of such departments, work beyond eight hours by them is necessary in the interest of the public service.

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Violation.

SEC. 1660. Any person who shall willfully or maliciously violate the provisions of this act [secs. 1657–1660], except as specified in section 1659 hereof, shall be guilty of misdemeanor.

Hours of labor of employees on railroads.

Eight hours' rest required, when.

SECTION 1663. It shall be unlawful for any corporation or receiver operating a line of railroad, as a public carrier, in whole or in part, in the island of Porto Rico, or any officer, agent or representative of such corporation or receiver to require or permit any conductor, engineer, fireman, brakeman, train dispatcher, telegraph operator, or any trainman who has worked in his respective capacity for twelve hours within a day of twenty-four hours, to again go on duty or perform any work for such railroad until he has had at least eight hours' rest: *Provided*, That this provision shall not apply in case of accident or casualty, or prevent train crews from taking a passenger train, or freight loaded exclusively with live stock or perishable freight to next nearest division point, upon such railroad: *Provided, further*, That this section shall not apply to employees of sleeping cars.

Violations.

SEC. 1664. Any corporation or receiver operating a line or railroad, as a public carrier, in whole or in part, in this island, who shall violate any of the provisions of this act [secs. 1663–1664], shall be liable to the people of Porto Rico for a penalty of not less than one hundred dollars, nor more than five hundred dollars, at the discretion of the court, for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the people of Porto Rico, in a court of proper jurisdiction in any district through which such railroad may run, by the attorney general of Porto Rico or under his direction, or by the fiscal of said district.

Payment of wages in scrip—Protection of employees as traders.

Scrip, etc., to be redeemable.

SECTION 1667. It shall be unlawful for any corporation, company, firm, or person engaged in any trade or business, either directly or indirectly, to issue, sell, give or deliver to any person employed as laborer, journeyman or foreman, by such corporation, company, firm or person, in payment of wages due such laborer, or as advances for labor not due, and script [scrip], token, draft, check or other evidence of indebtedness, payable or redeemable otherwise than in lawful money; and, if any such script [scrip], token, draft, check or other evidence of indebtedness, be so issued, sold, given or delivered to such laborer, it shall be construed, taken and held in all courts and places to be a promise to pay the sum specified therein in lawful money by the corporation, company, firm or person issuing, selling, giving or delivering the same to the person named therein, or to the holder thereof. And the corporation, company, firm, or person so issuing, selling, giving or delivering the same shall, moreover, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than five hundred dollars, and, at the discretion of the court, the officer or agent of the corporation, company, or firm, or the person issuing, selling, giving or delivering the same, may be imprisoned not less than ten days nor more than six months.

Coercion as to trading.

SEC. 1668. If any corporation, company, firm or person shall coerce or compel, or attempt to coerce or compel, an employee in its, their, or his employment, to purchase goods or supplies in payment of wages due him, or to become due him, or otherwise, from any corporation, company, firm or person, such first-named corporation, company, firm or person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the preceding section.

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Employment of children.

Acrobatic feats forbidden.

SECTION 1777. The exhibition of children of either sex, under sixteen years of age, in acrobatic feats endangering their lives, is hereby prohibited, and any person violating the provisions hereof shall be fined from five to fifteen dollars, or imprisonment not to exceed thirty days for each offense.

Limit of day's labor.

SEC. 1780. No child of either sex under sixteen years shall be compelled to work in agricultural factories and manufacturing establishments over six hours per day, three in the morning and three in the afternoon. All persons who shall violate this provision shall be fined in a sum of from five to fifteen dollars, or imprisonment not to exceed thirty days for each offense.

Compulsion to labor.

SEC. 1781. No foreman, teacher or other person having under his charge the work, care or education of a minor under sixteen years of age, shall resort to inhumane treatment to compel such minor to work or to study. Any violation of the provisions hereof shall be punished with a fine of from five to fifteen dollars or imprisonment not to exceed thirty days for each offense.

Accidents in sugar mills—Provisions for first aid.

Resident physician.

SECTION 2355. Owners of sugar centrales located at a distance of over four kilometers from a township are hereby directed to keep during the grinding season a dispensary and a physician or minor surgeon who shall remain in the centrale during working hours, in order to urgently lend assistance to persons in cases of accidents to them.

Earnings of minors.

Usufruct belongs to parents, when.

SECTION 3295. Property acquired by an unemancipated child by labor or industry, or for any valuable consideration, belongs to the said child but the usufruct thereof belongs to the parents having potestas over him whilst he lives in their company; but if the child, with the consent of his parents, lives independently, he shall be deemed emancipated for all effects as regards the said property, and he shall be the full owner and have the usufruct and administration thereof.

Employment of labor—General provisions.

Term.

SECTION 4592. The services of servants and laborers may be contracted for a fixed period of time, or without a fixed period. A hiring for life shall be void. * * *

Termination.

SEC. 4593. A domestic servant hired for a fixed time and to be employed in the personal service of his master, or of the family of the latter, may leave the service or be dismissed before the expiration of the term; but if the master dismisses the servant without sufficient cause, he shall indemnify him by paying him the wages due and those for fifteen additional days.

Master to be believed.

The master shall be believed, unless there is proof to the contrary.—

1. With regard to the amount of the wages of the domestic servant.

2. With regard to the payment of the wages earned during the current year.

Special laws.

SEC. 4594. Besides what is prescribed in the preceding sections with regard to masters and servants, the provisions of special laws and ordinances shall be observed.

Employees for fixed term.

SEC. 4595. Field hands, mechanics, artisans, and other laborers hired for a certain time and for a certain work can not leave nor be dismissed, without sufficient cause, before the fulfillment of the contract.

Dispossession of implements, etc.

SEC. 4596. The dismissal of the servants, mechanics, artisans, and other hired laborers to which the preceding sections refer gives the right to dispossess them of the implements and of the buildings which they may occupy by reason of their duties.

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Contract may include what.

SEC. 4597. The execution of a work may be contracted for by agreeing that the person who is to execute the same shall give his labor or industry only, or that he furnish the materials also.

Contractor liable for destruction of work, when.

SEC. 4598. If the person who contracted for the work bound himself to furnish the materials, he shall suffer the loss in case of the destruction of the work before it is delivered, unless there has been delay in receiving it.

Workman can not recover, when.

SEC. 4599. A person who has bound himself to give his labor or industry only can not demand any payment if the work is destroyed before it is delivered, unless there should have been delay in receiving the same, or if the destruction should have been due to the bad quality of the materials, provided that he may have given due notice of this circumstance to the owner.

Work by piece.

SEC. 4601. A person who binds himself to do a work by piece or by measure may demand of the owner that he receive it in installments, and that he pay therefor in proportion. The part paid for shall be presumed as approved and received.

Personal contracts.

SEC. 4604. When a certain work has been intrusted to a person by reason of his personal qualifications, the contract is rescinded by the death of said person.

In such case, the owner must pay to the heirs of the constructor [contractor], in proportion to the price agreed upon, the value of the part of the work executed, and that of the prepared materials, provided he may obtain any benefit from such materials.

The same shall be understood if the person who contracted for the work can not finish it by reason of any cause independent of his will.

Liability of contractor.

SEC. 4605. A contractor is responsible for the work done by the persons he employs thereon.

Recovery on entire contract.

SEC. 4606. Those who furnish their labor and materials in a work agreed upon for a lump sum by a contractor have no action against the owner, except for the amount the latter may owe the former when the action is brought.

Acceptance of work.

SEC. 4607. When it should be agreed that the work is to be done to the satisfaction of the owner, in the absence of his acceptance the approval is understood as reserved for the proper expert judgment.

If the person who has to approve the work is a third person, his decision shall be final.

Earnings to be paid, when.

SEC. 4608. Should there be no agreement or custom to the contrary, the price for the work must be paid upon delivery.

Work may be retained.

SEC. 4609. A person who has executed a work on personal property has the right to retain the same as a pledge until he is paid therefor.

Contracts of employment—Enforcement.

Order to fulfill contract.

SECTION 5233. Every person who shall bring an action for the fulfillment of any obligation, may obtain an order from the court having cognizance of the suit: *Providing*, That the proper measures be taken to secure the effectiveness of the judgment as the case may require it, should it be rendered in his favor.

SEC. 5234. The effectiveness of the judgment shall be secured in the following manner:

* * * * *

Enforcement by attachment.

(c) If the obligation consists in the doing of a thing, an attachment shall be issued against the person who is under such obligation for a sum necessary to execute the work left undone or done otherwise than as provided in the agreement.

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Exemption of wages from execution.

What earnings exempt.

SECTION 5283. In addition to the homestead exempted by the homestead law, the following property belonging to an actual

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resident of this Island is exempted from execution, except as herein otherwise specially provided:

* * * * *

7. The earnings of the judgment debtor for personal services rendered at any time within thirty days next preceding the levy of execution, or levy of 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 Island, supported wholly or in part by his labor: *Provided*, This act [sec. 5283] shall not authorize the garnishment of the fees or salary of any public officer or employee.

* * * * *

Protection of employees as voters.

Discharging, withholding wages, etc.

SECTION 5609. * * * if an employer of laborers or any agent of such employer threatens to withhold the wages of, or to dismiss from service any laborer in his employment, or refuses to allow to any such employee time to attend at the place of election and vote, [he] shall be fined not more than one thousand dollars, nor less than twenty dollars, or imprisoned in the penitentiary not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any period not exceeding ten years.

Employment of children—Certain employments forbidden.

Begging and peddling.

SECTION 5707. Any person, whether as parent, relative, guardian, employer or otherwise, having in his care, custody, or control any child under the age of twelve 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, [or] service of begging, or peddling, in any public street or highway, or in any mendicant or wandering business whatsoever, 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.

Negligence of employees in charge of steam boilers, etc.

Negligence endangering life.

SECTION 5773. 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, railway, or other 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.

Negligence causing death.

SEC. 5774. Every person having charge of any steam boiler or steam engine, or other apparatus for generating or employing steam, used in any manufactory, or on any railroad, or in any vessel, or in any kind of mechanical work, 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 imprisonment in the penitentiary for not less than one nor more than ten years.

Negligence of captain of steamboat.

SEC. 5775. 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 any apparatus or machinery connected therewith, by which bursting or breaking human life is endangered, is guilty of a felony.

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Negligence causing death or injury.

SEC. 5776. Every conductor, engineer, brakeman, switchman, or other person having charge wholly or in part of any railroad car, locomotive, automobile, train or steamboat, which is used as a common carrier, and any train dispatcher, telegraph operator, station agent, or other person wholly or in part charged with the duty of dispatching or directing the movements of any such car, locomotive, automobile, train or steamboat, who, through unskillfulness, negligence or carelessness, suffers or causes the same to collide with another car, locomotive, automobile, train or steamboat, or with any other object or thing whereby the death or injury of a human being is produced, is punishable by imprisonment in jail for a maximum term of two years or in the penitentiary for not less than six months nor more than ten years, according to the gravity of the case.

Intoxication of engineer, etc.

SEC. 5796. Every person who is intoxicated while in charge of a locomotive engine, or while acting as conductor or driver upon any railroad train or car, whether propelled by steam or electricity, 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.

Protection of employees as members of labor organizations.

Restraining employees from joining union.

SECTION 5919. Any person or corporation within Porto Rico, or agent or officer on behalf of such person or corporation, who shall hereafter coerce or compel any person or persons to enter 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 persons or corporation, shall be guilty of a misdemeanor.

Closing time in industrial and mercantile establishments—Sunday labor.

Hours required to close.

SECTION 6004 (as amended by act No. 131, extraordinary session, 1913). During the whole day on every Sunday and from 12 m. on legal holidays, and from 6 p. m., on all working days, except Saturdays, and on Saturdays from 10 p. m. commercial and industrial establishments shall remain closed to the public and suspend all work for employees one hour after closing, excepting

Exceptions.

public markets for the sale of alimentary articles of prime necessity, sugar and alcohol factories, coffee-cleaning mills, pharmacies, printeries, garages, bakeries, hotels, restaurants, eating houses, clubs, billiard rooms, ice houses, meat stalls, milk stands, dairy farms, slaughterhouses, livery stables, piers or docks, undertaking establishments, places where refreshments, sweets, manufactured tobacco, matches and periodicals only are sold, and cafés; excepting also public and quasi public utilities and works of emergency necessary to prevent danger or considerable financial loss. Theaters, or other places devoted exclusively to amusements or charitable purposes, shall not be comprised under the provisions of this section, so far as relates to the purposes stated herein.

Every violation of this section shall constitute a crime punishable by a fine of not to exceed fifty (50) dollars.

Stores and workshops.

SEC. 6005. The municipal council of any municipality may, by ordinance, require commercial and industrial establishments, including those excepted in section 553, [6004] or any of them, to remain closed at all hours on Sunday, excepting the works of emergency therein mentioned.

Penalties.

SEC. 6007. Any person, firm or corporation violating the provisions of this title, or any part thereof, or of any order issued by an alcalde, or ordinance passed by a municipal council under the authority of this title, shall be fined in the police court for the first offense in a sum which shall not be less than five dollars ($5) nor exceed ten dollars ($10); and for a subsequent offense,

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in a sum which shall not be less than ten dollars ($10) nor exceed twenty-five dollars ($25). And for this purpose, the police courts shall have jurisdiction to impose the fines herein provided; and in all cases in which the fine imposed shall exceed, excluding costs, the sum of ten dollars ($10), an appeal may be taken to the proper district court in the manner provided by law for other appeals from the police courts. In default of the payment of any fine imposed hereunder within three days after the judgment shall have been entered or the appeal dismissed, the person convicted shall pay the said fine by imprisonment in the municipal jail, or in any other penal institution, at the rate of one day for each half dollar of said fine remaining unpaid.

ACTS OF 1912—EXTRAORDINARY SESSION.

ACT No. 84.—*Bureau of labor.*

Bureau established.

SECTION 1. There shall be established, in the office of the director of labor, charities and correction, a bureau of labor, which shall be under the charge of the chief of the bureau of labor, who shall be appointed, upon approval of the governor, by and continue in the service at the pleasure of the said director of labor, charities and correction.

Chief.

Assistant chief.

SEC. 2. There shall also be in the bureau of labor an assistant chief who shall be named by the director of labor, charities and correction, with the approval of the governor. He shall receive a salary of two thousand dollars a year, and perform such services as may be required by the chief of bureau of labor, and shall act as chief of the bureau of labor during his absence. The assistant chief of the bureau of labor shall be a man who has made a study of labor conditions, and is otherwise qualified to perform the duties of this office.

Salary of chief.

SEC. 3. The chief of the bureau of labor shall receive a salary of two thousand five hundred dollars ($2,500) per annum, payable monthly, and his necessary traveling expenses and per diem while away from his headquarters on official business, and shall collect and collate information upon the subject of labor, its relations to the industries of the country, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual and moral welfare; to investigate the causes of, and facts relating to, such controversies and disputes between employers and employees as may come to his attention, and in general to exercise its good offices for the maintenance of satisfactory relations between employers and employees; to prepare, collate and publish labor statistics, and issue such reports and bulletins in reference to general labor conditions throughout the Island of Porto Rico as may from time to time be deemed necessary, and upon the approval of the director of labor, charities and correction, and to report specifically to the director of labor, charities and correction, for transmittal to the director of sanitation, the sanitary conditions of all manufactories, sugar and industrial concerns in the Island of Porto Rico in which labor is employed.

Duties.

Reports on sanitation.

Employees.

SEC. 4. The director of labor, charities and correction shall appoint a stenographer at a salary of fourteen hundred dollars ($1,400) per annum, payable monthly, and a clerk at a salary of nine hundred dollars ($900) per annum, payable monthly, for said bureau of labor, who shall perform such duties as may be required of them by the chief of the bureau of labor.

Annual reports.

SEC. 5. The chief of the bureau of labor shall annually make a report in writing to the director of labor, charities and correction, which shall be transmitted, through the governor, to the legislature, of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

Appropriation.

SEC. 6. The sum of nine thousand three hundred dollars ($9,300), or so much thereof as may be necessary, be and hereby

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is appropriated, out of any moneys in the treasury of Porto Rico not otherwise appropriated, for the payment of salaries, contingent expenses, travel and subsistence, stationery, postage, etc., necessary to carry out the provisions of this act.

Director of labor, charities, and correction.

SEC. 7. The director of labor, charities and correction, to whom this law refers, will be understood to be the director of the department of health, charities and correction created by an act entitled "An act to consolidate the offices of the director of charities, the director of prisons and the director of health into the office of health, charities and corrections," approved March 10, 1904: *Provided*, That in the future said department shall be known as the department of labor, charities and correction, and the director of the same, as the director of labor, charities and correction.

Information to be furnished by officials.

SEC. 8 (added by act No. 72, Acts of 1913). The heads of the insular departments and the mayors of the municipalities shall furnish, within a reasonable time after request, either in writing or verbally, by the chief of the bureau of labor, information in the possession of such departments or municipalities which may be desired by such chief to aid him in the discharge of the functions of the said bureau of labor. Such information may, at the option of such department heads or mayors, be furnished either directly or through any subordinate official or employee designated for the purpose: *Provided*, That this section shall not be deemed to prevent any head of a department or mayor of a municipality from refusing to disclose information of a confidential and privileged nature until such time as he can procure an opinion from the attorney general as to the validity of the privilege claimed.

Information from employers.

SEC. 9 (added by act No. 72, Acts of 1913). It will be the duty of every employer, or his agent, to facilitate, furnish or forward, upon blank forms that will be furnished by the bureau of labor, all information that the chief of the said bureau may request: *Provided*, That the same is necessary to carry out the purposes of this act.

Access to premises.

SEC. 10 (added by act No. 72, Acts of 1913). The chief of the bureau of labor and the assistant chief of said bureau are hereby authorized, except as herein otherwise provided, to enter any building, plantation or premises where persons are employed, during the hours said persons are working, to make any inspection or investigation authorized hereby.

Investigations.

SEC. 11 (added by act No. 72, Acts of 1913). The chief and the assistant chief of the bureau of labor are hereby empowered to carry out all investigations or inspections that may be necessary to comply with the provisions of this law, or any other law relative to employers and employees.

Copies of charges.

SEC. 12 (added by act No. 72, Acts of 1913). When charges are brought against any person affected by this act, such person shall be furnished with a full, true and perfect copy of said charges, embracing copies of any documentary evidence that may have been filed, including copies of declarations submitted in support of such charges, and shall likewise be supplied with the names and addresses of all witnesses who have testified, or may be expected to testify, against such person.

Definitions.

SEC. 13 (added by act No. 72, Acts of 1913). The meaning of the word "employer" and "employee," for the purpose of this act, shall be the following:

"(a) Employer: Includes any natural or artificial person who employs one or more persons in any agricultural, industrial or public service enterprise for money, or any other compensation or remuneration of whatever nature, and the administrator, superintendent, inspector, boss, overseer or any other agent or representative of said person or association of persons.

"(b) Employee: Includes any person or persons employed by or working for any employer for money, remuneration or compensation of any kind."

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SEC. 14 (added by act No. 72, Acts of 1913). The provisions of sections 9, 10 and 11 shall not be construed in the sense of authorizing the entrance into any part of a private home or dwelling and the dependencies and lands thereof, or the inspection of the same, without the authorization of the occupant. Construction of law.

SEC. 15 (added by act No. 72, Acts of 1913). The present employees of the bureau of labor, the chief and the assistant chief included, are hereby included in the classified civil service. Employees classified.

ACTS OF 1913.

No. 30.—*Protection of employees on buildings.*

SECTION 1. All scaffolds, elevators, hoists, platforms, scales or ladders, or any other mechanical appliance, whether portable or fixed, placed or constructed by any person, firm or corporation in this Island for the purpose of building, repairing, altering, destroying or painting any house, building, bridge, viaduct or other construction, shall be constructed in a secure, appropriate and convenient manner, and so placed when in operation as to offer proper and adequate protection to the life and body of the person or persons working on the same or who may pass underneath, and in such manner as to prevent the falling to the ground of any materials or utensils placed thereon. All scaffolds, platforms or other similar appliances shall be, if possible, at least two feet wide and shall have a safety railing around the same, which shall be 34 inches in height from the floor or surface of said scaffolds or platforms, and shall extend the full length thereof and be solidly constructed, and firm and secure enough to prevent its giving away from the building or construction. The chief of the bureau of labor, or his representatives are hereby authorized to stop any work where the above provisions are being violated, and to require such changes and modifications as may be necessary for the protection of the life and body of the persons employed in said places before the work may continue. Construction of scaffolds, etc.

SEC. 2. Any natural or juridical person, and the administrator, superintendent, foreman, mayor-domo, or representative of said person who violates this act shall be punished by a fine of not more than one hundred dollars, or shall be imprisoned in jail for a maximum term of sixty days. Violations.

ACT No. 42.—*Employment of women and children.*

SECTION 1 (as amended by act No. 139, Acts of extraordinary session 1913). No woman shall be employed or permitted to work in any form of lucrative occupation between the hours of 10 p. m. and 6 a. m. nor more than eight (8) hours during any one calendar day, nor more than forty-eight (48) hours during any one week: *Provided, however*, That the eight (8) hour limitation may be extended to not more than nine (9) hours during any one calendar day on condition that any woman so employed for wages for more than eight (8) hours during any one calendar day shall be paid for the work performed during such extra period at a rate double that paid during the preceding eight (8) hours of work, but in no case shall any woman be employed or permitted to work more than forty-eight (48) hours during any one week. This section shall not apply to women over sixteen (16) years of age who are employed as stenographers, typewriters, office assistants, telephone or telegraph operators or as nurses or domestics. Hours of labor of women.

SEC. 2. All employers shall post in a conspicuous place in the room where women are employed or in the office of the plantation or estate where they work, a printed notice stating the number of hours of work required of said women during each day of the week, the hours of commencing and stopping work and the hour at which the period allotted for taking food begins and ends. The printed blanks for such notice shall be supplied by the bureau of labor to those persons who may apply for them. Schedule to be posted.

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Seats.

SEC. 3. All employers who employ women in their establishments shall provide chairs of an appropriate kind, and shall place them conveniently where the female employees ordinarily work, or near such place. Said chairs shall be for the use of such employees who shall have free access to the same at all times except when they are occupied in any work that can not be done sitting.

No woman under the age of sixteen years shall be employed in any establishment where she must stand constantly.

Employment of children forbidden, when.

SEC. 4 (as amended by act No. 139, Acts of extraordinary session of 1913). No child under the age of fourteen (14) years who has not received from the department of education a certificate stating that he has done the work necessary for admission to the fourth grade of the public rural schools of the Island, or showing that he has passed the sixth grade of the public graded schools of Porto Rico, according to whether the child lives in the country or in town, or that he has completed the equivalent of such school work, shall be employed in any lucrative occupation during the hours that such schools are open: *Provided*, That this section shall not comprise any child who resides in a community in which there are no schools within a reasonable distance wherein accommodation can be furnished, nor any orphan child or any child who for any other reason depends on his own efforts for support, nor any child whose parents are invalids and depend exclusively upon the work of the child for their maintenance. In such cases a certificate shall be obtained from the alcalde of the municipality wherein said child resides, which certificate shall state the fact that such condition or necessity exists, and authorize the employment of said child. A copy of this authorization shall be forwarded to the bureau of labor within the ten days following the issuance thereof: *Provided, further*, That if said child resides at a distance of one kilometer from a night school under the direction of the department of education of Porto Rico, said certificate shall be effective only during the time that the attendance of said child at the aforesaid night school shall be certified to monthly by the teacher of the school, unless a just cause should exist for the nonattendance of the child at said school.

Exceptions.

Certificates to be filed.

All employers of children from whom certificates are required under the provisions of this act, shall file these certificates, subject to the inspection of the officers of the department of education and of the inspectors of the bureau of labor. When such employment shall cease the certificates shall be returned to the children in whose names they may have been issued.

Hours of labor.

SEC. 5 (as amended by act No. 139, Acts of extraordinary session, 1913). No child under the age of sixteen years shall be employed or permitted to work in any establishment for more than seven hours a day, nor for more than forty-two hours a week, nor in or upon any agricultural estate for more than eight hours a day nor for more than forty-eight hours a week, nor in any lucrative occupation between the hours of 6 p. m. and 6 a. m.

Age limit.

No child under the age of ten years shall be employed or permitted to work in any lucrative occupation.

Age certificate.

SEC. 6 (as amended by act No. 139, Acts of extraordinary session, 1913). No child under the age of sixteen years shall be employed unless the employer shall obtain and preserve, subject to the inspection of the officers of the department of education and the agents of the bureau of labor, a certificate of his age issued by the municipal secretary of the town where the child was born or resides. In case there is no entry of the birth of said child in the civil registry of the town where the child was born or resides, the municipal secretary shall issue a certificate setting forth the age of the child based upon an affidavit or sworn declaration of one of the parents of the said child, or of his legal guardian or relative next of kin, or in default of these upon the affidavit or sworn declaration of two reputable persons who have knowledge of and can depose to the age of the said child. No fees shall be charged for issuing the certificates.

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Street occupations.

SEC. 7. No boy under the age of twelve years and no girl under the age of sixteen years shall sell newspapers, candies or other merchandise on any of the streets or public squares, nor work as bootblacks in said places during school hours in the public schools of Porto Rico.

Begging, etc.

SEC. 8 (as amended by act No. 139, Acts of extraordinary session, 1913). No father, employer or other person who has in his care a child under the age of fourteen years shall procure for the said child or consent under any circumstances to the child's being engaged in the following occupations:

1. Begging or receiving alms or any form of mendicity [mendicancy].

2. Labor, practices or exhibitions which are dangerous or injurious to health or morals.

3. Manufacturing, using or selling of malt and alcoholic liquors.

Air space.

SEC. 9. Any room or department of any establishment where women and children under the age of eighteen years work, shall have such capacity that the space corresponding to each employee shall be not less than 250 cubic feet, and except in cases where written authorization is obtained from the chief of the bureau of labor, the capacity of air corresponding to each employee shall not be less than 400 cubic feet.

Ventilation.

SEC. 10. All employers or heads of establishments where women and children under the age of eighteen years work, shall provide and see that there shall be in each working room of said establishment appropriate and sufficient means of ventilation. If during the hours of daily work excessive heat, vapors, gases, dust or other impurities injurious to health should be produced, the room shall be ventilated in such a manner as to place the same in the best condition possible, in accordance with the laws of sanitation.

Sanitation.

SEC. 11. All establishments where women and children under the age of eighteen years are engaged in occupations which produce dust, shall be whitewashed or painted at least once every twelve months.

All the floors of the rooms of such establishments shall be washed perfectly with soap and water at least once every month; and all dressing rooms and water-closets of said establishments shall be conveniently washed not less than once each week.

Violations.

SEC. 12. All employers who violate this act or any section or provision thereof shall be guilty of a misdemeanor and punished by a fine of not less than $25 nor more than $100. That for every violation of this act or of any of the sections or provisions thereof after the first violation, the employer shall be guilty of misdemeanor and punishable by a fine of not less than $100 nor more than $1,000.

Definitions.

SEC. 13. The following definitions of the words and phrases used herein shall be accepted in connection with this act, unless a different meaning is deduced from the text hereof:

"Employer" includes all natural or artificial persons and the administrator, superintendent, foreman, mayor-domo and representative of said natural or artificial persons.

"Lucrative occupation" includes all work or works in factories, mills, centrals, machine shops or establishments or places of any kind where a factory or mechanical enterprise is carried on; in storehouses, stores, establishments or places of any kind where mercantile transactions are carried on, or estates, plantations, farms or places of any kind where agricultural, horticultural or pasturing is carried on and in all enterprises of mining or fishing.

"Establishment" includes all buildings, factories, workshops, stores or other places of a like kind where any lucrative occupation exists.

"Plantation" includes all plantations, farms or other parcels of land where any lucrative occupation is carried on.

Enforcement.

SEC. 14. The bureau of labor is hereby authorized to carry out the provisions of this act, to prosecute violations of the same, to summon witnesses, administer oaths and take testimony, to compel the introduction of evidence and to visit or examine through

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its chief or his assistants the buildings of any establishments or estate to which this act refers, during the hours when the employees are at work.

ACTS OF 1913—EXTRAORDINARY SESSION.

ACT No. 139.—*Employment of children.*

When children may be employed.

SECTION 6. The said act [No. 42, Acts of 1913], * * * shall not apply to children under sixteen and over ten years of age who are employed in picking or gathering coffee or in planting, picking or tending in the field any agricultural or horticultural products in company with or under the direct personal supervision of their parents, guardians, or relatives over sixteen years of age.

ACT No. 140.—*Hours of labor on public works.*

Eight-hour day.

SECTION 1. The service and employment of all laborers, workmen and mechanics who are now or may hereafter be employed by the people of Porto Rico or by any municipality or school board or other dependency of the people of Porto Rico, or by any contractor or subcontractor upon any of the public works of any of the said municipalities, school boards or other dependencies of the people of Porto Rico, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the people of Porto Rico or of any municipality or school board or other dependency of the people of Porto Rico whose duty it shall be to employ, direct or control the services of such laborer, workman or mechanic to require or permit any such laborer, workman or mechanic to work more than eight hours in any one calendar day. No penalties shall be imposed for any violation of the provisions of this act due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine or flood, by danger to life, property, public safety or public health, or by other extraordinary event or condition on account of which the governor of Porto Rico shall subsequently declare the violation to have been excusable.

Contracts.

SEC. 2. Every such contract, excluding contracts for the purchase of material or supplies, to which any municipality or school board or other dependency of the people of Porto Rico is a party which may involve the employment of laborers, workmen or mechanics, shall contain a stipulation that no laborer, workman or mechanic working in Porto Rico, 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 contractor shall be required or permitted to work more than eight hours in any one calendar day, and every such contract shall stipulate a penalty of five dollars for each laborer, workman or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon such work, and no contract which does not contain this stipulation shall be approved by the officer charged with the approval thereof.

Violations.

SEC. 3. Any officer or agent of the people of Porto Rico, or of any municipality, school board or other dependency of the people of Porto Rico, who, having charge or supervision of any public work for the people of Porto Rico, or any municipality, school board, or other dependency of the people of Porto Rico, shall require or permit any workman, laborer, or mechanic employed by the people of Porto Rico, or by any municipality, school board, or other dependency of the people of Porto Rico, to labor more than eight hours in any one calendar day upon such public work, shall be liable to a penalty of five dollars for each laborer, workman or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon such work. The amount of such penalties shall be withheld by the auditor of Porto Rico, or by the proper disbursing officer of such municipality, school board, or other dependency of the people

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of Porto Rico, as the case may be, for the use and benefit of the people of Porto Rico, or of such municipality, school board or other dependency of the people of Porto Rico, from the salary, or other pay or emoluments, of such officer or other person.

Supervisors to report violations.

SEC. 4. Any officer of [or] person whose duty it shall be to inspect or supervise any work to be performed under any contract covered by the provisions of this act, or to aid in enforcing the fulfillment thereof, shall forthwith report to the proper officer of the people of Porto Rico, or of any municipality, school board, or other dependency thereof, as the case may be, every violation of the provisions of this act, together with the name of the person or persons responsible therefor, the name of each laborer, workman or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of penalties imposed according to the stipulation of any such contract shall be withheld for the use and benefit of the contracting municipality, school board, or other dependency of the people of Porto Rico, as the case may be, by the officer or person whose duty it shall be to approve the payment of moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or by any subcontractor.

Officials to report violations.

SEC. 5. Any officer or person whose duty it shall be to inspect or supervise work to be performed by the people of Porto Rico, any municipality, school board or other dependency of the people of Porto Rico, shall forthwith report to the proper officer of the people of Porto Rico, or of the municipality, school board or other dependency thereof, as the case may be, all violations, of the provisions of this act, together with the name or names and occupation of such persons responsible for such violations, the name of each laborer, workman or mechanic who has been required or permitted to labor in violation of this act, and the day or days of such violation.

Review of action.

SEC. 6. Any contractor, subcontractor, or officer or employee of the people of Porto Rico, of any municipality, school board or other dependency of the people of Porto Rico, aggrieved by the withholding of any penalty, as provided in this act, shall have the right, within three months thereafter, to appeal to the governor of Porto Rico, who shall have power to review the action imposing the penalty.

Scope of act.

SEC. 7. This act shall not apply to, or be construed as applicable to, the employment by the people of Porto Rico, or any municipality, school board, or other dependency of the people of Porto Rico, of persons whose services are rendered for a fixed rate of compensation per month or year, nor to the employment of laborers, workmen or mechanics in the irrigation service of Porto Rico, nor to the employment of laborers, workmen or mechanics engaged upon public works for any municipality, school board, or other dependency of the people of Porto Rico for which a contract or contracts have been, or may be, entered into under the provisions of appropriation acts passed by the legislature or ordinances for loans approved by the executive council prior to the passage of this act; nor to works on specific projects for which appropriations have been made prior to the approval of this act.

Failure to report violations.

SEC. 8. Any officer or employee of the people of Porto Rico, or of any municipality, school board, or other dependency of the people of Porto Rico, charged by this act with the duty of reporting violations of this act, who, having knowledge that the provisions, or any of them, of this act, are being violated, shall fail to report such knowledge, as herein required, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than two months, or by both such penalties, in the discretion of the court.

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RHODE ISLAND.

GENERAL LAWS—1909.

CHAPTER 50.—*Private employment offices.*

SECTION 18. Town councils may license suitable persons as keepers of intelligence offices for the purpose of obtaining or giving information concerning places of employment of domestics, servants or other laborers, except seamen, 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; and may fix the amount to be paid for such licenses; and may revoke such licenses at pleasure. And whoever, without a license therefor, establishes or keeps an intelligence office for the purposes named in this section, shall be fined ten dollars for each day such office is so kept. License required.

CHAPTER 72.—*Employment of children—School attendance.*

SECTION 1. Every child who has completed seven years of life and has not completed fifteen years of life, unless he has completed in the public schools the elementary studies taught in the first eight years of school attendance, exclusive of kindergarten instruction, provided for in the course of study adopted by the school committee of the city or town wherein such child resides, or unless he shall have completed fourteen years of life and shall be lawfully employed at labor or at service or engaged in business, shall regularly attend some public day school during all the days and hours that the public schools are in session in the city or town, wherein he resides; and every person having under his control a child as above described in this section, shall cause such child to attend school as required by the above-stated provisions of this section, and for every neglect of such duty the person having control of such child shall be fined not exceeding twenty dollars: * * * School attendance required.

SEC. 4. The truant officers may visit any places or establishments where such minor children as are described in the preceding sections of this chapter are employed, to ascertain whether the provisions of this chapter are duly complied with, and may as often as twice in every year demand from all employers of such children a report containing the names of all children who have not completed sixteen years of life that are employed by them, such report to give the names, ages, and residences of all such children; and all employers of such children shall, upon request, produce for the inspection of the truant officer the certificates prescribed in chapter seventy-eight; and for any refusal to make such reports as are above provided for, or for any refusal to produce the above-mentioned certificates, any employer of such children shall be fined not exceeding ten dollars. Enforcement.

CHAPTER 78.—*Inspection and regulation of factories—Employment of children.*

SECTION 1 (as amended by chapter 956, Acts of 1913). No child under fourteen years of age shall be employed or permitted or suffered to work in any factory, manufacturing or business establishment within this State, and no child under sixteen years of Age limit.

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Nightwork. age shall be employed or permitted or suffered to work in any factory or manufacturing or business establishment within this State between the hours of eight o'clock in the afternoon of any day and six o'clock in the forenoon of the following day. No child under sixteen years of age shall be employed or permitted or suffered to work in any factory or manufacturing or business establishment unless said child shall present to the person or corporation employing him or her an age and employment certificate, given by or under the direction of the school committee of the city or town in which said child resides: such certificate shall state (a) the name of said child, (b) the date and place of birth of said child, (c) the height, color of eyes and hair, and complexion of said child, (d) the name and place of residence of the person having control of said child, and such certificate shall certify (1) that said child has completed fourteen years of age, (2) that said child is able to read at sight and write legibly simple sentences in the English language, and (3) that said child has been examined physically by a licensed physician, and that said physician has certified that said child is in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed. The statements contained in such certificate in regard to the name, date and place of birth of said child, shall be substantiated by a duly attested copy of the birth certificate, baptismal certificate, or passport of such child. After the official authorized to issue the age and employment certificate above named has determined that the child applying for such certificate is fourteen years of age and can read and write as above required said official shall send such child to a physician for a physical examination and no age and employment certificate shall be issued to any child until the said physician shall certify in writing that said child, is in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed. For making the physical examination and certifying as to the health, the aforesaid physician shall receive from the State the sum of $1.00. He shall render to the secretary of the State board of education his account, properly certified by the official authorized to issue the age and employment certificate required by this section.

Certificates.

Proof of age.

Physical examination.

All such age and employment certificates issued shall be uniform throughout the State, and in the following form, or such substantially similar form as may be approved by the secretary of the State board of education:

AGE AND EMPLOYMENT CERTIFICATE.

Form.

This certifies that I am the (father, mother, guardian, or custodian) and have control of (name of child), whose signature appears below, and that (he or she) was born at (name of town or city), in the county of ———, and State (or country) of———, on the (day) of (month) A. D. ———, and is now (number of years and months) old.

(Signature of child.) (Signature of person having control of said child and his or her residence.)

(Town or city and date.)

I hereby approve the foregoing certificate of (name of child); whose height is (feet and inches); eyes are (color); hair is (color), and complexion is (fair or dark).

I certify that said (name of child) is able to read at sight and write legibly simple sentences in the English language, and that I have reason to believe that said (name of child) has completed fourteen years of age, is of the age therein certified, and has been certified to according to law as in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed.

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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 person or corporation holding the same: But if not claimed by said child within two weeks from such time it shall be returned to the school committee which issued it, or to such person as such committee shall designate.

(Signature of person authorized to approve and sign with official character or authority.)

(Town or city and date.)

In case it appears to the satisfaction of the school committee, or person authorized to give such certificate, that neither the birth certificate, baptismal certificate nor passport of such child can be produced, the age and employment certificate may be granted on other evidence satisfactory to the secretary of the State board of education.

All certificates required by this chapter relating to the qualification of children employed in any factory, or manufacturing or business establishment coming under the provisions of this chapter shall be kept by the employer at the place where such child is employed, and shall be shown to the factory inspectors provided for by this chapter, or either or any of them, on demand by said inspector or inspectors; and the proprietor or manager of any such factory or manufacturing or business establishment who shall fail to produce or shall refuse to show to any factory inspector any such certificate when demand is made therefor shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten nor more than fifty dollars.

Investigations in case of doubt.

Whenever any factory inspector shall have reason to doubt the accuracy of any statement made in any such certificate concerning the age or other qualifications of any child employed thereunder, such inspector shall demand such certificate of the employer of such child, and upon receiving the same shall give such employer a receipt therefor. If after investigation such inspector shall find that such certificate should not have been issued to said child under the provisions of this law, then he shall deliver such certificate to the person who issued it, and shall order it to be canceled, and shall forthwith notify the said employer that such child must not be longer employed. Every employer or proprietor or manager of any factory or manufacturing or business establishment who shall continue to employ such child after receiving such notice from any factory inspector shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalty imposed by section 12 of this chapter.

Whenever any factory inspector shall have reason to doubt that any child employed in any factory or manufacturing or business establishment, and not provided with an age and employment certificate, has reached the age of sixteen years, such factory inspector shall make demand on such child's employer that such employer shall either furnish him within ten days a certificate of age issued by the same authority and based on the same evidence required for the issuance of age and employment certificates, or shall cease to employ such child or permit or suffer such child to work in such factory or manufacturing or business establishment. In case such employer shall fail to deliver such certificate to the factory inspector, within ten days after such demand, and shall thereafter continue to employ such child, or permit or suffer such child to work in such factory or manufacturing or business establishment, such employer shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalty imposed by section 12 of this chapter, and proof of the making of such demand and of failure to deliver such certificate shall be prima facie evidence, in any prosecution brought for a violation of this provision, that such child is under 16 years of age and is unlawfully employed.

Certificate to be returned.

When any child employed under the provisions of this section leaves his or her employment, the person or corporation by whom such child has been employed shall, on demand by said child, de-

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liver to him or her the certificate on the authority of which such child has been employed, unless such certificate has been canceled as hereinbefore provided; or if such certificate is not demanded by such child, shall, within two weeks after said child has left the employment of said person or corporation, send said certificate to the school committee which issued it, or to such person as the school committee may designate. The school committee of each town, or such person as the school committee may designate to issue the certificate provided for in this section, shall keep on file a copy of each certificate granted, together with the evidence on which such certificate was granted.

Application of law.

SEC. 2. Every person, firm, or corporation doing business within this State employing five or more persons, or employing any child under sixteen years of age, shall be subject to the provisions of this chapter, whatever shall be the business conducted by said person, firm, or corporation: *Provided, however*, That the provisions of this chapter shall not apply to children employed in household service or in agricultural pursuits: *And provided, further*, That said provisions shall not apply to the employment of children, in the vocation, occupation, or service of rope or wire walking, or as gymnasts, wrestlers, contortionists, equestrian performers, or acrobats, riders upon bicycles or mechanical contrivances, or in any dancing, theatrical, or musical exhibition, but the employment of children in any vocation, occupation, or service enumerated in this proviso shall continue to be governed by the provisions of the General Laws, chapter one hundred thirty-nine.

Inspectors.

SEC. 3 (as amended by chapters 576, Acts of 1910, and 836, Acts of 1912). The governor shall, upon the passage of this act, and in the month of January of every third year hereafter, appoint, with the advice and consent of the senate, one chief and four assistant factory inspectors, one of whom shall be a woman, whose term of office shall be three years and until their successors shall be so appointed and qualified. * * * Any vacancy which may occur in said offices when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term. Said inspector shall be empowered to visit and inspect, at all reasonable hours and as often as practicable, the factories, workshops, and other establishments in this State subject to the provisions of this chapter, and shall report to the general assembly of this State at its January session in each year, including in said reports the names of the factories, the number of such hands employed, and the number of hours of work performed in each week. It shall also be the duty of said inspectors to enforce the provisions of this chapter and prosecute all violations of the same before any court of competent jurisdiction in the State.

The name and residence of any child found working without the certificate provided for in section one of this chapter shall be reported by the chief inspector to the school committee in the city or town where such child resides. Said inspectors shall devote their whole time and attention to the duties of their respective offices, under the direction of the chief inspector. The annual salary of the chief inspector shall be two thousand five hundred dollars; and each of the assistant inspectors, fifteen hundred dollars.

Expenses.

SEC. 4 (as amended by chapter 576, Acts of 1910). All necessary expenses incurred by such inspectors in the discharge of their duty shall be paid by the general treasurer out of any funds in the treasury not otherwise appropriated, upon the presentation of proper vouchers for the same approved by the governor: *Provided*, That not more than twenty-three hundred dollars in the aggregate shall be expended by said inspectors for such expenses in any one year.

Guards required for hoistways, etc.

SEC. 5 (as amended by chapter 701, Acts of 1911). It shall be the duty of the owner, agent or lessee of any factory, manufacturing or mercantile establishment, where hoisting shafts or well-

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holes are used, to cause the same to be properly and substantially enclosed or secured if, in the opinion of the inspectors, it is necessary to protect the life or limbs of those employed in such establishments. The owner, agent or lessee of any factory, manufacturing or mercantile establishment shall enclose or cause to be enclosed all freight elevator ways on all sides thereof, and shall provide or cause to be provided an entrance or entrances thereto by means of an automatic or semiautomatic gate or gates, not less than six feet in height, sliding vertically upward and so constructed as to close by the action of the elevator on leaving each floor.

Minor cleaning moving machinery.

SEC. 6. No minor under sixteen years of age shall be allowed to clean machinery while in motion, unless the same is necessary and is approved by said inspectors as not dangerous. All belting and gearing shall be provided with proper safeguard[s].

Accidents.

SEC. 7. It shall be the duty of the owners or superintendent to report in writing to the factory inspectors all fatal accidents within forty-eight hours after their occurrence; and all accidents which prevent the injured person or persons from returning to work within two weeks after the injury shall, within one week after the expiration of such two weeks, be reported in writing by the person in charge of such establishment or place to the said inspectors, stating as fully as possible the cause of such accidents.

Water-closets, etc.

SEC. 8. Water-closets, earth closets or privies shall be provided in all places where women and children are employed, in such manner as shall, in the judgment of said inspectors, meet the demands of health and propriety. Separate dressing rooms for women and girls shall be provided in all establishments where such are deemed a necessity by said factory inspectors; and in every manufacturing, mechanical or mercantile establishment in which women and girls are employed, there shall be provided, conveniently located, seats for such women and girls, and they shall be permitted to use them when their duties do not require their standing.

Seats for female employees.

Defective conditions.

SEC. 9. If the factory inspectors, or either one of them, find that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of the 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, either or both shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within ninety days; and if such alterations or additions are not made within ninety days from the day of such notice, or within such time as such alterations can be made with proper diligence upon the part of said proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this chapter, subject, however, to the right of appeal as hereinafter provided.

Notice.

Appeal from inspectors' orders.

SEC. 10. Any person who is aggrieved by any order of said inspectors may appeal therefrom to the district court of the judicial district in which the building which is the subject of the order is situated, by filing his reasons of appeal within seven days after the date of the order appealed from, and by giving notice thereof to the inspector who made the order within forty-eight hours after filing said reasons of appeal; and said court shall proceed to hear the said appeal at its first session after such notice shall have been given, and shall approve, modify, or revoke said order as it may deem right, subject, however, to the right of a jury trial after decision * * * And any such decision of said court from which a jury trial is not claimed shall be final and conclusive.

Power of inspectors.

SEC. 11. The State shall provide a suitable office for the use of said factory inspectors; and said factory inspectors shall have the

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power to administer oaths or affirmations in cases where persons desire to verify documents connected with the proper enforcement of this chapter.

Violations. SEC. 12. Any person or corporation who employs a child under sixteen years of age without the certificate required by section one of this chapter, or who makes a false statement in regard to any part required by such certificate or who violates any of the provisions of this chapter, or who suffers or permits any child or woman 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: *Provided, however*, That this section shall not apply to that portion of section one of this chapter which fixes the penalty for the refusal to show to the inspector any certificate provided for in that section.

Copy of act to be posted. SEC. 13. A printed copy of this chapter shall be posted by the inspectors in each workroom of every factory, manufacturing or mercantile establishment where persons are employed who are affected by the provisions of this chapter.

Surety for costs. SEC. 14. The inspectors created by section three of this chapter shall not be required to give surety nor personal recognizance for costs.

Enforcement of law as to hours of labor. SEC. 15. The factory inspectors shall, in addition to their duties otherwise provided, enforce the provisions of section twenty-two, chapter two hundred forty-nine and may prosecute all violations of the same before any court of competent jurisdiction in the State.

Supply of drinking water to be provided. SEC. 16. All manufacturing establishments in this State shall provide fresh drinking water, of good quality, to which their employees shall have access during working hours.

Violation. SEC. 17. Any corporation, association, firm or person owning, in whole or in part, managing, controlling, or superintending any manufacturing establishment in which the provision of the preceding section is violated shall, upon complaint of the board of health of the city or town, or the town council of the town, in which the establishment is located, be liable to a fine of one hundred dollars for each offence.

Duties of inspectors as to bakeries, etc. SEC. 18 (added by chapter 576, Acts of 1910). Said chief inspector, or any assistant factory inspector required by him, shall have charge of the inspection of bakeries, confectioneries, and ice cream manufactories, and any premises upon which bread or other products of flour or meal are baked or mixed or prepared for baking or for sale as food, in this State. Said inspector shall have charge of the inspection of cooked and prepared foods and food-

Markets, restaurants, etc. stuffs displayed or offered for sale in any store, market, restaurant, lunch cart or lunch counter, or other place of public display which are liable to become detrimental to public health through exposure to and contact with flies, animals, insects, dust, and germs, and he shall have the authority to require that all foods of this description shall be kept in tight wooden or glass cases or cupboards, or under glass, earthen, or tin covers, or in cases or cans, or wrapped in paraffine paper, or protected in such a manner that no dust or animals can come in contact with said foods while thus offered for sale. He is also authorized to require that said foods, when carried through any street, private way, or public place, shall be protected in a similar manner. All candies, confectionery, dried or preserved fruits, dates, figs, cut fruits, cut melons, cracked nuts, or nut meats shall be protected as provided above, when offered for sale, and any such inspectors so acting, whether one or more of such inspectors, or whether acting at the same or different times, shall for such purposes be designated as a State inspector of bakeries and foods. Such inspector shall not be pecuniarily interested, directly or indirectly, in the manufacture or sale of any article or commodity used in any business included in the provisions of this act, and shall not give certificates or written opinions to a maker or vender of any such article or commodity.

Bakeries to be inspected. SEC. 19 (added by chapter 576, Acts of 1910). No person, copartnership, or corporation shall carry on the business of a public

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bakery, confectionery, or ice cream manufactory, or place where bread or other products of flour or meal are baked or mixed or prepared for baking or for sale as food, until such premises are inspected by said State inspector. If such premises be found to conform to the provisions of this act, said inspector shall issue a certificate to the owner or operator of such bakery, confectionery, or ice cream manufactory, or place where flour or meal food products are baked or mixed or prepared for baking or for sale as food.

Sanitary requirements.

SEC. 20 (added by chapter 576, Acts of 1910). All buildings or rooms used or occupied as biscuit, bread, macaroni, spaghetti, pie or cake bakeries, ice cream or confectionery manufactories, or where flour or meal food products are baked or mixed or prepared for baking or for sale as food, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows, or ventilating pipes sufficient to insure adequate and proper ventilation. No cellar, basement, or place which is below the street level shall hereafter be used or occupied for the purposes mentioned in this section: *Provided*, That the same may be so used or occupied by the present occupant only.

Same subject.

SEC. 21 (added by chapter 576, Acts of 1910). Every room used for the purposes included in this act shall have, if deemed necessary by such inspector, an impermeable floor constructed of cement, or of tiles laid in cement, or of wood or other suitable nonabsorbent material which can be flushed and washed clean with water. Such inspector shall require said premises to be kept at all times in a sanitary condition; he may also require the woodwork of such walls to be well oiled, varnished, or painted. The furniture and utensils shall be so arranged as to be readily cleansed and not prevent the proper cleaning of any part of the room.

The manufactured flour or meal food products shall be kept in dry and airy rooms, so arranged that the floors, shelves, and all other facilities for storing the same can be properly cleaned.

No domestic animals except cats shall be allowed to remain in a room used as a biscuit, bread, pie, or cake bakery, or any room in such bakery where flour or meal products are stored or kept.

Wash rooms, water-closets, etc.

SEC. 22 (added by chapter 576, Acts of 1910). Every such bakery, confectionery, or ice cream manufactory, or place where flour or meal food products are baked or mixed or prepared for baking or for sale as food, shall be provided with a proper wash room and water-closet, or water-closets, apart from the bake rooms or rooms where the manufacture of such food products is conducted, and they shall be maintained in a sanitary condition; no water-closet, earth closet, privy, or receptacle for garbage shall be within or connect directly with the bake room of any bakery or room where ice cream or confectionery is manufactured. Operatives, employees, clerks, and all 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.

Sleeping in workrooms.

No person shall sleep in a room occupied as a bake room. Sleeping places for the persons employed in the bakery shall be separate from the rooms where flour or meal food products are manufactured or stored. If the sleeping places are on the same floor where such products are manufactured, stored, or sold, such inspector may inspect and order them put in a proper sanitary condition.

Stables.

SEC. 23 (added by chapter 576, Acts of 1910). No bakery, confectionery, or ice cream manufactory, or place where flour or meal food products are baked or mixed or prepared for baking or for sale as food, shall be conducted in a room adjoining a stable, unless separated from such stable by a wall or partition without any door or other opening between such stable and such bakery, confectionery, or manufactory, or place where flour or meal food

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products are baked or mixed or prepared for baking or for sale as food; and no material used therein shall be kept in a stable.

Use of tobacco.

SEC. 25 (added by chapter 576, Acts of 1910). Smoking, snuffing, or chewing of tobacco, or spitting on floor in working rooms in such bakery, confectionery, or manufactory, or place where flour or meal food products are baked or mixed or prepared for baking or for sale as food, is strictly forbidden.

Infectious and contagious diseases.

SEC. 26 (added by chapter 576, Acts of 1910). No employer in any bakery, confectionery, or ice cream manufactory, or place where flour or meal food products are baked or mixed or prepared for baking or for sale as food, shall require, permit, or suffer any persons 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 dysentery, measles, mumps, German measles, whooping cough, chicken pox, or any other infectious or contagious disease.

Semiannual inspections.

SEC. 28 (added by chapter 576, Acts of 1910). Bakeries, confectioneries, and ice cream manufactories, or places where flour or meal food products are baked or mixed or prepared for baking or for sale as food, shall be kept at all times in a clean and sanitary condition, and shall be inspected by said inspector at least twice each year. If on inspection said inspector finds any bakery, confectionery, or ice cream manufactory, or place where flour or meal food products are baked or mixed or prepared for baking or for sale as food, to be so unclean, ill-drained, or ill-ventilated as to be unsanitary, he may, after such reasonable time, to be fixed by said inspector, not less than five days, by notice in writing, to be served by affixing the notice on the inside of the main entrance door of said bakery, confectionery, or ice cream manufactory, or place where flour or meal food products are baked or mixed or prepared for baking or for sale as food, order the person found in charge thereof immediately to cease operating it until it be properly cleaned, drained, or ventilated.

Appeals.

SEC. 29 (added by chapter 576, Acts of 1910). Any person who is aggrieved by any order or requirement of said State inspector may appeal therefrom in the same manner in all respects, and with the same rights and liabilities, as provided in section 10 of this chapter.

Violations.

SEC. 30 (added by chapter 576, Acts of 1910; amended by chapter 909, Acts of 1913). Any person who violates any of the provisions of said sections eighteen to twenty-eight, both inclusive, of this chapter, or who refuses to comply with any lawful requirement of the authority vested with the enforcement of such sections, as provided therein, shall be guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than twenty or more than fifty dollars for a first offense, and for a second offense by a fine of not less than fifty or more than one hundred dollars or by imprisonment for not more than ten days, and for a third offense by a fine of not less than one hundred or more than two hundred and fifty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Enforcement.

SEC. 31 (added by chapter 576, Acts of 1910). Such inspector shall be empowered to visit and inspect all parts of stores, bakeries, confectioneries, and storerooms and places where ice cream, flour and meal food products are manufactured, and all stores, markets, restaurants, lunch carts or lunch counters, and other places where food is kept for sale, at any and all reasonable times, and as often as practicable. Such inspector shall promptly enforce the provisions of this act, and shall prosecute all violations of the same before any court of competent jurisdiction in the State. The attorney general shall act as his legal adviser in all matters pertaining to his official duties. He shall cause copies

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of this act to be printed and kept posted in all bakeries, confectioneries, and manufactories of ice cream, flour and meal food products, and all places where such business is carried on. Any mutilation of such printed matter shall be punished as provided in the preceding section. Such inspector shall not be required to give surety, nor furnish recognizance for costs, in any prosecution or proceeding under this act.

Messenger service.

SEC. 32 (added by chapter 814, Acts of 1912). No person under the age of twenty-one years shall be employed or permitted or suffered to work as a messenger for a telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Nightwork.

Violations.

SEC. 33 (added by chapter 814, Acts of 1912). Any person who either as principal or agent shall employ, suffer or permit to work any person in violation of the provisions of the preceding section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty dollars, or more than fifty dollars for the first offense, and for a second offense by a fine of not less than fifty dollars, or more than one hundred dollars, or by imprisonment for not less than ten days, or more than six months, or by both such fine and imprisonment.

CHAPTER 80.—*Bureau of industrial statistics—Commissioner.*

Commissioner.

SECTION 1. There shall be a commissioner of industrial statistics who shall perform the duties enumerated in this chapter and such others as are or may be from time to time provided by law. At the January session of the general assembly in the year A. D. nineteen hundred and nine, and in every second year thereafter, the governor, with the advice and consent of the senate, shall appoint some person to be commissioner of industrial statistics to succeed the person then holding such office; and the person so appointed shall hold his office until the first day of February in the second year after his appointment. Any vacancy which may occur in said office when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term. The commissioner of industrial statistics shall be ex officio superintendent of the census of the State * * * and in addition thereto he shall collect, arrange, tabulate, and publish, in a report by him to be made to the general assembly annually in January, the facts and statistical details in relation to the condition of labor and business in all mechanical, manufacturing, commercial, and other industrial business of the State, and especially in relation to the social, educational, and sanitary condition of the laboring classes, with such suggestions as he may deem to be proper for the improvement of their condition and the bettering of their advantages for intellectual and moral instruction, together with such other information as he may deem to be useful to the general assembly in the proper performance of its legislative duties in reference to the subjects in regard to which he is required to report.

Reports of employers.

SEC. 2. Every employer of labor, and every person engaged in any industrial pursuit, shall give the commissioner of industrial statistics all proper and necessary information to enable him to perform the duties herein required of him, and in default thereof, upon reasonable demand, shall be fined twenty dollars.

Assistants to commissioner.

SEC. 3. Said commissioner shall employ such assistants and incur such expenses incident to the proper discharge of the duties of his office as may be necessary, not exceeding three thousand dollars in amount in any one year; but no such assistant shall be paid more than four dollars per day in addition to his necessary traveling expenses, and the salary provided for said commissioner shall be in addition to the compensation fixed by the census board for said commissioner for taking the State census.

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CHAPTER 81.—*Free public employment offices.*

Offices to be established.

SECTION 1. There shall be established and maintained, under the care and direction of the commissioner of industrial statistics, in such towns or cities as may be selected after proper investigation by said commissioner, free employment offices for the purpose of bringing together those who seek employment and those who desire to employ.

Equipment and officers.

SEC. 2. The said commissioner is hereby authorized and directed to organize in each city or town so selected, a free public employment office which shall be provided with suitable rooms, furniture, and equipment required for the transaction of the business provided for in this chapter, and shall appoint such clerical assistants as may be necessary for each of said offices, to discharge, under the direction of said commissioner, the duties hereinafter set forth, or which may be required by said commissioner in carrying out the purpose of this chapter.

Registers.

SEC. 3. It shall be the duty of said commissioner to receive and record, in books suitably arranged, all applications from those seeking employment and also from those seeking to employ, and to take such other action as may be deemed best to carry out the purposes of said offices. Such records shall show plainly in brief the qualifications of all applicants, and such other facts as may be deemed necessary by said commissioner, who shall furnish to each office all such record books, forms, blanks, or other stationery and postage as may be required in conducting the office. Each office shall be plainly indicated by a proper sign or signs.

Only citizens may register.

No fees allowed.

SEC. 4. The privilege of registration shall be confined to residents of this State, and no fees, direct or indirect, shall in any case be taken from anyone applying at any office maintained under the provisions of this chapter.

Receiving fees.

Penalty.

SEC. 5. Any clerk or employee who directly or indirectly charges or receives any fee in the performance of his duties shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than one hundred dollars, or be imprisoned not exceeding thirty days. Such fine or imprisonment shall disqualify him from ever having further connection with said offices.

Weekly reports.

SEC. 6. There shall be made from each office to said commissioner a weekly report of such applications for labor or employment as may be registered in said office, with such details as may be required by the commissioner. Said commissioner may cause such reports to be printed at proper intervals, the same to be exchanged between said offices, and may supply to the newspapers and to the citizens, upon request, such reports, which shall be posted in a conspicuous place in the several offices, so that they may be open to public inspection.

Applications to be renewed.

SEC. 7. Every application for employment or help made to a free public employment office shall become void after thirty days from its receipt unless renewed by the applicant.

Definitions.

SEC. 8. The term "applicant for employment," as used in this chapter, 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 chapter shall be construed to limit the term "work" to manual occupation, but shall include professional service, and all other legitimate service.

Notice of employment.

SEC. 9. If any applicant for help has secured the same, he shall, within ten days thereafter, notify the employment office to which application therefor was made, and such notice shall contain the name and last preceding address of the employees received through such office. If any such applicant neglects to notify such office, he shall be barred from all future rights and privileges of such employment office, in the discretion of said commissioner, to whom a report of such neglect shall have been made.

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CHAPTER 117.—*Inspection and regulation of factories, etc.—Foundries.*

Wash rooms to be provided.

SECTION 1. Every foundry in this State employing ten or more men shall provide suitable toilet rooms, containing washbowls or sinks, provided with water, water-closets, and a room wherein the men may change their clothes, said rooms to be within the building used for said foundry, and shall be protected from the weather, heated and ventilated.

Violations.

SEC. 2. Any person or corporation failing to comply with section one of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars, one-half thereof to the use of the complainant, one-half thereof to the use of the State.

CHAPTER 123.—*Employment of females and minors to sell intoxicants—Sale to employees.*

Employment forbidden.

SECTION 13. Every person who * * * shall suffer or allow any minor or woman to sell or serve intoxicating liquor, except in licensed taverns or licensed victualling-houses, shall be fined one hundred dollars and be imprisoned not less than ninety days nor more than one year, and shall be thereafter for the term of five years disqualified for holding any license under this chapter.

Sale to intemperate employees.

SEC. 49. The * * * employer of any person who has or may hereafter have 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 spirituous or intoxicating liquor to the person having such habit. If the person, so notified, at any time within twelve months thereafter sells or delivers any such liquor to the person having such habit, or permits such person to loiter on his premises, the person giving the notice may in an action of trespass on the case recover of the person notified such sum as may be assessed as damages: *Provided*, The employer giving said notice shall be injured in his person, business or property. * * *

CHAPTER 129.—*Inspection and regulation of factories, etc.*

Fire escapes to be provided.

SECTION 1. Every building three or more stories in height, now or hereafter used wholly or in part as a * * * factory or workshop in which employees are usually working in the third or any higher story thereof, and every building used for office purposes three or more stories in height, shall be provided by the owner or owners thereof either with proper and sufficient, strong and durable metallic fire escapes upon the external walls, sufficient in number, which fire escapes shall extend from the highest occupied story to the top of the first story of said building, or with proper and sufficient incombustible stairs and stairways at opposite ends of the building, extending from the highest occupied story to the ground; said stairs and stairways shall be connected by open passageways of suitable width; said fire escapes, stairs and stairways to be suitable and sufficient to afford to persons within said building proper egress from said building in case of fire therein, and to be kept in repair by said owner or owners.

Inspectors.

SEC. 2. The town councils of the several towns throughout the State, and the mayors of the several cities, except in the city of Providence, shall annually in the month of January elect an inspector of buildings, who shall be paid such amount for his services as shall be determined by the town or city council electing him.

Duty of inspectors.

SEC. 3. It shall be the duty of the inspectors of buildings of the city of Providence and of the other cities and towns, from time to time as may be necessary, to make a careful and thorough inspection of all buildings in the city or town for which they shall be elected, which in their opinion might, by reason of the height thereof, character or number of stairways, number of persons

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ordinarily therein or at work therein, nature of use of said buildings, nature of the industries or occupations carried on therein, or for any other reason, be specially dangerous to persons therein in case of conflagration in said buildings.

Buildings may be exempted.

SEC. 5. Said inspectors of buildings shall have power within their respective towns and cities, upon the application in writing of any owner or owners of any building in said town or city, setting forth specific, just and true reasons why said building should be exempted from the provisions of this chapter, to exempt by written certificate, setting forth the reasons therefor, any building from the provisions of this chapter, whenever in the opinion of said inspector said building, by reason of location, special features of construction, or for any other reason, does not require said fire escapes or said stairs and stairways: *Provided, however*, That such written application, together with a duly certified copy of such certificate of exemption, shall by said inspector be deposited with the city or town clerk for said city or town, to be kept on file by said city or town clerk: *And provided further*, That such exemption may at any time be revoked by the inspector of buildings of said city or town upon thirty days' notice in writing to the owner or owners of said building.

Certificate of inspection.

SEC. 6. Whenever the inspector of buildings for any city or town shall upon inspection be satisfied that any building in said town or city is provided with fire escapes or with stairs and stairways, in accordance with the provisions of this chapter, he shall upon request of any owner of said building give to such owner a certificate to that effect, and shall deposit a certified copy thereof in the office of the city or town clerk for said city or town, to be kept on file by said city or town clerk. Such certificate, including any unexpired certificate heretofore issued, shall exempt the owners of said building from all civil and criminal liability under this chapter until revoked as hereinafter provided: *Provided, however*, That such certificate may be at any time revoked by the inspector of buildings for said town or city, by notice in writing to such owner to whom said certificate may have been issued, and by filing a copy of said notice of revocation with the said city or town clerk, to be by said city or town clerk kept on file: *And provided further*, That in case said building shall be materially changed or altered in form or use, then such certificate shall be utterly void and of no effect. It shall be the duty of the several city and town clerks to receive and keep on file the notices and certificates provided for in this chapter.

Owners may enter leased premises.

SEC. 7. The owner or owners of any building or premises under lease, and their servants and agents, may enter upon such leased building or premises for the public welfare, for the purpose of making said building conform with the provisions of this chapter, and may remain thereon during such time as may reasonably be required for the performance of such work as may be necessary to effect said purpose, interfering with the lessee no more than may be necessary.

Damages.

SEC. 8. In all cases in which any person shall suffer injury or in which the death of any person shall ensue in consequence of the failure of the owner or owners of any building to provide the same with fire escapes or stairs and stairways, as required by the provisions of this chapter, or in consequence of the failure of said owner or owners to comply with the written notice and requirement of any inspector of buildings, when made in conformity to the provisions of this chapter, such owner or owners shall be jointly and severally liable, to any person so injured, in an action of trespass on the case for damages for such injury; and in case of death such owner or owners shall be jointly and severally liable in damages for the injury caused by the death of such person, to be recovered, by action of trespass on the case, in the same manner and for the benefit of the same persons as is provided in sections fourteen and fifteen of chapter two hundred eighty-three; which action, when the owners are nonresidents, may be commenced by attachment. It shall be no defense to said

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action that the person injured or whose death ensued as aforesaid, had knowledge that any such building was not provided with fire escapes or stairs and stairways as required by the provisions of this chapter, or that such person continued to work in or to occupy said building with said knowledge.

Penalty.

SEC. 9. The owner or owners of any building, or in case such owners, or any of them, be non compos mentis, or a minor, the guardian of any such owner, or in case such owners, or any of them, be nonresident, the agent of any such owner having charge of such property, who shall neglect or fail to comply with the foregoing provisions of this chapter shall be fined not less than one hundred dollars nor more than five hundred dollars. In case there shall be several owners of any building which shall be continued in violation of said provisions of this chapter, proceedings may be had against any or all of them jointly, or against any one of them, for the recovery of such fine.

Board of appeal.

SEC. 10. The mayor of each of the cities in the State shall, in the month of April, in the year nineteen hundred and nine, and in the month of April in each third year thereafter, appoint three competent men, two of whom at least shall be architects or master mechanics, as a board of appeal from the actions or decisions of the inspector of buildings in such city, as hereinafter provided, to hold their office for three years, and until others are appointed and qualified in their stead; and any two members of such board for the time being shall form a quorum for the transaction of its business; and any vacancy, from any cause, may be filled by the mayor at any time, or from time to time, as occasion may require. And in the several towns of the State, the town council shall constitute such board of appeal from the inspector of buildings of the town.

Appeal from ruling of inspector.

SEC. 11. Any person aggrieved by the refusal of the inspector of buildings to give his certificate of exemption under section five, or his certificate of compliance with the provisions of this chapter under section six, of this chapter, may appeal therefrom to such board of appeal, in the city or town of such inspector, by filing with such inspector, within three days thereafter, written notice of such appeal, and by filing with the city or town clerk, within three days after such notice, his reasons of appeal in writing, specifying the subject matter of such appeal, and paying to the clerk fifty cents for filing the same.

Proceedings in appeal.

SEC. 12. Upon the filing of such reasons of appeal, the clerk shall enter the name of the appellant, with a general description of the building and its location referred to therein, in a book to be by him kept for that purpose; and shall thereupon, pursuant to such general rules as may be adopted by the board of appeal regulating their proceedings, or, in the absence of such rules, by his special order, of which special order he shall immediately give notice to the members of the board, fix a time and place for hearing such appeal, and shall indorse the same in writing upon such reasons of appeal; and the parties thereto and the inspector shall be bound to take notice thereof. And at the time and place so fixed, or at any adjournment thereof, such board of appeal, after hearing such of the parties as see fit to attend, and their allegations and evidence, and after inspecting the premises, shall make their determination in respect thereof in writing, to be filed with such clerk; and such determination shall be final, and the clerk's certificate of such determination shall have the same effect, for all purposes of this chapter, as if given by such inspector at the time of the application to him for the same. And if such appeal shall be from the inspector's refusal to give his certificate of exemption or compliance aforesaid, and such board of appeal shall concur in such refusal, they shall then also determine what they require to be done to entitle the appellant to such certificate; and upon the appellant's compliance with such requirement, such certificate shall be issued to him by such inspector.

Neglect to give certificate.

SEC. 13. The inspector's neglect to give his certificate, and file a copy of the same with the city or town clerk within three days

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after application or request made to him as provided in sections five and six of this chapter, shall be deemed a refusal to give the same for the purposes of such appellate proceedings.

Compensation of board.

SEC. 14. Said board of appeal shall be paid by the city or town such compensation for their services as shall be fixed by ordinance of the city or town council. And the appellant in each case who fails to obtain relief upon his appeal shall pay to the city or town such reasonable costs and charges thereof as the board of appeal shall tax or determine against him. Nothing contained in this chapter shall be construed to relieve any person or any corporation from any liability now existing by virtue of the provisions of this chapter, during the pendency of any appeal, unless said board of appeal shall reverse the decision of said inspector.

Automatic signals for elevators.

SEC. 15. Every elevator used for conveying persons or goods from one story to another of any building, the well of which elevator is not so protected as to be inaccessible from without while the elevator is moving, shall have attached to it some suitable appliance which shall give automatically, at all times, on every floor of said building which it approaches, a distinct, audible warning signal that said elevator is in motion.

Hoistways to be guarded.

SEC. 16 (as amended by chapter 549, Acts of 1910). All hoistway and elevator openings through floors where there is no shaft shall be protected by sufficient railings, gates, trapdoors, or other mechanical devices equivalent thereto, and the same shall be kept

Egress from elevators.

closed in the nighttime or when not in use. On and after July 1, 1911, any passenger elevator which is not constructed so as to allow egress of persons from such elevator in any position in which it might be stopped, by accident or otherwise, shall be constructed or arranged so that the roof or the top of such elevator, or a sufficient portion thereof to allow egress of persons therefrom, may be conveniently opened from the inside; and no such elevator shall be thereafter used or operated which shall not be so constructed or arranged. Every passenger elevator except plunger elevators shall be provided with some safety arrangement to prevent falling, and every passenger elevator shall be fitted with some suitable device to prevent the elevator car from being started until the door or doors opening into the elevator shaft are

Age of operators.

closed; and no person under the age of eighteen years shall take

Inspection.

charge of or operate any passenger elevator. It shall be the duty of every inspector of buildings, elected or empowered under the provisions of this chapter, to inspect all elevators in every building within his jurisdiction; and it shall be the duty of the factory inspectors, appointed or empowered by law, to inspect all elevators in every building within their jurisdiction in any city or town where there is no inspector of buildings; and it shall be the duty of said inspectors of buildings and said factory inspectors to notify the lessee and owner, or some one of the owners, of every building in which an elevator shall be used or operated contrary to the provisions of this and the preceding section, of such violation and require the lessee and owner, or some one of the owners of said building, within thirty days after the receipt of such notice, to comply with the provisions of said sections, and it shall be the duty of said lessee and owner, or owners, to comply with

Owner may make alterations.

such requirement. The owner or owners of any building or premises under lease, and their servants and agents, may enter upon such leased building or premises for the public welfare, with the purpose of making said building comply with the provisions of this and the preceding section, and may remain thereon during such time as may reasonably be required for the performance of such work as may be necessary to effect said purpose, interfering

Negligence.

with the lessee no more than may be necessary. In all cases in which any person shall suffer injury, or in which the death of any person shall ensue, in consequence of the failure of the lessee or owner or owners of any building to comply with the provisions of this and the preceding section, or in consequence of the failure of said lessee or owner or owners to comply with the written notice and requirement of any inspector of buildings or factory inspector,

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when made in conformity to the provisions of this and the preceding section, such lessee and owner or owners shall be jointly and severally liable to any person so injured, in an action of trespass on the case, for damages for such injury; and in case of death such lessee and owner or owners shall be jointly and severally liable in damages for the injury caused by the death of such person, to be recovered by action of trespass on the case in the same manner and for the benefit of the same persons as is provided in sections fourteen and fifteen of chapter two hundred and eighty-three; which action, when the lessee and the owner are nonresidents, may be commenced by attachment. It shall be no defense to said action that the person injured, or whose death ensues as aforesaid, had knowledge that any elevator was being operated in said building contrary to the provisions of this and the preceding section, or that such person continued to ride in said elevator with said knowledge. The lessee or owner or owners of any building, or, in case such lessee or owner, or any of them, be non compos mentis or a minor, the guardian of any such lessee or owner, or, in case such lessee or owner, or any of them, be a nonresident, the agent of any such lessee or owner, having charge of such property, who shall neglect or fail to comply with the provisions of this and the preceding section, shall be fined not less than five dollars and not more than ten dollars for each day that an elevator shall be used or operated in said building contrary to the provisions of this and the preceding section. In case there shall be several such lessees or owners or agents in charge of any building in which an elevator shall be used or operated contrary to the provisions of this and the preceding section, proceedings may be had against any or all of them jointly, or against any one of them, for the recovery of such fine.

Damages.

Penalty.

CHAPTER 130.—*Inspection and regulation of factories, etc.—Removal of combustible material.*

SECTION 1. The members of the board of fire commissioners, and the chief of the fire department and his assistants, and any other officer or officers or member or members of the fire department acting under the direction of such board or chief, of each of the cities of the States are hereby severally authorized and empowered to inspect all buildings and places in their respective cities where waste material of a combustible nature has been allowed to accumulate, or where such board or members thereof, or chief, assistant, or other officer as aforesaid has reason to believe that such waste material of a combustible nature has accumulated or is liable to be accumulated. If such board or chief of the fire department, after any inspection made under the authority of this chapter, shall in their discretion deem that any such accumulation of waste material of a combustible nature increases the danger of fire to the premises where such accumulation has been permitted, or to the property adjacent thereto, such board or chief of the fire department shall give notice in writing to the occupant or occupants, or one of them, of the premises where such accumulation has been permitted, to remove or cause to be removed from such premises such waste material of a combustible nature within forty-eight hours after receipt by him of such notice. In case such waste material of a combustible nature shall not be removed within forty-eight hours after notice as aforesaid, such board or chief of the fire department may cause the same to be removed from such premises, and thereupon shall cause notice in writing of the cost and expense of such removal to be given to such occupant or occupants, or one of them, and also certify the amount thereof to the city treasurer of the city, and in case such cost and expense shall not be paid to the city treasurer within thirty days after such notice such city may recover such cost and expense in an action of the case against such occupant or occupants.

Inspection.

Removal.

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Dwelling house.

SEC. 2. Nothing in this chapter shall authorize the inspection of any building used wholly as a dwelling house.

CHAPTER 131.—*Inspection and regulation of factories, etc.—Exits.*

Exits required.

SECTION 7. * * * All buildings used as factories, laundries, or workshops, in whole or in part, in which buildings severally twenty-five or more persons are employed, shall have the doors or windows of or to any exit or fire escape so arranged as to swing outward. All factories, laundries, workshops, or rooms in any building where the entrance thereto is from a corridor or hallway, and in which factories, laundries, workshops, or rooms, severally, twenty-five or more persons are employed, shall have the doors of entrance thereto so arranged as to swing outward. If any such door or window of such factory, laundry, workshop or room shall be locked or fastened during working hours the lock or fastening shall be such, and kept in such condition, that the same can be easily and quickly unlocked or unfastened by any person from the inside.

Doors to open outward.

Who to make changes.

SEC. 8. It shall be the duty of the owner or owners of every such building, or, in case the lessee or lessees thereof shall be required under the terms of his or their lease, the duty of such lessee or lessees, to comply with the structural and fixture requirements specified in this chapter * * *.

Enforcement.

SEC. 9. In every city or town, the inspector of buildings, and any assistant inspector of buildings, any member of the board of police commissioners, the chief of police, any member of the board of fire commissioners if any, the chief of the fire department, and any person charged hereunder with the enforcement of the provisions hereof, shall be at all reasonable times admitted * * * into all parts of every * * * factory, laundry, or shop included within the provisions hereof, to ascertain whether the requirements of this act are complied with.

Violations.

SEC. 10. Any person, whose duty it is to comply with any of the provisions of this chapter, who shall neglect or refuse to comply with the same, shall be fined not exceeding one hundred dollars for each offence, and every day of such neglect or failure shall constitute a separate offense. The supreme court and the superior court within their respective jurisdictions shall have power to issue any extraordinary writs, or to proceed according to the course of equity, or both, to secure the fulfillment and execution of the provisions hereof. If any such remedy or proceeding is sought or brought in the superior court, it shall be in the court for the county in which the building is located.

Enforcement.

SEC. 11. It shall be the duty of the inspector of buildings of each city or town to enforce the structural and fixture requirements of this chapter. In any city or town, where there is no such inspector, it shall be the duty of each of the factory inspectors, and such person or persons as may be appointed for the purpose by any city or town council, to enforce the same.

CHAPTER 139.—*Employment of children—Certain occupations forbidden.*

Acrobatic, mendicant, etc., occupations.

SECTION 4. Every person having the custody or control of any child under the age of sixteen years, who shall exhibit, use or employ, or shall in any manner or under any pretense sell, apprentice or give away, let out or otherwise dispose of any such child to any person for or in the vocation, occupation, service or purpose of rope or wire walking, or as a gymnast, wrestler, contortionist, equestrian performer, acrobat, or rider upon any bicycle or mechanical contrivance, or in any dancing, theatrical or musical exhibition unless it be in connection with churches, schools, or private instruction in dancing or music, or unless it be under the auspices of a Rhode Island society incorporated, or organized without incorporation, for a purpose authorized by section eleven of chapter two hundred and twelve, or unless it be with the

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written consent, previously obtained and revocable at will, of the mayor of the city or the president of the town council where such child is to be employed; or for or in gathering or picking rags, or collecting cigar stumps, bones, or refuse from markets, or in begging, or in any mendicant or wandering occupation, or in peddling in places injurious to the morals of such child; * * * or in any illegal, obscene, indecent, or immoral purpose, exhibition or practice whatsoever; or for or in any business, exhibition or vocation injurious to the health or morals, or dangerous to the life or limb of such child, or who shall cause, procure or encourage any such child to engage therein, or who after being notified by an officer mentioned in section six of this chapter to restrain such child from engaging therein, shall neglect or refuse to do so, shall be held guilty of a misdemeanor and shall, for every such offense, be imprisoned not exceeding one year or be fined not exceeding two hundred fifty dollars, or be both fined and imprisoned as aforesaid, and shall forfeit any right which he may have to the custody of such child.

Hiring for prohibited purposes.

SEC. 5. Every person who shall take, receive, hire or employ, exhibit, or have in custody, or who shall cause to be taken, hired or employed, exhibited, or held in custody, any child under the age of sixteen years, for any of the purposes prohibited in the preceding section, shall be held guilty of a misdemeanor, and shall be punished for every such offense in the manner provided in said section.

Enforcement.

SEC. 6. The town sergeant of any town, the chief of police of any city, or the general agent or agents of the Rhode Island Society for the Prevention of Cruelty to Children may enter any place where any child may be held, detained or employed in violation of this chapter, and without process of law seize and detain such child and hold him as a witness to testify upon the trial of any person charged with violating the provisions of this chapter; * * *

CHAPTER 213.—*Payment of wages—Weekly pay day.*

Weekly pay day.

SECTION 25. Every corporation other than religious, literary or charitable corporations, and every incorporated city, but not including towns, shall pay weekly to the employees engaged in its business the wages earned by them to within nine days of the date of such payment, unless prevented by inevitable casualty: *Provided, however*, That if at any time of payment any employee shall be absent from his place of labor, he shall be entitled to said payment at any time thereafter on demand.

Penalty.

SEC. 26. Any corporation violating any of the provisions of the preceding section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, one-half thereof to the use of the complainant and the other half to the use of the State: *Provided*, Complaint for such violation is made within thirty days from the date thereof.

This law is constitutional and is to be construed as amending charters previously granted to manufacturing corporations. 18 R. I. 16.

CHAPTER 215.—*Railroads—Bridges over tracks—Safety appliances.*

Height of bridges over railroads.

SECTION 28. No bridge shall hereafter be built over any railroad track, unless it shall measure at least eighteen feet in the clear, measuring from the bottom of the lowest timber to the top of the rail on said track, excepting bridges erected in renewal or in place of bridges now existing.

Blocking frogs, etc.

SEC. 54. Every railroad corporation, operating a railroad or part of a railroad in this State, shall adjust, fill or block the frogs, switches and guardrails on its track, with the exception of guardrails on bridges, so as to prevent the feet of its employees from being caught therein. The work shall be done to the satisfaction of the railroad commissioner, evidenced by his certificate. Any railroad corporation failing to comply with the provisions of this

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section shall be fined not less than one hundred dollars nor more than one thousand dollars.

CHAPTER 218.—*Hours of labor of employees on street railways.*

Limit of ten hours.

SECTION 1. A day's work for all conductors, gripmen, and motormen now employed or who may hereafter be employed in the operation of all street railways, of whatever motive power, in this State shall not exceed ten hours' work, to be performed within twelve consecutive hours. No officer or agent of any corporation operating street cars, of whatever motive power, in this State shall on any day exact from any of its said employees more than the said ten hours' work within the twenty-four hours of the natural day, and within twelve consecutive hours: *Provided, however*, That on all legal holidays, and on occasions when an unexpected contingency arises demanding more than the usual service by such street railway corporation to the public, or from such employees to the corporation, and in case of accident or unavoidable delay, extra labor may be performed for extra compensation; and that nothing herein contained shall affect existing written contracts.

Act construed.

SEC. 2. The true intent and purpose of this chapter is hereby declared to be to limit the usual hours of labor of the abovementioned employees of street railway corporations, in the absence of agreement as to such hours between such employees and their employer, to ten hours' actual work a day, to be performed within a period of twelve consecutive hours, 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. But nothing in this chapter contained shall be construed to forbid or prevent any such employee, being of the age of twenty-one years or upwards, from laboring a greater or lesser number of hours a day, in accordance with his contract so to do; nor to impose any penalty upon any person or corporation for permitting such employees to labor such greater or lesser number of hours in the performance of such contract.

Penalty.

SEC. 3. Any street railway corporation violating any of the provisions of the preceding sections of this chapter shall be fined not less than one hundred dollars nor more than five hundred dollars, one-half thereof to the use of the complainant and the other half to the use of the State.

This law is constitutional. 54 Atl. 602.

CHAPTER 249.—*Employment of women and children—Hours of labor.*

Hours of labor.

SECTION 22 (as amended by chapter 912, Acts of 1913). No minor under sixteen years of age, and no woman, shall be employed or permitted or suffered to work in any factory, manufacturing, mechanical, business or mercantile establishment within this State, more than fifty-four hours in any one week, and in no case shall the hours of labor exceed ten hours in any one day. Every employer shall post in a conspicuous place, in every room where such persons are employed, a printed or typewritten notice stating the number of hours' work required of them on each day of the week; and the employment of any such person for a longer time in any day than so stated shall be deemed a violation of this section: *Provided*, That the provisions of this section shall not be construed to enlarge or impair any restriction placed upon the employment of any minor mentioned in chapter 72.

Violation.

SEC. 23 (as amended by chapter 912, Acts of 1913). Every person who willfully employs or has in his employ or under his charge any person in violation of the provision of the last preceding section and every parent or guardian who permits any such minor to be so employed shal be fined not exceeding twenty dollars for each offense. The age and employment certificate

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required by section 1 of chapter 78 of the General Laws shall be prima facie evidence of his age upon the trial of any person other than the parent or guardian for the violation of the last preceding section.

Ten hours a day's labor.

SEC. 24. Labor performed in any manufacturing establishment, and all mechanical labor, during the period of ten hours in any one day, shall be considered a legal day's work, unless otherwise agreed by the parties to the contract for the same, or unless for the purposes, and subject to all restrictions, mentioned in section twenty-two of this chapter.

CHAPTER 240.—*Employment of labor—Notice of discharge, etc.*

Notice of discharge required, when.

SECTION 25. Every person who requires from any person in his employ, under penalty of a forfeiture of a part of the wages earned by him a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he discharges without similar notice such person in his employ, except for incapacity or misconduct, unless in case of a general or partial suspension of labor in his business.

CHAPTER 260.—*Assignments of wages.*

Limitations.

SECTION 1. No assignment of future earnings or wages shall be valid for a period exceeding one year from the date thereof; nor unless made to secure a debt contracted prior to or simultaneously with the execution of such assignment; nor unless executed in writing in the standard form herein set forth and signed by the assignor in person and not by attorney; nor unless such assignment truly states the date of its execution, the money or the money value of goods actually furnished by the assignee and the rate of interest, if any, to be paid thereon.

Assignor to have copy.

SEC. 2. No assignment of future earnings or wages shall be valid unless a copy thereof is delivered to the assignor at the date of the execution of such assignment.

Assignments to be recorded.

SEC. 3. No assignment of future earnings or wages shall be valid, excepting as between the parties thereto, unless the same shall be recorded within five days after it is signed by the assignor in a book to be kept for that purpose in the office of the recorder of deeds, if there be one, otherwise in the office of the clerk of the town or city in which the assignor resides, if a resident of this State, or in the town or city in which he is employed if not a resident of this State.

Employer to have copy.

SEC. 4. No assignment of future earnings or wages shall be in any way binding upon the employer of the assignor until a copy of the assignment and account, which shall conform to the requirements hereinafter stated, has been delivered to said employer. Said account shall be in writing and shall contain a statement of the balance due and of the sums of money received by the assignee together with the date of every such payment, and a statement showing whether such payment is of interest or of principal, or in case of a loan whether such payment is a charge for making or securing the loan or otherwise.

Definition.

SEC. 5. The term "assignment" as used in this chapter shall include every instrument purporting to transfer an interest in or an authority to collect the future earnings of any person.

Form.

SEC. 6. The standard form of assignment required by this chapter shall be as follows:

Know all men by these presents:

That I, ——— ——— of ——— in the county of ——— for a valuable consideration, to me paid by ——— ——— of ——— the receipt whereof I do hereby acknowledge, do hereby assign and transfer to said ——— ——— all claims and demands (which I now have, and all) which within a period of ——— from the date hereof I may and shall have against my present employer ——— and against any person whose employ I shall hereafter enter (for all sums of money due and) for all sums of money and demands

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which, at any time within said period, may and shall become due to me, for services as ——

To have and to hold the same to the said ——— ——— his executors, administrators and assigns, to secure a debt—

(1) Of ——— dollars (with interest thereon from ——— at the rate of —— per cent per annum), for money (or goods) actually furnished by the assignee amounting to ——— dollars,

(2) Contracted prior to the execution of this assignment (or contracted simultaneously with the execution of this assignment).

In witness whereof, I have set my hand this ——— day of ———

Signed and delivered in presence of ——— ———

Effect of assignment.

SEC. 7. An assignment of future earnings or wages made in accordance with all of the provisions of this chapter shall bind all wages earned by the assignor within the period named in such assignment.

CHAPTER 302.—*Exemption of wages from execution.*

What wages exempt.

SECTION 5. The following goods and property shall be exempt from attachment on any warrant of distress or on any other writ, original, mesne, or judicial:—

* * * * *

10. Wages due or accruing to any seaman.

* * * * *

12. The salary or wages due or payable to any debtor not exceeding the sum of ten dollars, except when the cause of action is for necessaries furnished the defendant, in which case costs shall in whole or in part be allowed or not at all, in the discretion of the court.

13. The salary and wages of the wife and of the minor children of any debtor.

* * * * *

CHAPTER 339.—*Wages as preferred claims—In insolvency.*

Rank of wage debts.

SECTION 58. The costs and expenses of administration in proceedings under this chapter, including registers' and clerks' compensation and expenses, the expenses and compensation of the assignee, and the reasonable fees of his counsel and attorney, shall be first paid in full out of the insolvent estate, in the order named. Sums due to the United States, to the State of Rhode Island, to any town or municipality in said State, and for the wages of labor performed within six months next prior to the adjudication in insolvency, not exceeding one hundred dollars to any one person, and costs in cases upon which attachments or levies are made, which are dissolved under the provisions of this chapter, to the date of such dissolution, shall be next paid in full out of the insolvent estate, in the order named.

CHAPTER 344.—*Intimidation of employees.*

Interference with employment.

SECTION 9. Every person who, by himself or in concert with other persons, shall attempt by force, violence, threats or intimidation of any kind to prevent, or who shall prevent any other person from entering upon and pursuing any employment, upon such terms and conditions as he may think proper, shall be deemed guilty of a misdemeanor and be fined not exceeding one hundred dollars or be imprisoned not exceeding ninety days.

CHAPTER 345.—*Interference with employment.*

Hindering railroad employees.

SECTION 32. Whoever willfully throws or shoots a missile at a locomotive engine, or railroad or street railway car, or at a person on such engine or car, or in any way assaults or interferes with a conductor, engineer, brakeman, driver or motorman while

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in discharge of his duty on or near a railroad engine, car, or train, or on or near a street railway car, shall be fined not less than five nor more than one hundred dollars, or be imprisoned in the county jail not less than three months nor more than one year.

Obstructing business, etc.

SEC. 48. Every person who shall willfully and maliciously or mischievously injure or destroy the property of another, or obstruct the use of the property of another, or obstruct another in the prosecution of his lawful business or pursuits, in any manner, the punishment whereof is not specially provided for by statute, shall be fined not exceeding one hundred dollars or be imprisoned not exceeding one year.

CHAPTER 347.—*Sunday labor.*

Sunday labor forbidden.

SECTION 18. Every person who shall do or exercise any labor or business or work of his ordinary calling, or use any game, sport, play or recreation on the first day of the week, or suffer the same to be done or used by his children, servants or apprentices, works of necessity and charity only excepted, shall be fined not exceeding five dollars for the first offense and ten dollars for the second and every subsequent offense.

Employing servant of another.

SEC. 19. Every person who shall employ, improve, set to work or encourage the servant of any other person to commit any act named in the preceding section shall suffer the like punishment.

Limitation.

SEC. 20. All complaints for violations of the provisions of the preceding two sections shall be made within ten days after the committing thereof and not afterwards.

Observance of another day.

SEC. 21. Every professor of the Sabbatarian faith or of the Jewish religion, and such others as shall be owned or acknowledged by any church or society of said respective professions as members of or as belonging to such church or society, shall be permitted to labor in their respective professions or vocations on the first day of the week, but the exception in this section contained shall not confer the liberty of opening shops or stores on the said day for the purpose of trade and merchandise, or lading, unlading or of fitting out of vessels, or of working at the smith's business or any other mechanical trade in any compact place, except the compact villages in Westerly and Hopkinton, or of drawing seines or fishing or fowling in any manner in public places and out of their own possessions; and in case any dispute shall arise respecting the person entitled to the benefit of this section, a certificate from a regular pastor or priest of any of the aforesaid churches or societies or from any three of the standing members of such church or society, declaring the person claiming the exemption aforesaid to be a member of or owned by or belonging to such church or society, shall be received as conclusive evidence of the fact.

CHAPTER 349.—*Bribery, etc., of employees.*

Accepting bribes.

SECTION 21. No agent, employee, or servant in public or private employ, or public official shall corruptly accept, or obtain or agree to accept, or attempt to obtain from any person, for himself or for any other person, any gift or valuable consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the business of his principal master, employer, or State, city, or town of which he is an official, or for showing or forbearing to show favor or disfavor to any person in relation to the business of his principal, master, employer, or State, city or town of which he is an official.

Offering bribes.

SEC. 22. No person shall corruptly give or offer any gift or valuable consideration to any such agent, employee, servant, or public official as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the business of his principal, master, or employer, or the State, city, or town of which he is an official, or for showing or forbearing to show favor or disfavor to any person in relation to the business

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of his principal, master, employer, or State, city, or town of which he is an official.

False statements. SEC. 23. No person shall knowingly give to any such agent, employee, servant, or public official any receipt, account, or other document in respect of which the principal, master, or employer, or State, city, or town of which he is an official is interested which contains any statement which is false or erroneous, or defective in any important particular, and which, to his knowledge, is intended to mislead the principal, master, employer, or State, city, or town of which he is an official.

Violations. SEC. 24. Any person who violates any of the provisions of sections twenty-one to twenty-six of this chapter shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned, with or without hard labor, for a term not exceeding one year, or be fined not exceeding one thousand dollars.

Damages. SEC. 25. Any person injured by any violation of the provisions of sections twenty-one and twenty-two of this chapter may recover from the person or persons inflicting such injury twice the amount of such injury.

Witnesses. SEC. 26. No person shall be excused from attending and testifying, or from producing papers, contracts, agreements, and documents before any court which may be determined to be evidence in such case, or in obedience to the subpœna of any court having jurisdiction of the misdemeanor, on the grounds or for the reason that the testimony or evidence, documentary or otherwise, required by him may tend to criminate him 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 testify or produce evidence, documentary or otherwise, before said court or in obedience of its subpœna or in any such case or proceedings.

ACTS OF 1911.

CHAPTER 715.—*Protection of employees on buildings.*

Counter floors. SECTION 1. 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, by the contractor or the owner of such building, before another story is added to the building, a close board flooring shall be placed and maintained over such spaces, from the time when the beams or girders are placed in position until said permanent construction is applied.

Underfloors. SEC. 2. Where in the case of the construction of a building of three or more stories in height, other than an iron or steel framed building, the floors are required to be double floors, the contractor of the carpenter work or the owner of such building shall lay or cause to be laid the underfloor of each story as the building progresses, and if the floors are required to be only single floors, then the contractor or owner shall lay or cause to be laid a safe, permanent or temporary close board floor as the work progresses, so that no construction work shall be done in any case on such building more than two stories above such completed underfloor, or such permanent or temporary board floor.

Openings. SEC. 3. Such spaces and openings may be left through the floors, in the construction of the buildings referred to in sections one and two, as may be reasonably required for the proper construction of such building, and for the raising and lowering of materials to be used in the construction of such building, or such spaces and openings as may be designated by the plans or specifications for

Guards. stairways and elevator shafts, but all such spaces and openings shall be enclosed by the contractor or the owner of such building by a double rail barrier not less than four feet from the floor, and not less than two feet from the edge of such space or opening.

Violations. SEC. 4. Every person who violates any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be

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punished by a fine of not less than twenty-five or more than two hundred dollars.

Enforcement.

SEC. 5. It shall be the duty of the inspector of buildings or other officer in any city or town charged with the enforcement of the building laws of such city or town to enforce the provisions of this act.

ACTS OF 1912.

CHAPTER 795.—*Accidents on railroads, etc.—Reports and investigations.*

Reports required.

SECTION 49. Every public utility shall, whenever any accident attended with loss of human life, or serious injury occurs within this State, directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission.

Investigation.

In the event of any such accident, the commission, if it deem that public interest requires it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless for the greater convenience of those concerned, it shall order the investigation to be held at some other place; and said investigation may be adjourned from place to place as may be found necessary and convenient. The commission shall reasonably notify the public utility of the time and place of the investigation. The notice herein required to be given shall not be admitted as evidence or used for any purpose against such public utility giving such notice, in any suit, action or proceeding brought for damages growing out of any matter mentioned in said notice; nor shall such notice be admitted as evidence or be used for any purpose in any criminal proceedings brought against the public utility giving such notice, or against any of its officers, agents or employees, growing out of any matter mentioned in such notice.

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SOUTH CAROLINA.

CONSTITUTION.

ARTICLE IX.—*Liability of railroad companies for injuries to employees.*

SECTION 15. Every employee of any railroad corporation shall have the same rights and remedies for any injury suffered by him from the acts or omissions of said corporations or its employees as are allowed by law to other persons not employees, when the injury results from the negligence of a superior agent or officer, or of a person having a right to control or direct the services of a party injured, and also when the injury results from the negligence of a fellow servant engaged in another department of labor from that of the party injured, or of a fellow servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways or appliances shall be no defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, expressed or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation, or his legal or personal representative, of any remedy or right that he now has by the law of the land. The general assembly may extend the remedies herein provided for to any other class of employees.

Negligence of superior;

Of fellow servants in another department.

Knowledge of defective machinery.

Injury causing death.

Contract waiving rights.

A contract whereby a railroad company beforehand seeks immunity from damages caused by its negligence is not prohibited by this section, but is void as contrary to public policy. 55 S. C. 152.

Under this section a servant may recover of a railroad company for injuries caused by the carelessness of a fellow servant directing him. 52 S. C. 438.

A foreman who engages in manual labor to further the work being carried on under his own direction does not thereby cease to be a superintendent for whose acts the employer is responsible. 61 S. E. Rep. 1010.

The doctrine of assumption of risks does not apply in cases where an employee is injured by the acts of an employee in another branch of work. A bridge watchman and the engineer of a train are in separate departments. 61 S. E. 1016.

CODE OF 1912.

CIVIL CODE.

Department of agriculture, commerce and industries.

SECTION 851. A State department of agriculture, commerce and industries is created, which shall be charged, as far as possible, with the execution of the work usually devolved upon a bureau of industries, a bureau of agriculture, and a bureau of publicity.

Department created.

SEC. 852 (as amended by act No. 346, Acts of 1912). The chief officer of the said department of agriculture, commerce and industries shall be denominated the commissioner of agriculture, commerce and industries. The said commissioner shall have the qualifications of a competent knowledge of agriculture, manufacturing and general industries, commerce, chemistry and publicity, and

Commissioner.

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shall be elected, immediately upon the approval of this act, by the qualified electors in the general election now provided by law for the election of State officers of the State government, for a term of two years, and each succeeding two years thereafter beginning on the first day of January, 1913. In case a vacancy should occur the governor shall appoint, for the unexpired term. The commissioner shall be empowered to appoint a competent clerk, whose qualifications shall be in the main the same as those required of the commissioner.

Salary. SEC. 853. The compensation of the commissioner of agriculture, commerce and industries shall be $1,900 per annum, and that of the clerk $1,000 per annum, payable monthly by the treasurer, on the warrant of the attorney general.

Report. SEC. 854. The commissioner shall make and submit to the governor, on or before the tenth day of January of each year, a report covering the department's work of the preceding year, and the report shall be transmitted to the general assembly, printed in the same manner as other public documents, or as shall otherwise be ordered.

Duties. SEC. 855. The commissioner shall be charged with all work looking to the promotion of agriculture, manufacturing and other industries, cattle raising, and all matters tending to the industrial development of the State, with the collection and publication of information in regard to localities, character, accessibility, cost and modes of utilization of soils and more specifically to the inducement of capital by the dissemination of information relative to the advantages of soil and climate, and to the natural resources and industrial opportunities offered in this State; that he shall also collect from the farmers and landowners of the State and list information as to lands, stating the number of acres, location, the terms upon which they may be bought; that a land registry shall be kept, and in connection therewith, from time to time publication shall be made, descriptive of such listed agricultural, mineral, forest and trucking lands and factory sites as may be offered to the department for sale or share, which publication shall be in attractive form, setting forth the county, township, number of acres, names and addresses of owners, and such other information as may be helpful in placing inquiring home seekers in communication with landowners.

Handbook of resources, etc. SEC. 856. The commissioner shall collect and collate in the form of a handbook of the State, to be issued when practicable, information showing the nature and industrial resources and advantages of the State of South Carolina, dealing with soil, climate, raw and manufactured products, agricultural and horticultural products, textile fabrics, manufacturing industries, mines and mining, native woods, means of transportation, cost of living, the market and all material and social advantages for those seeking homes and investments in agricultural or manufacturing industries.

Duties of officials. SEC. 858. In order to facilitate the collection and collation of each [such] information of the resources of the State on all lines, the heads of the several departments of the State government and of the State institutions are hereby required to furnish accurately such information as may be at their command to the commissioner when called upon for the same. The commissioner is hereby empowered to enter manufacturing establishments, chartered by the State, in prosecution of this work, and that the corporations operating same shall furnish such information as may be not injurious to their business.

Not to bring in immigrants. SEC. 860. The commissioner of agriculture, commerce and industries shall not directly or indirectly attempt to bring immigrants into the State.

Duties. SEC. 861. He shall collect, assort, systematize and present in a report to the governor, on or before the 5th day of January of each year, who shall transmit it to the general assembly, statistical details relating to all departments of labor in this State, such

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as the hours of labor, cost of living, supply of labor required, estimated number of persons depending on daily labor for their support. Said statistics may be classified as follows:

1. Agriculture.
2. In manufacturing and mechanical industries.
3. In transportation.
[4.] In clerical and all other skilled and unskilled labor not above enumerated.
5. The amount of capital invested in lands, buildings, machinery, material, and means of production and distribution generally.
6. The number, age, sex and condition of persons employed; the nature of their employment; the number of hours of labor per day, and the wages received in each of the industries and employments enumerated.
7. The sanitary conditions of factories, foundries, machine shops, mercantile establishments, where five or more people are employed as laborers.
8. The number, condition and nature of employment of the inmates of the State prison, county jails and reformatory institutions, and to what extent their employment comes in competition with the labor of artisans and laborers outside of these institutions.
9. All such other information in relation to labor as may seem advisable to further the object sought to be obtained by this article.

Schedule of inquiry.

SEC. 862. The commissioner shall annually, on or before the first day of November, transmit by mail to the owner, operator or manager of every manufacturing establishment in this State a schedule embodying inquiries as to—

1. Name of person, partnership or corporation.
2. Kinds of goods manufactured or business done.
3. Number of partners or stockholders.
4. Capital invested.
5. Average number of persons employed, distinguishing as to sex, adults, and children under sixteen years of age.
6. Total wages, not including salaries of managers, paid during the year, distinguishing as to sex, adults, and children under sixteen years of age.

Answer to inquiries.

SEC. 863. The owner, operator or manager of every establishment which is engaged in manufacturing shall answer the inquiries thereon for the twelve months, November 1st to October 31st preceding, and return said schedule to the commissioner on or before the fifth day of December following receipt of said schedule.

Information to be furnished.

SEC. 864. It shall be the duty of all State and county officials, every employer of labor, and every person engaged in any industrial pursuit, to give to the commissioner, or his agents, all necessary information to enable him to perform the duties herein required of him.

Powers.

SEC. 865. The commissioner shall have power to send for persons or papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being duly qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of the commissioner; he and his agents and inspectors shall have free access to all places where five or more people are employed as laborers.

Names not to be disclosed.

SEC. 866. No use shall be made in the reports of the commissioner of the names of individuals, firms or corporations supplying the information called for by this article, such information being deemed confidential and not for the purpose of disclosing any person's affairs.

Inspectors.

SEC. 867. Said commissioner may employ two inspectors, who shall be appointed by the commissioner at a salary of ten hundred dollars each per annum and necessary traveling expenses, not to exceed two hundred dollars each in any one year, to assist him in the discharge of the duties imposed by this article from and including section 861 to the end of this article. The

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inspectors shall be under the supervision and control of the commissioner.

Access to buildings.

SEC. 868. The commissioner, his agents and inspectors, may enter all buildings and parts thereof which are subject to the provisions of this article and examine the methods of protection from accidents, the means of escape from fire, the sanitary provisions and the means of ventilation, and may make investigations as to the employment of children and women.

Water-closets, etc.

SEC. 869. Every factory, mercantile or other establishment or office where two or more males and two or more females are employed together, shall be provided with a sufficient number of separate water-closets, earth closets or privies, for the use of each sex, and plainly so designated; and no person shall be allowed to use a closet or privy which is provided for persons of other sex. Such water-closets, earth closets or privies, shall be kept clean and free from disagreeable odors.

Employment of children.

SEC. 870. It shall be the duty of each corporation or other employer to place in one or more conspicuous places in each room of the factory in which any children under fourteen years of age are employed a notice or notices to the effect that said children are forbidden to clean any gears, cams or pulleys, or to clean in dangerous proximity thereto, while the same are in motion by aid of steam, water, electricity or other mechanical power; and no such employer, or its officers, superintendents, overseers or agents shall knowingly or willfully permit or consent to such children so cleaning the said moving parts.

Statements as to age, etc.

SEC. 871. Every person, firm or corporation employing children shall procure from the parent, guardian, or person in custody of said child or children, a signed statement in which shall be recorded the name, birthplace, age and place of residence of every such child under fourteen years of age, and the same shall be produced for inspection on demand of the commissioner or his agents or inspectors.

Inspections.

SEC. 872. The inspectors appointed under this article are empowered to visit and inspect, at reasonable hours, and as often as practicable, the factories, workshops and other establishments in this State referred to in this article, and shall report to the commissioner the result of their inspections. They shall enforce the provisions of this article and prosecute all violations of the same.

Blanks.

SEC. 873. All blanks and forms required by the commissioner under this article shall be furnished by the comptroller general.

Expenses.

SEC. 874. Inspectors provided for in this article shall keep and furnish to the comptroller general and commissioner itemized statements of necessary expenses incurred in enforcing this article. And all the money paid out under this article shall be on a warrant of the comptroller general.

Relief societies—Railroads—Payment of benefits.

Settlement required.

SECTION 2577. When any railroad company has what is usually called a relief department for its employees, the members of which are required or permitted to pay some dues, fees, moneys or compensation to be entitled to the benefits thereof, upon the death or injury of the employee, a member of such relief department, such railroad company be, and is hereby, required to pay to the person entitled to same, the amount it was agreed the employee or his heirs at law should receive from such relief department; the acceptance of which amount shall not operate to estop or in any way bar the right of such employee, or his personal representative, from recovering damages of such railroad company for injury or death caused by the negligence of such company, its agents or servants, as now provided by law; and any contract, or agreement to the contrary, shall be ineffective for that purpose.

Benefit not in lieu of damages.

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Payment of wages earned within the State.

SECTION 2807. All debts due and to become due by all corporations doing business in this State, to employees who reside in this State for labor or services rendered to such corporations within the limits of this State, shall be deemed or held to be due and payable within this State. What debts payable within State.

Relief departments—Payment of benefits no bar to suits.

SECTION 2808. When any corporation, firm or individual runs or operates what is usually called a relief department for its employees, the members of which are required or permitted to pay dues, fees, money or other compensation, by whatever name called, to be entitled to the benefit thereof, upon the death or injury of the employee, a member of such relief department, such corporation, firm or individual, so running or operating the same is required to pay to the person entitled to the same the amount it was agreed the employee, his heirs or other beneficiary under such contract should receive from such relief department; the acceptance of which amount shall not operate to estop, or in any way bar the right of such employee or his personal representative from recovering damages of such corporation, firm or individual for personal injury or death caused by the negligence of such corporation, firm or individual, their servants or agents, as are now provided by law; and any contract or agreement to the contrary, or any receipt or release given in consideration of the payment of such sum, is and shall be null and void. Settlement required. Benefit not in lieu of damages.

This statute is constitutional. 73 S. E. 71.
Relief benefits can not be collected after the collection of a judgment and a receipt releasing from further liability. 60 S. E. 939.

Accident insurance—Corporations.

SECTION 2860. Each and every manufacturing corporation of this State, whether incorporated under the provisions of any special or general act of the general assembly of this State, shall, in addition to all the rights, powers and franchises which they and each of them now severally possess, have full power and authority to become a member of or effect insurance of their several property, in whole or in part, in any mutual protective association or associations, or mutual insurance company or companies of any kind, and to severally subscribe and subject themselves to all the provisions of the several constitutions or by-laws of such associations or companies. Mutual companies.

Railroads—Safety appliances, etc.

SECTION 3144. The railroad commission shall have authority to require the installation and use by the railroads operating trains in or through this State of any safety device, when in their judgment, after due consideration and trial, shall have been proved to materially contribute to the safety of the operation of trains and for the protection of the lives and limbs of the crews operating such trains or the traveling public, or for their reasonable comfort, or for the sanitation of passenger and freight trains on which passengers travel or employees work, as well as all depots, both passenger and freight. Power of railroad commission.

SEC. 3145. A failure to comply with such orders of said railroad commission within time fixed by said commission, shall subject said railroad to a penalty of five hundred dollars, to be collected by suit in any court of competent jurisdiction by any person or order aggrieved. * * * Failure to comply.

SEC. 3149. The railroad commissioners shall investigate the causes of any accident on a railroad resulting in loss of life, and of any accident not so resulting, which, in their judgment, shall require investigation. Investigation of accidents.

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Right of action.

SEC. 3206. If any railroad company doing business in this State shall, in violation of any rule or regulation provided by the commissioners aforesaid, inflict wrong or injury on any person, such person shall have a right of action and recovery for such wrong or injury in the county where the same is done in any court having jurisdiction thereof, and the damages to be recovered shall be the same as in actions between individuals, except that in cases of willful violation of law such railroad companies shall be liable to exemplary damages: *Provided*, That all suits under this chapter shall be brought within twelve months of the commission of the alleged wrong or injury.

Sunday labor—Railroads.

Running trains, etc.

SECTION 3210. It shall be unlawful for any railroad corporation owning or controlling railroads operating in this State to load or unload, or permit to be loaded or unloaded, or to run or permit to be run, on Sunday, any locomotive, cars or trains of cars moved by steam power, except as hereinafter provided, and except to unload cars loaded with animals.

What trains may be run on Sunday.

SEC. 3211 (as amended by chapter 327, Acts of 1912). Said corporations or persons may run on Sunday trains laden exclusively with vegetables and fruits; and on said day, in any and every month, their regular mail trains and such construction trains as may be rendered necessary by extraordinary emergencies other than those incident to freight or passenger traffic, and such freight trains as may be in transit which can reach their destination by six o'clock in the forenoon: *Provided*, That the railroad commissioners shall have the power (upon proper application made to them for the purpose by the officers of the church or religious denominations in charge of the place where such services are to be held) to authorize and permit the running of trains on any Sunday in the year for the transporting of passengers to and from religious services: *Provided*, The application for the permit and the authority granted must both be in writing and made a part of the records of said railroad commissioners: *Provided*, That solid trains made up of through freight cars reaching on Sunday any point upon any railroad in South Carolina and destined for some point or points beyond the limits of the State of South Carolina may be continued as a solid through freight train along the line of said railroad through the State of South Carolina, without stopping said train for any other purpose than to take on fuel and receive necessary running orders and to change engines and cabooses.

Accidental delay.

SEC. 3212. Any train running by a schedule in conformity with the provisions of this chapter [article], but delayed by accident or other unavoidable circumstance, may be run until it reaches the point at which it is usual for it to rest upon a Sunday.

Penalty.

SEC. 3213. For a willful violation of the provisions of the three preceding sections the railroad company so offending shall forfeit to the State five hundred dollars, to be collected in any court of competent jurisdiction.

Railroads—Brakes and brakemen—Accidents—Judgments.

Brakes required.

SECTION 3217. Every railroad corporation shall cause a good and sufficient brake to be attached to every car used upon its railroad for the transportaion of passengers, and to every car used for the transportation of freight, except four-wheeled freight cars used only for that purpose; and shall cause to be stationed on every passenger train trusty and skillful brakemen, equal in number at least to one for every two cars in the train, except on passenger trains, where power brakes are used, and one such brakeman upon the last car of every freight train, which must always be equipped with a good and sufficient brake.

Brakemen.

In the absence of testimony to the contrary the company will be presumed to have complied with this section. 26 S. C. 49.

In order to hold the company liable, the failure to comply must be shown to be the proximate cause of the injury. 27 S. C. 71.

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Accidents to be reported.

SEC. 3228. Every railroad corporation shall cause immediate notice of any accident which may occur on its road attended with injury to any person, in such cases of accident attended with any injury to any person, as the railroad commissioners may by rules and regulations adopted by them, require the giving of such notices, to be given to a physician most accessible to the place of accident and to the railroad commissioners, by telegraph, telephone or such other means as may be the quickest under the circumstances, at the same time that notice is given the officials of the road on which the accident occurred, and shall furnish immediate transportation for the commissioners over its line to the place of accident, free of expense to the commissioners, and if the commissioners use another railroad to reach the place of accident, the corporation on whose line the accident occurs shall pay the expense of transportation thereon, and shall also give notice in like manner of any accident falling within any description of accidents of which said commissioners may by general regulation require notice to be given. For each omission to give such notice the corporation shall forfeit a sum not exceeding five hundred dollars.

Judgment a lien.

SEC. 3229. Whenever a cause of action shall arise against any railroad or street railway corporation for personal injury or injury to property sustained by any person, and such cause of action shall be prosecuted to judgment by the person injured, or his or their legal representatives, said judgment shall relate back to the date when the cause of action arose, and shall be a lien as of that date upon the income, property and franchise of said corporation, enforcible in any court of competent jurisdiction by attachment or levy and sale under execution, and shall take precedence and priority of payment of any mortgage, deed of trust or other security given to secure the payments of bonds made by said railroad or street railway company: *Provided*, Any action brought under this section shall be commenced within twelve months from the time that said injury was sustained.

Limitation.

Earnings of minors.

Consent of parents required.

SECTION 3788. If any person shall hire or employ any minor, or person under the age of twenty-one years, without the knowledge and consent of the parents or guardian of such minor, such person shall pay to said parents or guardian the full value of the labor of said minor from and after notice from the parents or guardian that payment of such service shall be made to him or them, as the case may be: *Provided*, This section shall not apply to cases where the parents or guardian fails or refuses to furnish the minor a home and support, in which cases the minor shall have the right to make contracts in regard to his own labor and enforce same in his own name and for his own benefit, and the employer shall be responsible to the minor only in such cases.

Proviso.

Employment of labor.

Contracts to be witnessed, etc.

SECTION 3809. All contracts made between owners of land, their agents, administrators, or executors, and laborers, shall be witnessed by one or more disinterested persons, and, at the request of either party, be duly executed before a magistrate whose duty it shall be to read and explain the same to the parties. Such contracts shall clearly set forth the conditions upon which the laborer or laborers engaged to work, embracing the length of time, the amount of money to be paid, and when; if it be on shares of crops, what portion of the crop or crops.

This does not prevent a common law contract. 18 S. C. 512.

Division of crops.

SEC. 3810. Whenever labor is performed under contract on shares of crop or crops, such crop or crops shall be gathered and divided off before it is removed from the place where it was planted, harvested, or gathered. Such division to be made by a

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disinterested person, when desired by either party to the contract. And such disinterested party shall be chosen by and with the consent of the contracting parties; whenever the parties fail to agree upon any disinterested party, or, if complaint is made that the division has been unfairly made, within ten days after such division, it shall be the duty of the magistrate residing nearest the place where such crop or crops are planted, harvested, or gathered, to cause, under his immediate supervision, such equitable division as may be stipulated in the contract. Such disinterested party or magistrate shall receive reasonable compensation for such service, to be paid by both the contracting parties, according to their several interests, except in cases of an attempt to willfully defraud the other by one of the contracting parties; and then such compensation shall be paid by the parties so attempting to defraud the other. When such division has been made, each party shall be free to dispose of their several portions as to him or her or them may seem fitting: *Provided*, That if either party be in debt to the other for any obligation incurred under contract, the amount of said indebtedness may be then and there settled and paid by such portion of the share or shares of the party so indebted as may be agreed upon by the parties themselves, or set apart by the magistrate, or any party chosen to divide said crop or crops.

Proviso.

Payment in money.

SEC. 3811. Unless otherwise provided by special contract, all persons who employ laborers upon plantations or elsewhere, by the day, week, month or year shall pay such laborers or employees in lawful money.

Wages due on discharge.

SEC. 3812. When any corporation carrying on any business in this State in which laborers are employed, whose wages, under the business rules or customs of such corporation, are paid monthly or weekly on a fixed day beyond the end of the month or week in which the labor is performed, shall discharge any such laborer, the wages which have been earned by such discharged laborer shall become immediately due and payable. And if not so paid, then such laborer shall recover in addition thereto, a penalty of five dollars per day for every day after twenty-four hours until such wages are paid, to be recovered in any court of competent jurisdiction, in the same action with the wages, or in a separate action: *Provided*, Such demand has been made upon the paymaster or other paying officer.

Penalty.

This section is sustainable as an amendment to the charters of the corporations affected. It does not deprive corporations of property without due process of law, and is constitutional. No penalty attaches if the claim was not a just one, or if the employee evades payment. 79 S. E. 521.

Scrip, etc., to be negotiable.

SEC. 3813. It shall not be lawful for any corporation, person or firm in this State to issue, pay out or circulate for payment of the wages of labor, any order, check, memorandum, token or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its face value, without discount, in cash or in goods, wares or merchandise, or supplies, at the option of the holder, at the store or other place of business of such firm, person or corporation, or at the store of any other person on whom such paper may be drawn, where goods, wares or merchandise are kept for sale, sold or exchanged, and the person who, or corporation, firm or company which may issue any such order, check, memorandum, token or other evidence of indebtedness, shall, upon presentation and demand, within thirty days from date of delivery thereof, redeem the same in goods, wares, merchandise or supplies at the current cash market price for like goods, wares, merchandise or supplies, or in lawful money of the United States, as may be demanded by the holder of any such order, memorandum, token or other evidence of indebtedness: *Provided*, That if said corporation, person or firm engaged as specified in this section have a regular pay day once in every thirty days, then said corporation, person or firm shall not be required to redeem such token or evidence of indebtedness in cash

Provisos.

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until the first pay day after the same becomes payable, as herein provided, and such token or evidence of indebtedness shall be presented for payment in cash only on such pay days: *Provided*, That the provisions of this section shall not apply to agricultural contracts or advances made for agricultural purposes.

This section is constitutional. 68 S. C. 339; 47 S. E. Rep. 695.

Failure to redeem orders, etc.

SEC. 3814. Any officer or agent of any corporation or any person, firm or company engaged in the business of manufacturing or mining in this State, who by themselves or agent shall issue or circulate in payment for wages of labor any order, check, memorandum, token or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, without being negotiable and payable at the option of the holder in goods, wares, merchandise, supplies or lawful money of the United States, as required by section 3813 or shall fail to redeem the same when presented for payment within thirty days from date or delivery thereof, by the said company or its agent, at his or their office or place of business, in lawful money of the United States, or who shall compel or attempt to coerce any employee of any such corporation, shall forfeit to the employee or legal owner and holder of such order, check, memorandum, token or evidence of indebtedness fifty dollars to be recovered in any court of competent jurisdiction: *Provided*, That in establishments for manufacturing lumber or brick such checks shall not be redeemable in cash except on regular pay days.

Street railways—Liability for injures—Vestibules.

What remedies apply.

SECTION 3948. Every employee of any street railway doing business in this State shall have the same rights and remedies for an injury suffered by any person from the acts of omission of said corporation, or its employees as are provided by the constitution for employees of railroad corporations.

Vestibules required.

SEC. 3949. Electric railway companies shall affix to their cars or coaches enclosed vestibules, of wood, iron or glass, for the protection of motormen and passengers during the months of December, January, February and March: *Provided*, That the failure of any such company to comply with the provisions of this section shall be subject to a penalty of ten dollars per day, to be recovered by any citizen in the city or town where such company does business, one-fourth (¼) thereof to go to the person bringing the suit to enforce the law, and the remaining three-fourths (¾) for the benefit of the State: *Provided*, That the same shall not apply to any car or cars operated south of a line ten miles north of and parallel to the thirty-fourth meridian.

Definition.

SEC. 3951. In the construction of this section and section 3952 the phrases "street railroad" or "street railway" shall be construed to include all railroads and railways operated by electricity, whose main business consists in the transportation of passengers between different points within the limits of a municipality; and the phrases, "interurban railroad" or "interurban railway" shall be construed to include all railroads and railways operated by electricity whose main business consists in the transportation of passengers from one municipality to another.

Vestibules required.

SEC. 3952. All interurban railways operating in this State shall affix to their cars or coaches, enclosed vestibules of wood, iron or glass for the protection of motormen and passengers during the months of November, December, January, February and March: *Provided*, That the failure of any such company to comply with the provisions of this article from and after the 1st day of November, A. D. 1910, shall be subject to a penalty of ten dollars per day, for each car, to be recovered by any citizen of any county in which such company does business, one-fourth thereof to go to the person bringing the suit, to enforce the law, and the remaining three-fourths for the benefit of the county.

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CODE OF CIVIL PROCEDURE.

Exemption of wages from execution.

Sixty days' earnings exempt, when.

SECTION 355. 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 to 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.

CRIMINAL CODE.

Negligence of employees of common carriers.

Injury caused by negligence.

SECTION 168. If any person within this State shall suffer injury to life or limb by the explosion of any boiler of a steamboat, or by reason of the unskillfulness, mismanagement, or negligence of the persons having the charge or command of the said boat, or her engine, or by reason of any defect in the said engine or boat, or by reason of the deficiency or want of any matter or thing necessary and proper for the management or seaworthiness of the said boat, the captain, master, or other person having the command or charge of such boat, shall, for every such injury, be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, at the discretion of the court before which such conviction shall be had: *Provided, however*, That nothing contained in this section shall be so construed as to prevent the defendant from showing, on the trial, that the injury arose from unavoidable accident, or without fault on his part, and that this section shall not in any manner be construed to restrict the liability of any person to be indicted, tried, and punished under any law existing.

Proviso.

Negligence causing injury.

SEC. 169. Any engineer or conductor of any railroad company in the State, who shall willfully neglect to observe, or shall willfully violate, any rule or regulation of the company to which such engineer or conductor may belong, whereby any person or persons shall sustain, or be in danger of sustaining, any bodily injury, such engineer or conductor shall be liable to be indicted for every such offense, and upon conviction thereof, shall be fined two hundred dollars, and be imprisoned not exceeding one year, at the discretion of the judge before whom such case may be tried: *Provided, however*, That nothing herein contained shall be so construed as to relieve such engineer or conductor from responsibility, in cases where the life of any person is destroyed, under the law as it now exists.

Bribery of employees.

Offering bribes.

SECTION 277. Whoever corruptly 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; or an agent, employee or servant who corruptly 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 relation 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, 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

Accepting bonus.

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offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

Protection of employees as voters.

Discharging employees, etc., on account of vote.

SECTION 369. Whoever shall assault or intimidate any citizen because of political opinions or the exercise of political rights and privileges guaranteed to every citizen of the United States by the Constitution and laws thereof, or by the constitution and laws of this State, or, for such reason, discharge such citizen from employment or occupation, or eject such citizen from rented house or land or other property, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined not less than fifty nor more than one thousand dollars, or be imprisoned not less than three months or [nor] more than one year, or both, at the discretion of the court.

Hours of labor—Employment of women and children.

Maximum of eleven hours a day or sixty hours a week.

SECTION 421. Ten hours a day, or sixty hours a week: *Provided, however*, That the hours of a single day shall not exceed eleven hours, except for the purposes of making up lost time as hereinafter provided, shall constitute the hours for working all operatives and employees in cotton and woolen manufacturing establishments engaged in the manufacture of yarns, cloth, hosiery and other products for merchandise, except mechanics, enginers, firemen, watchmen, teamsters, yard employees and clerical force. All contracts for longer hours of work other than herein provided in said manufacturing establishments shall be, and the same are hereby declared null and void; and any person entering into or enforcing such contracts shall be deemed guilty of a misdemeanor in each and every instance, and, on conviction in a court of competent jurisdiction, shall be fined a sum of money not less than $25 nor more than $100, or imprisonment not exceeding thirty days: *Provided*, That nothing herein contained shall be construed as forbidding or preventing any such manufacturing company from making up lost time to the extent of sixty hours per annum, where such lost time has been caused by accident or other unavoidable cause.

Age limit.

SEC. 422. No child under the age of twelve years shall be employed in any factory, mine, or textile establishment of this State.

Nightwork.

SEC. 423. No child under the age of sixteen years shall be permitted to work between the hours of eight o'clock p. m. and six o'clock in the morning in any factory, mine or textile manufactory of this State: *Provided*, That children under the age of sixteen, whose employment is permissible under the provisions of this chapter, may be permitted to work after the hours of eight p. m. in order to make up lost time which has occurred from some temporary shutdown of the mill, on account of accident or breaking down in the machinery, which has caused loss of time: *Provided, however*, That under no circumstances shall a child below the age of sixteen work later than the hour of nine p. m.

Violations by employers;

SEC. 424. Any owner, superintendent, manager or overseer of any factory, mine or textile manufacturing establishment, or any other person [in charge] thereof or connected therewith, who shall knowingly employ any child contrary to the provisions of this chapter, shall be guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, at the discretion of the court.

By parents, etc.

SEC. 425. Any parent, guardian or other person having under his or her control any child, who consents, suffers or permits the employment of his or her child or ward under the ages above provided, or who knowingly or willfully misrepresents the age of such child or ward to any of the persons named in section 424 of

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this chapter, in order to obtain employment for such child or ward, shall be deemed guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court.

Statement of age by parent, etc.

SEC. 426. In the employment of any child under the age of fourteen years in any factory, mine or textile manufacturing establishment, the owner or superintendent of such factory, mine or textile manufacturing establishment shall require of the parent, guardian or person standing in loco parentis of such child a sworn statement, made in duplicate, in which shall be recorded the name, birthplace, age and place of residence of every such child under fourteen years of age, the original of which statement shall be produced for inspection on the demand of [the] commissioner of agriculture, commerce and industries, or his agents or inspectors, and the duplicate of which shall be forwarded to the commissioner at his office at Columbia; the commissioner shall thereupon issue permit for employment. The commissioner shall prescribe and furnish forms under registered numbers for these statements and duplicates, and shall prescribe regulations for the keeping of proper records of the children employed in the State under the laws of the State; and any person knowingly furnishing a false statement of the age of such child or children, shall be guilty of a misdemeanor, and for every such offense shall, upon conviction, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court. The commissioner shall likewise prescribe proper forms and regulations for the employment of children provided for in any other act, making such forms and regulations compatible with those provided for in this section.

Permit.

False statements.

Employment of children.

SEC. 427. It shall be the duty of each corporation or other employer to place in one or more conspicuous places in each room of the factory in which any children under fourteen years of age are employed, a notice or notices to the effect that said children are forbidden to clean any gears, cams or pulleys, or to clean in dangerous proximity thereto, while the same are in motion by aid of steam, water, electricity or other mechanical power; and no such employer, or its officers, superintendents, overseers or agents shall knowingly or willfully permit or consent to such children so cleaning the said moving parts; and any officer, superintendent, overseer or agent violating the provisions of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offense.

Failure to provide water-closets.

SEC. 428. Whoever violates the provisions of section 869 of the Civil Code, in reference to water-closets in factories, shall be punished by a fine of not less than ten ($10) dollars nor more than thirty ($30) dollars.

Seats to be provided.

SEC. 429. It shall be the duty of all employers of females in any mercantile establishment, or any place where goods or wares or merchandise are offered for sale, to provide and maintain chairs or stools, or other suitable seats, for the use of such female employees, to the number of one seat for every three females employed, and to permit the use of such seats by such employees, at reasonable times, to such an extent as may be requisite for the preservation of their health. And such employees shall be permitted to use same, as above set forth, in front of the counter, table, desk, or any fixture when the female employee for the use of whom said seat shall be kept and maintained is principally engaged in front of said counter, table, desk or fixture; and behind such counter, table, desk or fixture when the female employee for the use of whom said seat shall be kept and maintained is principally engaged behind said counter, table, desk or fixture. Any person who violates or omits to comply with any of the foregoing provisions of this section, or who suffers or permits any woman to stand, in violation of its provisions, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of

Penalty.

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not less than twenty dollars nor more than one hundred dollars for each offense.

Enforcement.

The commissioner of agriculture, commerce and industries, and the State factory inspectors are hereby charged with the enforcement of the provisions of this law, and said commissioner is hereby empowered, from time to time whenever he may deem it necessary, to employ female inspectors for the purpose of collecting evidence. The sum of $300, if so much be necessary, shall annually be appropriated for the purpose of compensating such female inspectors.

Sixty hours per week.

SEC. 430. The hours of labor of women employed in mercantile establishments in this State shall be limited to sixty hours per week, not to exceed twelve hours in any one day, and such female employees shall not be required to work later than the hour of ten o'clock p. m. The enforcement of this law is placed in the hands of the commissioner and inspectors.

Nightwork.

Violation.

Any employer or employers of female labor in mercantile establishments who shall violate the provisions of this act [chapter] shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $10 nor more than $40, or imprisonment of not less than ten days nor exceeding thirty days.

Limit of twelve hours on street railways.

SEC. 431. No incorporated horse railway company, electric railway company, or other street railway company, and no officer, agent or servant of such corporation, and no person or persons or firm or joint stock company owning or operating any line or lines of horse railways, electric railways or other street railways within the limits of this State, and no agent or servant of such firm, joint stock company, person or persons, shall require, permit or suffer its, his or their conductors, motormen, or drivers or other such employees, or any of them, in its, his, or their service, or under his, its or their control, to work more than twelve hours during each day or any day of twenty-four hours, and shall make no contract or agreement with such employees, or any of them, providing that they or he shall work for more than twelve hours during each day of any day of twenty-four hours.

Violation.

If any corporation or any officer, agent or servant of such corporation, or any person or persons, or any firm or joint stock company, managing or conducting any horse railway, electric railway or other street railway in this State, or any agent or servant of such person or persons, firm or joint stock company, shall do any act in violation of the provisions of this section, it, he or they shall be deemed to have been guilty of a misdemeanor, and shall, on conviction thereof in a court of competent jurisdiction, be fined one hundred dollars for each offense so committed: *Provided, however,* That in cases of accident or unavoidable delay extra labor may be permitted for extra compensation: *Provided,* The employees of the said corporations of the city of Columbia, if they so desire, may work more than twelve hours daily, conditioned that they receive extra compensation for all work done over eleven hours.

Provisos.

Use of reports to commissioner of agriculture, etc.—Interference with factory inspectors.

Names not to be disclosed.

SECTION 486. No use shall be made in the reports of the commissioner of agriculture, commerce and industries of the names of individuals, firms or corporations supplying the information called for by sections 861 to 874, inclusive, of the Civil Code, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and any agent, inspector or employee of said commissioner violating this provision shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars, or imprisonment in the county jail not to exceed six months.

Hindering commissioner.

SEC. 487. Every person or corporation who shall willfully impede or prevent the commissioner of agriculture, commerce and industries, his agents or inspectors, in the free and full performance of his duties, or who shall discharge or discriminate in the

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payment of wages against any person because of his or her membership in a labor organization, shall be deemed guilty of a misdemeanor, and, upon conviction of the same, shall be fined not less than ten nor more than fifty dollars, or be imprisoned not less than ten nor more than thirty days.

Members of labor organizations.

Contracts of employment—Fraudulent breach.

Failure to render service.

SECTION 492. Any person who shall contract with another to render to him personal service of any kind, and shall thereafter fraudulently, or with malicious intent to injure his employer, fail or refuse to render such service as agreed upon, shall be deemed guilty of a misdemeanor.

Failure to receive service.

SEC. 493. Any person who shall hereafter contract to receive from another personal service of any kind, and to compensate him therefor, and shall thereafter fraudulently, or with malicious intent to injure his employee, fail or refuse to receive such service or to make compensation as agreed upon, shall be deemed guilty of a misdemeanor.

Evidence.

SEC. 494. The failure of either party to such contract, as mentioned in sections 492 and 493, to perform the obligation assumed by him thereunder, without sufficient cause, and to the injury of the other, shall be prima facie evidence, in prosecutions under sections 492 and 493, that he violated such contract fraudulently and with malicious intent to injure the other party.

Procuring advances.

SEC. 495. Any person who shall hereafter contract with another to render personal service of any kind to him, and shall thereafter fraudulently, or with malicious intent to injure the employer, procure advances in money or other thing of value from him, with intent not to render the service agreed upon, and who shall thereafter, with like intent, fail or refuse to perform the service agreed upon, shall be deemed guilty of a misdemeanor. Proof of the fact that the employee entered into the contract, procured advances, and failed or refused to complete the contract, without sufficient cause, to the injury of the employer, shall be prima facie evidence of the offense herein described and declared a misdemeanor.

Accepting services.

SEC. 496. Any person who shall hereafter contract with another to receive from him personal service of any kind, to compensate him therefor, and to make advances to him, and shall thereafter fraudulently, or with malicious intent to injure the employee, receive the benefit of such service, in whole or in part, and with like intent fail or refuse to make the compensation or advances agreed upon, shall be deemed guilty of a misdemeanor. Proof of the fact that the employer entered into the contract, received the benefit of the employee's services, in whole or in part, and failed to make the compensation or advances agreed upon, without sufficient cause, to the injury of the employee, shall be prima facie evidence of the offense herein described and declared a misdemeanor.

Contracts.

SEC. 497. The contracts referred to in sections 492 to 498, inclusive, may be either verbal or in writing; if in writing, they shall be witnessed by one or more disinterested persons, and at the request of either party be duly executed before a magistrate, whose duty it shall be to read and explain the same to the parties. Such contract shall clearly set forth the conditions upon which the laborer or laborers engaged to work, embracing the length of time, the amount of money to be paid, and when; if it be on shares of crops, what portion or portions thereof. If verbal, they must be witnessed by at least two disinterested witnesses, not related by blood or marriage within the sixth degree, to either party, and the term of service contracted for must be for a definite time, not exceeding one year. All such contracts shall be valid only between the original parties thereto, and any attempted transfer or assignment of any rights thereunder shall be null and void.

Contracts to be recorded.

SEC. 498. If either party to any written contract herein referred to desires to avail himself of the benefits of sections 492 to 498,

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inclusive, against third parties, he shall cause the same to be indexed in the office of the register of mesne conveyances or the clerk of the court (where the office of register of mesne conveyances does not exist) of the county in which said labor or service is to be performed, within ten days from the date of the contract; and such indexing shall constitute notice to all third parties. Said index shall show the names of the employer and the laborer, the date of the contract and date of its termination and the location and name of the place or places whereon the said service or labor is to be performed. The clerk of the court or the register of mesne conveyances, as the case may be, shall indorse his official certificate and the date of filing to be indexed upon every such contract filed under the provisions of sections 492 to 498, inclusive, and his only fee for the same shall be five cents for each contract. And the clerks of court, or the registers of mesne conveyances as the case may be, in all the counties of the State shall provide a hook [book] for indexing such contracts, which shall be plainly labeled "Index Labor Contracts."

Penalties.

SEC. 499 (as amended by act No. 60, Acts of 1913). Upon conviction in a court of competent jurisdiction of any person charged with a violation of sections 492 to 498, inclusive, the person so convicted shall be punished by a fine not less than twenty-five dollars and not exceeding one hundred dollars, or by imprisonment not less than twenty days and not exceeding thirty days for each offense: *Provided*, That there shall be no prosecution under sections 492 to 498, inclusive, unless the arrest warrant shall be issued within thirty days from the commission of the offense.

Failure to repay advances.

SEC. 501. Any laborer working on shares of crops, or for wages in money or other valuable consideration, under a verbal or written contract to labor on farm lands, who shall receive advances, either in money or supplies, and thereafter willfully and without just cause fail to perform the reasonable service required of him by the terms of the said contract, shall be liable to prosecution for a misdemeanor: *Provided*, The prosecution shall be commenced within thirty days after the alleged violation, and on conviction, shall be punished by imprisonment of thirty days, or to be fined in the sum of not less than fifty dollars nor more than one hundred dollars, in the discretion of the court: *Provided*, The verbal contract herein referred to shall be witnessed by at least two disinterested witnesses: *Provided*, That such contracts shall be valid only between the original parties thereto, and any attempted transfer or assignment of any rights thereunder shall be null and void.

Effect on contract.

SEC. 502. A conviction of either party mentioned in sections 492 to 498, inclusive, for violation of such contract as is mentioned in said sections, shall not operate as a release or discharge of such person from the performance of any part of said contract which is to be performed subsequent to the date of the breach for which such conviction was had: *Provided, however*, That such person shall not be criminally liable for the nonperformance of any obligation due to be performed during the period of time such person may be undergoing imprisonment.

Payment of wages in scrip.

Use of scrip payable at future time.

SECTION 503. Any person or persons who shall offer to any laborer or employee, at the time when the wages of such laborer or employee are due and payable by agreement, unless otherwise provided for by special contract, as compensation for labor, or services performed, checks, or scrips of any description, known as plantation checks, payable at some future time, or in the shops or stores of employers, in lieu of lawful money, shall be liable to indictment and punishment by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or both, according to the discretion of the court: *Provided*, The word "checks" herein shall not be construed so as to prohibit the giving of checks upon any of the authorized banks of deposit or issue in this State.

Proviso.

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Enticing employees.

Enticing laborer under contract.

SECTION 504 (as amended by act No. 28, Acts of 1913). Any person who shall entice or persuade, by any means whatsoever, any tenant, servant or laborer, under contract with another, duly entered into between the parties or between parents or guardians for the services of their minor children or wards before one or more witnesses, whether such contract be verbal or in writing, to violate such contract, or shall employ such laborer knowing such laborer to be under contract with another, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, or to be imprisoned in the county jail not less than ten nor more than thirty days.

Employers to furnish names of employees to road overseers.

Employers to report names of employees.

SECTION 638. * * * Such [road] overseer is hereby authorized to demand of any person or corporation the name of any and all hands in his, her or its employ; and any person or corporation receiving of such overseer or warner, by him appointed, such demand, failing or refusing to furnish a list containing the names of all male employees, shall be guilty of a misdemeanor, and for every such offense shall be subject to a fine of not less than ten dollars nor more than thirty dollars, or imprisonment in the county jail for not less than ten nor more than thirty days; * * *

Negligence of employees on railroads.

Negligence causing injury.

SECTION 660. When an engineman, fireman, or other agent or officer of a railroad corporation, is guilty of negligence or carelessness whereby an injury is done to any person or corporation, he shall be punished by imprisonment not exceeding twelve months, or by a fine not exceeding one thousand dollars.

Violation of rules causing injury.

SEC. 662. Any engineer, conductor, or other agent or employee of any railroad company in this State, who shall willfully neglect to observe, or shall willfully violate, any rule or regulation of the company to which such engineer or conductor may belong, whereby any person or persons shall sustain, or be in danger of sustaining, any bodily injury, such engineer or conductor, or other agent or employee, shall be liable to be indicted for every such offense, and, upon conviction thereof, be fined two hundred dollars and imprisonment not exceeding one year, at the discretion of the judge before whom such case may be tried: *Provided, however,* That nothing herein contained shall be so construed as to relieve such engineer or conductor from responsibility, in cases where the life of any person is destroyed under the law as it now exists.

Proviso.

Sunday labor.

Sunday labor forbidden.

SECTION 698. No tradesman, artificer, workman, laborer, or other person whatsoever, shall do or exercise any worldly labor, business, or work of their ordinary callings upon the Lord's Day (commonly called the Sabbath), or any part thereof (work of necessity or charity only excepted); and every person being of the age of fifteen years or upwards, offending in the premises, shall, for every such offense, forfeit the sum of one dollar.

Operating machine shops.

SEC. 701. In addition to the penalties prescribed against tradesmen, artificers, workmen and laborers who shall do or exercise any worldly labor, business or work of their ordinary calling upon the Lord's Day (commonly called the Sabbath) or Sunday, or any part thereof, any corporation, company, firm or person who shall order, require or direct any work to be done in any machine shop or shops on Sunday, except in cases of emergency, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than one hundred dollars and not more than five hundred dollars for each offense.

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Emigrant agents.

SECTION 896. No person shall carry on the business of an emigrant agent in this State without having first obtained a license therefor from the county treasurer of each county in which he solicits emigrants. Any person shall be entitled to a license, which shall be good for one year, upon payment into the county treasury, for the use of said county, two thousand dollars in each county in which he operates or solicits emigrants, for each year so engaged. Any person doing business of an emigrant agent without having first obtained said license, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine, not less than one thousand dollars and not more than five thousand dollars, or may be imprisoned in the county jail or on the public works not less than four months, or confined in the State prison, at hard labor, not exceeding two years for each and every offense, within the discretion of the court. License required.

The term "emigrant agent," as contemplated in this act [section], shall be construed to mean any person engaged in hiring laborers or soliciting emigrants in this State, to be employed beyond the limits of the same. Definition.

ACTS OF 1912.

ACT No. 405.—*Employment of children—Messenger service.*

SECTION 1. In cities of five thousand inhabitants and over no child under fourteen years of age shall be employed, permitted or suffered to work as a messenger for any telegraph, telephone or messenger company in the distribution or delivery of goods or messages, nor shall any minor child or person under eighteen years of age be so employed, permitted or suffered to work before five o'clock in the morning or after ten o'clock in the evening any day. Age limit. Nightwork.

SEC. 2. It shall be the duty of the commissioner of agriculture, commerce and industries to see that the provisions of this act are complied with. He, his agents or inspectors, shall have the right at any and all times to enter all buildings and parts thereof which are subject to the provisions of this act and make investigations as to the employment of children. He, his agents or inspectors, are also authorized to institute prosecutions for violations of the provisons of this act. Enforcement.

SEC. 3. Every person, firm or corporation who shall willfully [willfully] impede the commissioner, his agents or inspectors in the free and full performance of his duties shall be guilty of a misdemeanor, and, upon conviction of the same, shall be fined not less than ten nor more than fifty dollars, or be imprisoned not less than ten nor more than thirty days, in the discretion of the court. Interference with enforcement.

SEC. 4. The commissioner shall have power to send for persons or papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being duly qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of the commissioner. Power of commissioner.

SEC. 5. Any owner, superintendent, manager or overseer of any telegraph, telephone or messenger company, or office, of any theater, concert hall or place of amusement or any other person thereof or connected therewith, who shall knowingly employ any child or person contrary to the provisions of this act shall be guilty of a misdemeanor, and for every offense shall, upon conviction thereof, be fined not les [less] than ten nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court. Violations by employers;

SEC. 6. Any parent, guardian or other person having under his or her control any child who covenants, suffers or permits the employment of his or her child or ward under the age above provided, or who knowingly or willfully misrepresents the age of such child or ward to any of the persons named in section 2 of this act, in order to obtain employment for such child or ward, By parents.

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shall be deemed guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court.

ACT No. 424.—*Employment of labor—Notice of suspension of work.*

Who to give notice.

SECTION 1. All employers of labor in this State requiring notice from any employee, of the time such employee will quit work, shall give notice to its employees, of its purpose to quit work, or shut down, by posting a printed notice stating the date of the beginning of the shutdown or cessation from work, and the approximate length of time the continuous shutdown is to continue, in each room of its building; not less than two weeks or the same time as is required of employees before so stopping work, or shutting down, of its purpose to stop work or shut down: *Provided*, That they are not required to do so by reason of some unforeseen accident to machinery, or by some act of God or of the public enemy.

Violations.

SEC. 2. Any employer of labor subject to the provisions of this act failing to post such notice in the manner herein provided, shall be subject to a fine of not exceeding five thousand dollars, upon conviction; and in addition thereto shall be liable to each and every one of its employees, for such damages as each and every one of its employees may suffer by failure to give such notice.

ACT No. 452.—*Railroads—Headlights on locomotives.*

Headlights required.

SECTION 1. Every company, lessee, manger [manager] or receiver owning or operating a railroad in this State, is hereby required to equip and maintain and use upon every and each locomotive being operated in railroad service in this State, headlights of at least ten thousand (10,000) candlepower, measured with the aid of a reflector, or with a headlight that will enable a man of normal vision to see a man at eight hundred (800) feet from the locomotive, under normal conditions: *Provided*, That this act shall not apply to locomotive engines regularly used in switching cars or trains: *And provided, further*, That this act shall not apply to locomotive engines used exclusively between sunup and sundown, nor going to or returning from repair shops when ordered in for repairs: *And provided, further*, That it shall not apply to a case where the headlight of an engine has failed after starting on a trip and can not be repaired on the line, nor another engine furnished, but such engine may continue on its trip or to such point as it is practicable to furnish a new engine or to repair the said light.

Time for compliance.

SEC. 2. Each said person, partnership, companies or receivers who are affected by this law, shall, within one year, equip one-fourth of their respective engines in accordance with this act, and shall each year thereafter equip one-fourth of said locomotives until the entire number is so equipped: *Provided*, That all locomotives hereafter equipped by the persons or corporations, receivers or partnerships affected hereby, shall be equipped in accordance herewith.

Violations.

SEC. 3. Any railroad company, or the receiver or lessee thereof, doing business in the State of South Carolina, which shall violate the provisions of this act, shall be liable to the State of South Carolina for a penalty of not less than one hundred dollars nor more than one thousand dollars, for each offense, and such penalty be recovered and suit brought in the name of the State of South Carolina in any court of competent jurisdiction, in any county in, or through which line of railroad may run, by the attorney general or any circuit solicitor.

Application of law.

SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

This act shall not apply to railways or railroads less than sixty (60) miles in length.

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SOUTH DAKOTA.

REVISED CODES—1903.

POLITICAL CODE.

Mine regulations—Inspector of mines.

Inspector.

SECTION 136. There shall be an inspector of mines appointed by the governor, by and with the advice and consent of the senate, who shall be a qualified elector of the State, not under thirty years of age, and who shall be practically acquainted with mines and mining in all its branches, and who is not the officer of, director in, or employee of, any mining company or corporation during his term of office, and who shall keep his office at Lead City, Lawrence County, this State, and whose term of office shall be two years, unless sooner removed by the governor.

Duties.

SEC. 140. It shall be the duty of the inspector of mines to visit, enter, and examine in person any mine or piece of mining ground for the purpose of ascertaining the condition of the same in regard to its safety, ventilation and means of egress; and for this purpose he shall have access at any and all times to any mine stopes, levels, winzes, tunnels, drifts, crosscuts, shafts, works and machinery, for the purpose of such inspection: *Provided, however,* That the workings of such mine shall not be impeded or obstructed during such examination: *Provided, further,* That this inspection shall not be at the expense of the owner, lessor, lessee or agent of the mine being examined; but said owners, lessor, lessee or agent shall render such assistance as may be necessary to enable the inspector to make the required examination.

Provisos.

Action on complaint.

SEC. 141. Whenever the inspector of mines shall receive a formal complaint in writing, signed by three or more persons, setting forth that the mine in which they are 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 set forth the nature of the danger existing at the mine, and shall describe with as much certainty as is possible how such danger, apparently or really, renders such mine dangerous, the time the cause of such danger was first observed, and shall distinctly set forth whether or not any notice of such danger has been given by the complainants, or anyone else to their knowledge, to the superintendent of such mine; and if no such complaint has been made to such superintendent, 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, but without the names of the complainants, upon the superintendent or manager, or owner of such mine, at any time before he visits the same, and, as soon as possible, to visit such mine; and if from examination he shall ascertain that the said mine is from any cause in a dangerous condition, he shall at once notify the owner, lessor, lessee or agent thereof; such notice to be in writing and to be served by copy on such owner, lessor, lessee or agent in the same manner as provided by law for the serving of legal notices or process; and said notice shall state fully and in detail in what particular manner said mine is dangerous or insecure, and shall require all necessary changes to be made without delay for the purpose of making such mine safe for the laborers employed therein; and in case of any criminal or civil procedure at law against the party or parties so

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notified, on account of loss of life or bodily injury sustained by any employee subsequent to such notice, and in consequence of a neglect to obey the inspector's requirement a certified copy of the notice served by the inspector shall be prima facie evidence of the culpable negligence of the party or parties so complained of. Nothing herein shall be so construed as to give the control of any mine to the mine inspector or allow him to interfere with the working of any mine.

Annual inspection.

SEC. 142. It shall be the duty of the inspector of mines, at least once in each year, to visit each mining county in South Dakota and examine as many of the mines in the different counties as practicable, and shall make such recommendations as in his judgment are necessary to insure the safety of the workmen employed therein; and whenever, from his examination, he shall find any mine to be in an unsafe condition he shall at once serve a notice upon the owner, lessor, lessee or agent thereof, as provided for in the preceding section.

Accidents.

SEC. 143. Whenever a serious or fatal accident shall occur in any mine in South Dakota it shall be the duty of the owner, lessor, lessee, agent or superintendent thereof to immediately and by the quickest means, notify the inspector of mines; and upon receiving such notice the inspector in person shall at once repair to the place of accident and investigate fully the cause of such accident; and whenever possible to do so the inspector shall be present at the coroner's inquest held over the remains of the person or persons killed by such accident, and shall testify as to the cause thereof, and shall state whether in his opinion the accident was due to the negligence or mismanagement of the lessor, lessee, owner or agent of such mine, or the manager, superintendent or other persons in charge. If the inspector can not be immediately present in case of a fatal or serious accident occurring. it shall be the duty of the superintendent, owners or persons in charge of the mine to have written statements made by those witnessing the same and duly sworn to. In case of no person being present at the time of the accident, then the statement of those first present shall be taken which statement shall be sworn to before some person qualified to administer oaths; and such sworn statements shall be placed in the hands of the inspector upon the demand of that officer.

Penalty.

SEC. 144. Any owner, lessor, lessee or agent of any mine who shall fail to comply with the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, and not less than two hundred dollars.

Employment of children.

SEC. 145. All corporations or individuals working mines in South Dakota who shall employ, or permit to be employed, in such mines any children under fourteen years of age shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding one thousand dollars.

Annual report.

SEC. 147. The inspector of mines shall make a report to the governor of South Dakota on the fifteenth day of November of each year, and said report shall enumerate all accidents that have occurred in the mines of South Dakota, which have occasioned serious injury or resulted fatally to persons employed therein, together with the nature and cause of such accident. Said report shall also contain statistical and other information which may tend to promote the development of the mineral resources of South Dakota; and shall generally set forth the result of the inspector's labors for the year. Such report shall be printed as are the reports of other State officers.

Protection of employees as voters—Time to vote.

Two hours to be allowed.

SECTION 1924. Any person entitled to vote at any 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 between the

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time of opening and the time of closing the polls, and such voter shall not because of so absenting himself be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages: *Provided, however,* That application shall be made for such leave of absence prior to the day of election. The employer may specify the hours during which such employee may absent himself as aforesaid. Any person or corporation who shall refuse to an employee the privilege hereby conferred, or who shall subject an employee to a penalty or reduction of wages because of the exercise of such privilege, or who shall directly or indirectly violate the provisions of this section, shall be guilty of a misdemeanor.

Mine regulations—Safety apparatus.

Safety cages, etc.

SECTION 2581. It shall be unlawful for any person to sink or work through any vertical or inclined shaft, where mining cages are used, at a greater depth than two hundred feet unless the said shaft is provided with an iron bonneted safety cage, to be used in lowering and hoisting employees or any other persons into or from such shaft. The safety apparatus, whether consisting of eccentrics, springs or other devices, must be securely fastened to the cage and be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. The iron bonnet must be made of boiler sheet iron of good quality, at least three-sixteenths of an inch in thickness, and must cover the top of the cage in such manner as to afford the greatest protection to life and limb from any débris or anything falling down the shaft.

Penalty.

SEC. 2582. Every person or corporation failing to comply with the provisions of the preceding section is punishable by a fine not exceeding one thousand dollars.

Exhaust fans, etc., in smelting and reducing works.

Gases, etc., to be removed.

SECTION 2583. Any person or persons, corporations or companies operating smelters or dry crushing reduction works are hereby required to put in their respective works exhaust fans and dust chambers or some other contrivance for the removal of all gases, fumes, dust and other impurities that accumulate, at all times in the operation of such works.

Penalty.

SEC. 2584. Any person or persons, corporations or companies that shall fail to provide all reasonable safeguards for the protection of life and health of their employees by not putting in their respective works such appliances as provided in the preceding section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars nor less than five hundred dollars for each offense.

Evidence.

SEC. 2585. Proof of the failure of any such person or persons, corporation or company to comply with the provisions of section 2584 shall be prima facie evidence of negligence on the part of any person or persons, corporation or company.

Enforcement.

SEC. 2586. The State mine inspector is hereby empowered and compelled to visit such works at least once every month to see that the provisions of section 2583 are enforced.

Sale of intoxicants to employees—Employment of minors in barrooms.

Sale to employees may be forbidden.

SECTION 2844 (as amended by chapter 165, Acts of 1903). It shall not be lawful for any person to sell, furnish or give away any spirituous, malt, brewed, fermented or vinous liquors * * * to any person when forbidden in writing so to do by the * * * employer of such person, * * * it shall also be unlawful for any person to whom any license may be granted to employ any person under twenty-one (21) years of age as a bartender or in any other capacity in connection with the place or room where intoxicating liquors are sold.

Employing minors.

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Inspection and regulation of factories, etc.—Doors to open outward—Fire escapes.

Doors to open outward. SECTION 3163. All doors of ingress or egress in all public buildings used for public assemblages of any character in this State, including * * * factories, hotels and all other buildings wherein numbers of persons are employed or are in the habit of meeting together for any purpose, 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. * * *

Misdemeanor. SEC. 3164. Any person or persons failing to comply with the provisions of section 3163 or who shall build, maintain, or permit to be used, any such building contrary to the provisions of section 3163 shall be deemed guilty of a misdemeanor.

Fire escapes. SEC. 3165. All factories, * * * which are two or more stories in height, shall be provided by the owners thereof with two or more fire escapes, placed within easy access of the occupants of said building.

CIVIL CODE.

Earnings of minors.

Wages may be paid to minor, when. SECTION 124. 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.

Employment of labor—General provisions.

Definition of contract. SECTION 1447. 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.

Employee to be indemnified, when. SEC. 1448. 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. 1449. 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.

Want of care. SEC. 1450. An employer must in all cases indemnify his employee for losses caused by the former's want of ordinary care.

These sections (1449 and 1450) are an enactment of the common law and do not change the rule as to the liability of employers. 8 Dak. 38.

Service without consideration. SEC. 1451. 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. 1452. 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. 1453. 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. 1454. 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. 1455. 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.

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Limit of term of contract.

SEC. 1456. 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 services under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

Obedience to orders.

SEC. 1457. 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 title, except where 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 interests. 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. 1458. 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. 1459. An employee is bound to exercise a reasonable degree of of [sic] skill, unless his employer has notice, before employing him, of his want of skill.

Same subject.

SEC. 1460. 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 employees.

SEC. 1461. 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. 1462. 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. 1463. 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. 1464. 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.

Substitutes.

SEC. 1465. 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. 1466. 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. 1467. 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 rightfully perform without the aid of the deceased person, but not otherwise.

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Termination of employment.

SEC. 1469. 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 of employment after death of employer.

SEC. 1470. 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. 1471. 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.

Breach of duty by employee;

SEC. 1472. 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 duty, or continued incapacity to perform it.

By employer.

SEC. 1473. 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 the obligations of his employer to him as an employee.

Forfeiture of wages.

SEC. 1474. 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. 1475. 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. 1476. 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. 1477. 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. 1478. 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 presumed, when.

SEC. 1479. 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.

Servant's time.

SEC. 1480. The entire time of a domestic servant belongs to the master; and the time of other servants to such an 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., received.

SEC. 1481. 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.

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Discharge for cause.

SEC. 1482. 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. 1525. 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 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.

CODE OF CIVIL PROCEDURE.

Wages as preferred claims—In executions.

Suits for wages.

SECTION 361 (as amended by chapter 150, Acts of 1911). Nothing in this chapter shall be so construed as to exempt any personal property from mesne or final process for laborers or mechanics wages * * * except property absolutely exempt; * * *

Exemption of wages from execution, etc.

Sixty days' wages exempt, when.

SECTION 403. 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.

PROBATE CODE.

Wages as preferred claims—In administration.

Order of payment of demands.

SECTION 291. All demands against the estate of any deceased person must be paid in the following order:

1. Funeral expenses.
2. The expenses of last sickness.
3. The expenses of administration.
4. Any debts that may be due by decedent personally to servants and employees for services rendered within the sixty days next preceding his death.

* * * * *

JUSTICES' CODE.

Exemption of wages from attachment—Nonresidents.

Law of State of residence controls.

SECTION 41. Whenever in any proceedings in any court of this State to subject the wages due to any person to attachment it shall appear that such person is a nonresident of the State of South Dakota, that the wages earned by him were earned and payable outside of the State of South Dakota, the said person whose wages are so sought to be subjected to attachment shall be allowed the same exemption as is at the time allowed to him by the law of the State in which he so resides.

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PENAL CODE.

Sunday labor.

Day defined. SECTION 41. 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.

Class of acts. SEC. 42. The following are the acts forbidden to be done on the first day of the week, the doing any of which is Sabbath breaking:

1. Servile labor.
2. Public sports.
3. Trades, manufactures and mechanical employments.
4. Public traffic.
5. Serving process.

Servile labor. SEC. 43. All manner of servile labor on the first day of the week is prohibited, excepting works of necessity or charity.

Defense. SEC. 44. 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.

Manufactures, etc. SEC. 46. All trades, manufactures and mechanical employments upon the first day of the week, are prohibited.

Penalty. SEC. 49 (as amended by chapter 206, Acts of 1903). Every person guilty of Sabbath breaking is punishable by a fine of not more than ten dollars for each offense.

Protection of employees as voters.

Attempting to influence vote. SECTION 62. It shall not be lawful for any employer in paying his employees the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor shall it be lawful for any employer within ninety days of a general election, to put up or otherwise exhibit in his factory, mill, workshop or other establishment or place where his employees may be working, any handbill or placard containing any threat, notice or information, that in case any particular ticket or candidate shall be elected work in his place or establishment will cease in whole or in part, or that his establishment will be closed up, or the wages of his workmen will be reduced, or other threats, express or implied, intended or calculated to influence the political opinion or the actions of his employees in voting. This section shall apply to corporations as well as to individuals. Any person or corporation violating the

Forfeiture. provisions of this section shall be guilty of a misdemeanor. Any corporation violating the provisions of this section shall, upon proof thereof, forfeit its charter.

Penalties. SEC. 64. Whoever shall violate any of the preceding provisions of this chapter shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than three months nor more than one year. * * *

Negligence of employees on steamboats, etc.

Causing death on steamboats; SECTION 261. 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.

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In factories, etc.

SEC. 262. 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.

Endangering life on steamboats;

SEC. 418. 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.

In factories.

SEC. 419. 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.

Negligence, intoxication, etc., of employees on railroads.

Intoxication of engineer, etc.

SECTION 478. 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.

Negligence endangering life.

SEC. 479. 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.

Intimidation of employers and employees.

Interfering with employment.

SECTION 757. 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.

Threatening employers.

SEC. 758. 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.

Entering mines, etc.

SEC. 759. In all cases where 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 a fine

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not 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.

Evidence.

ACTS OF 1903.

CHAPTER 179.—*Mine regulations.*

Ladderways.

SECTION 1. In all mining shafts fifty feet or more in depth containing two or more compartments ladder ways shall be constructed in a compartment separate from the compartment in which the cage or bucket runs, and platforms shall be built for landings at every twelve feet, with inclined ladders between said platforms.

Violation.

SEC. 2. Any person violating the provisions of this law shall be deemed guilty of a misdemeanor, the same to be prosecuted as are other violations of the laws of this State; and upon conviction thereof the offender shall be fined not less than one hundred dollars nor more than three hundred dollars, and imprisoned not exceeding three months for each offense, in the judgment of the court or magistrate who tries the case.

CHAPTER 181.—*Mine regulations.*

Code prescribed.

SECTION 1. At all mines where hoisting apparatus is operated in the State of South Dakota, the following code of bell signals shall hereafter be adopted and used:

Signals.

SEC. 2. One bell, hoist; one bell, stop, (if in motion.)

Two bells, lower men; three bells, hoist men.

Four bells, blasting signal. Engineer must answer by raising bucket or cage a few feet and letting it back slowly; then one bell, hoist men away from blast.

Five bells, steam on; six bells, steam off.

Seven bells, air on; eight bells, air off.

Three-two-two-bells, send down tools.

Nine bells, danger signal (fire, accident or other danger). Then ring number of station where danger exists. No person shall ring any signal bell except the station tender, except in case of danger or when the main shaft is being sunk.

Engineers must slow up when passing stations when men are on the cage or bucket.

Station bells.

Bells.	Pause.	Bells.	No. of station.	Bells.	Pause.	Bells.	No. of station.
2	Pause....	1	1	4	Pause....	1	11
2	Pause....	2	2	4	Pause....	2	12
2	Pause....	3	3	4	Pause....	3	13
2	Pause....	4	4	4	Pause....	4	14
2	Pause....	5	5	4	Pause....	5	15
3	Pause....	1	6	5	Pause....	1	16
3	Pause....	2	7	5	Pause....	2	17
3	Pause....	3	8	5	Pause....	3	18
3	Pause....	4	9	5	Pause....	4	19
3	Pause....	5	10	5	Pause....	5	20

If cage is wanted ring station signal. Station tender will respond in person.

If station is full of ore and station tender is wanted ring station signal.

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One copy of this code shall be posted on the gallows frame and one before the engineer.

SEC. 3. Any person violating the provisions of this law shall be deemed guilty of a misdemeanor, the same to be prosecuted as are other violations of the laws of this State, and upon conviction thereof the offender shall be fined not less than one hundred dollars nor more than three hundred dollars, and imprisoned not exceeding three months for each offense, in the judgment of the court or magistrate who tries the case. Violations.

ACTS OF 1907.

CHAPTER 135.—*Employment of children—Age limit.*

SECTION 150. No child under the age of fifteen years shall be employed, permitted or suffered to work at any gainful occupation in any mine, hotel, laundry, manufacturing establishment, factory, passenger or freight elevator [,] bowling alley, or in any saloon, theater, concert hall or place of amusement where intoxicating liquors are sold, or as messenger or driver thereof, or in any other manner in work performed for wages or other compensation, to whomsoever payable, during any portion of any month during the hours when the public schools of any district in which he or she resides are in session. Age limit.

Every owner, superintendent or overseer of any mine, factory, workshop, mercantile establishment, or any other person who shall employ any child under fifteen years of age contrary to the provisions of this article shall be deemed guilty of a misdemeanor, and for every offense shall upon conviction thereof be fined not less than $10 nor more than $50 and costs. Violations.

Any person having the control of a child or who may have children in his employ, who with the intent to evade the provisions of this article shall make a willfully false statement concerning the age of such child or in regard to facts covered by any other provision of this article, shall for such an offense be fined in any sum not less than $10 nor more than $50 for the use of the public school corporation.

CHAPTER 220.—*Hours of labor of employees on railroads.*

SECTION 1. No common carrier, nor any officer nor agent thereof, shall require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, or 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 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 without duty within such twenty-four hour period. Limit of sixteen hours.

SEC. 2. In any prosecution for a violation of the preceding section, it shall be a sufficient defense to show that the employee was prevented from reaching his terminal by any casualty occurring before he started on his trip, or by accident or unexpected delay of trains scheduled to make connections with the train on which such employee was serving. Defense.

SEC. 3. Any common carrier and any officer or agent thereof violating any of the provisions of section one of this act shall, upon conviction thereof, be punished by a fine of not less than $100 or more than $1,000. Violations.

SEC. 4. The board of railroad commissioners shall fully investigate all cases of violation of this act, and for that purpose may subpœna witnesses, administer oaths, interrogate witnesses, take testimony and require the production of books and papers either within or without the State, and shall lodge with the proper State's attorneys information of such violations as may come to its knowledge. Enforcement.

SEC. 5. The provisions of this act shall not be applied to relief or wreck trains. Exemptions.

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ACTS OF 1909.

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

Headlights required.

SECTION 1. It shall be the duty of every railroad corporation or receivers or lessee thereof operating a line of railroad in this State, within four months after the passage of this act to equip all locomotive engines used in the transportation of passenger trains over said railroad with electric headlights of not less than fifteen hundred candlepower, measured without the aid of a reflector, or with other headlights of not less than fifteen hundred candlepower, measured without the aid of a reflector.

Enforcement.

SEC. 2. The railroad commissioners of the State of South Dakota are hereby authorized and it shall be their duty to order headlights of such candlepower as they may deem necessary on all locomotive engines used in the transportation of trains other than passenger trains in the State of South Dakota, giving railroad companies a reasonable time in which to comply with the order: *Provided*, That such time shall not exceed nine months after such order is made.

Violations.

SEC. 3. Any railroad company or the receiver or lessee thereof operating any line of railroad in the State of South Dakota which shall violate the provisions of this act or shall refuse to comply with the order of railroad commissioners as provided for in section two of this act, shall be liable to the State of South Dakota for a penalty of not less than one hundred dollars, nor more than one thousand dollars, for each offense, and such penalties shall be recovered and suit brought in the name of the State of South Dakota in a court of proper jurisdiction by the attorney general or the State's attorney of any county in or through which such line of railway may be operated.

CHAPTER 75.—*Accidents on railroads—Reports and investigations.*

Reports required.

SECTION 1. It shall be the duty of every railroad company operating a line of railroad in this State to report all accidents, wrecks or casualties occurring in this State to the board of railroad commissioners. This is intended to include all accidents, wrecks or casualties occurring in the operation of trains or engines on said line or lines of railway within this State, and all other accidents or casualties of whatever nature as may be required under rules adopted by the board. Any reports to said board herein required shall not be for public inspection. All accidents or wrecks occurring in the operation of trains or engines involving loss of life or personal injury, shall be immediately reported to the secretary of the board by telegraph or telephone message, and the company shall forthwith send a written report in detail giving full particulars available in such form as the board may require. All other accidents, including accidents resulting in personal injury or death, other than train accidents, shall be reported to the board on the first day of each month covering the preceding month.

Investigations.

SEC. 2. Whenever any report is made to the board involving a wreck, accident or casualty, and the board deems it necessary, it shall forthwith examine into the causes and circumstances of the same, and it shall thereupon be the duty of the board to order such railroad company to comply with any reasonable requirement prescribed by the board, calculated to prevent the recurrence of any such wreck, accident or casualty.

Violations.

SEC. 3. Every person or corporation 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 one hundred dollars ($100) nor more than one thousand dollars ($1,000), or imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year, or shall suffer both scuh [such] fine and imprisonment in the discretion of the court.

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CHAPTER 117.—*Liability of employers for injuries to employees.*

SECTION 1. In any suit for damages against a corporation or receiver operating a railroad for the death or personal injury of an employee or servant caused by the wrong or negligence of such corporation or receiver, the plea of assumed risk of the deceased or injured employee, when the ground of the plea is knowledge or means of knowledge of the defect and danger which caused injury or death, shall not be available in the following case: Where such employee had an opportunity before being injured or killed to inform the employer or a superior intrusted by the employer with the authority to remedy or cause to be remedied the defect, and did notify or cause to be notified the employer or superior thereof within a reasonable time: *Provided*, It shall not be necessary to give such information when the employer or such superior thereof already knows of the defect. Assumption of risks.

CHAPTER 212.—*Railroads—Safety appliances.*

SECTION 1. It shall be the duty of every railway corporation operating any line of railway in the State of South Dakota, within three months after the passage of this act, to place good and sufficient switch lights on all their main-line switches connected with the main line, and to keep the same lighted from dark until daylight: *Provided*, That such lights shall be required only on such main line switches over which trains shall be operated between sunset and sunrise. Switch lights required.

SEC. 2. Any railway corporation which shall willfully violate the provisions of this act shall be liable to the State of South Dakota for a penalty of not less than one hundred dollars or more than one thousand dollars for each offense, and such penalty shall be recovered and suits therefor be brought by the attorney general or by the State's attorney of any county in or through which such line of railway may be operated. Violations.

ACTS OF 1911.

CHAPTER 206.—*Liability of railroad companies for injuries to employees.*

SECTION 1. Every common carrier by railroad while engaging in trade or commerce in the State of South Dakota, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, 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 to 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 carrier or by reason of any defects or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment: *Provided, however*, That nothing in this act shall be held to apply to any common carrier by railroad while engaging in commerce between any of the several States and Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories or between the District of Columbia or any of the States and Territories and any foreign nation or nations: *And provided further*, That the provisions of this act shall apply and extend to every common carrier by railroad while engaging in intrastate commerce as distinguished from interstate commerce. Liability. Acts of fellow servants. Defective ways and appliances. Scope of law.

SEC. 2. In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for any personal injury to an employee or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence Negligence to be measured.

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shall not bar recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributed 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 common carrier of any statute enacted for the safety of employees contributed to the death or injury of such employee.

Right of action survives.

SEC. 3. Any right of action given by this act to a person suffering injury shall survive 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 to the next of kin dependent upon such employee but in such cases there shall be only one recovery for the same injury or death.

Risks not assumed, when.

SEC. 4. In any action brought against any common carrier by railroad under or by virtue of any provisions of this act to recover damages for injuries to, or to [for] the death of, any of its employees, such employees 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.

Contracts of waiver.

SEC. 5. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any common carrier by 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 common carrier under or 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, 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.

Limitation.

SEC. 6. No action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

Definition.

SEC. 7. 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 and operation of the business of a common carrier by railroads.

CHAPTER 208.—*Railroads—Construction, etc., of caboose cars.*

Dimensions and equipment.

SECTION 1. It shall be unlawful, except as otherwise provided in this act for any common carrier by railroad to use on its lines in this State, 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 said caboose car or other car shall be of constructive strength equal to that of the sixty-thousand-pound 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 the safety of persons getting off and on said cars, said steps shall be equipped with a suitable rod, board of [or] other guard at each end and at the back thereof properly designed to prevent slipping from said step, and said caboose shall be equipped with cupalo [cupola] and necessary closets and windows.

Application.

SEC 2. The provisions of the preceding section shall not apply to the use of any combination passenger car or passenger coach or stockman's sleeper used as a substitute for a caboose car on any of the lines of railroad in this State, and the provisions of section one relating to constructive strength shall apply only to the body of the caboose car or other cars used, and none of the provisions of this act shall apply to other than standard-gauge lines of railroad in this State, nor in case of accident or casualty in which event the train may proceed to the next division point without violation of the provisions of this act, and the provisions

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of this act shall not apply to the operation of trains employed exclusively in original construction work on any line of railroad in this State.

Extension of time.

SEC. 3. 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 taking effect of this act.

Violations.

SEC. 4. 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 shall upon conviction thereof be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense and the use of any one caboose car or other car as prohibited by this act shall constitute a separate offense for every day or part of a day so used, * * *

CHAPTER 213.—*Railroads—Headlights on locomotives.*

Standard required.

SECTION 1. It shall be the duty of every railroad corporation or receiver or lessee thereof operating any line of railroad in the State of South Dakota to equip all locomotives being operated in road service in the State of South Dakota, in the nighttime, with a headlight of not less than 1500 candlepower measured without the aid of a reflector, the same to be kept in good condition: *Provided*, That ten per cent (10%) of the said locomotives shall be required to be equipped within sixty days after the passage and approval of this act and an additional ten per cent (10%) to be so equipped every thirty days thereafter until all engines operated in the State of South Dakota in the nighttime in road service shall be equipped according to the provisions of this act.

Violations.

SEC. 2. Any railroad corporation or receiver or lessee thereof operating any line of railroad in the State of South Dakota which shall violate any of the provisions of this act shall be liable to the State of South Dakota for a penalty of not less than one hundred dollars ($100) or more than one thousand dollars ($1,000) for each offense. * * *

ACTS OF 1913.

CHAPTER 117.—*State bureau of information.*

Bureau created.

SECTION 1. There is hereby created and established a State bureau of information to be conducted under the direction and supervision of the secretary of the State board of agriculture.

The secretary of the State board of agriculture shall be the State commissioner of said bureau.

Duties.

SEC. 2. Said bureau is established for the benefit of the public generally for the purpose of gathering and publishing information, pertaining to supply and demand, concerning labor, live stock, cereals and seeds and the more important items of farm produce, so as [to] facilitate employment, and guard against waste, and foster a rural market to create an equilibrium or check upon city markets. The purpose of State-wide free information is to vitalize the operation of the natural economic law of supply and demand.

Duties of register of deeds.

SEC. 3. The register of deeds in each county shall be the commissioner of said bureau for the county in which he resides.

Application for employment.

SEC. 4. Any person desiring employment may apply in person, by letter, by telephone or by any other means of communication, to the register of deeds of any county and register as an applicant for employment. In so doing the applicant shall advise the register of deeds of his or her name and the other data hereinafter mentioned. It shall be the duty of the register of deeds to

Record.

enter such required data in a book to be called the "Employment Book" to be in size and style to conform with the record books in use in the register of deeds' office, approximately containing

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400 single pages, which book shall disclose in columns, under appropriate headings, the information required. The first half of said book, or 100 double pages, shall be devoted to the entry of employees and the last half of said book, or 100 double pages, shall be devoted to the entry of employers; so arranged, printed and bound that the first half of said book for the entry of employees shall contain a general heading "Employment Wanted" at the top of each page followed by seventeen columns of subheadings across two pages of said book. The first column shall show the "number" of the application; the second column, the "name"; the third, the "post office of former residence"; the fourth, "post office of present residence"; the fifth, "present employment"; the sixth, "former employment"; the seventh, "employment desired"; the eighth, "experience"; the ninth, "wages wanted"; the tenth, "time when ready to begin work"; the eleventh, "age"; the twelfth, "weight"; the thirteenth, "height"; the fourteenth, "nationality"; the fifteenth, "married or single"; the sixteenth, "reference"; the seventeenth column, "date of registry."

The last half of said employment book for entry of employers shall likewise contain a general heading "Employees Wanted" at the top of each page followed by seventeen columns of subheadings across two pages. The first columns shall show the "number" of the application; the second column the "name" of the employer; the third, "P. O. address"; the fourth, "nature of employment"; the fifth, "nationality preferred"; the sixth, "age preferred"; the seventh, "married or single"; the eighth, "term of employment"; the ninth, "experienced or apprentice"; the tenth, "salary offered" by day, week or month; the eleventh, with or without "board or room"; the twelfth, "employment to begin"; the thirteenth, "are reference[s] required"; the fourteenth, "will transportation be furnished"; the fifteenth, "hours of labor"; the sixteenth, "service required Sundays"; the seventee[n]th column, the "date" of registry.

All subheadings containing more than one word shall be set in two or more lines to make such column as narrow as practicable.

Application for help. Any person, firm or corporation desiring to employ any labor may register with the register of deeds of any county, in person, by letter, by telephone or by any other means of communication, for employees wanted and it shall be the duty of the register of deeds to enter same in the employment book. Such employer shall give name, post-office address, the kind and nature of employment, term and wages, together with the other information hereinbefore specified and required to be entered in the employment book.

Records. SEC. 7. When any application under the provisions of this act have been made to the register of deeds, it shall be the duty of the register of deeds to at once enter such application and the necessary information, hereinbefore specified, in the appropriate record book in his office. He shall also forward on daily advice sheet blanks at the close of each day's business, by mail, a copy of the record entries in each instance to the commissioner of the State bureau of information.

Duties of commissioner. SEC. 8. It shall be the duty of the commissioner of State bureau of information, upon receipt of the daily advice sheets of registration from the register of deeds pertaining to labor, live stock, cereals, seeds, etc., to number, index and file such daily advice sheets in separate loose leaf binders. Each kind of daily advice shall be numbered consecutively as filed in the respective binders. A separate tabulating sheet shall be made of the contents of each binder by simply entering the number of the daily advice sheet in columns under headings of the respective wants. Also to enter the name of county in the county column. The number, the name of the county of "employees and sellers" to be entered in red ink, and the number and name of county of "employers and buyers" in black ink, on the tabulating sheet, so as

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to readily enable him to check the number and county as notifications are made. Upon receipt of said daily advice or registry of an application for employment or to employ labor or to buy or sell any of the animals, grains, seeds, vegetables or fodder hereinbefore mentioned, it shall be the duty of the commissioner of the State bureau of information to at once communicate by postal card to each of two applicants who have registered and come the nearest supplying each other's wants in the same county or nearest county according to the information contained in their respective registrations. Registrations may be made ahead of time for anticipated delivery within 30 days and registrations may be renewed every sixteenth day until want is supplied.

It is the intent and meaning of this act that the commissioner of the State bureau of information shall so conduct the bureau that labor may find employment, employers may find laborers, sellers may find buyers and buyers may find sellers.

Records public.

SEC. 10. The records and files of such applications, both in the office of the register of deeds and in the office of the commissioner of the State bureau of information, shall during office hours be open to the public.

Expenses.

SEC. 11. All books, records, blanks, postage, printed matter and stationery used by the register of deeds shall be ordered by him and paid for by the county; and all books, records, blanks, postage, printed matter, stationery and clerical service used by the commissioner of the State bureau of information shall be hired and ordered by him and paid for by the State.

Blanks.

It shall be the duty of the State commissioner immediately upon passage and approval of this act to prepare all forms of blanks and books necessary for the register of deeds to carry out the provisions of this act so as to make them uniform throughout the State and printed at the least possible expense.

Additional duties.

It shall also be the duty of the State commissioner and he shall have power and authority:

(a) To add any new want item or commodity of general use to any of the books herein described at any time as far as is practical when there shall be a demand for same;

(b) To order and direct the register of deeds in the respective counties to put in one or two additional books, needed for such additional items or commodities at the expense of the county not to cost to exceed twelve dollars per volume;

(c) To prepare blank forms for such books and daily advice sheets and to alter and amend any form of book or blank herein provided as experience shall require same to be done to make the purpose of free State-wide information as to supply and demand more perfect and beneficial to the people in pursuit of happiness.

Violation.

SEC. 12. Any officer who shall fail or refuse to perform any of the duties imposed upon him by this act or who shall refuse to permit public examination of the books and records herein provided for during office hours, or any applicant who registers labor wants not bona fide or registers as sellers of any live stock, cereals or fodder not growing, harvested or in existence within the State, shall be guilty of a misdemeanor and punished accordingly.

CHAPTER 240.—*Employment of women and children—Hours of labor.*

Limit of ten hours.

SECTION 1. Unless a shorter time be agreed upon, the standard day's work for women and girls and children shall not exceed ten hours in each day. Any employer or other person having control who shall compel any woman, or girl, or child under the age of fourteen years to labor more than ten hours in any one day shall be guilty of a misdemeanor and punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment: *Provided*, This section shall not apply to farm laborers or to domestic servants or to persons engaged in the care of live stock.

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Occupations forbidden. SEC. 2. No child under fourteen years of age shall be employed at any time in any factory or workshop or about any mine, nor shall he or she be employed in any mercantile establishment except during the vacation of the public schools. No child under sixteen years of age shall be employed at any time in any such occupation dangerous to life, health or morals, nor shall he or she be employed for more than ten hours in any day or sixty hours in any week, except that on Saturdays and for ten days prior to Christmas he or she may be so employed until ten o'clock p. m., except as otherwise provided in section 7, of this act.

Certificate. SEC. 3. No child under fourteen years shall be employed in any factory, workshop, mine or mercantile establishment unless the employer shall keep on file the certificate herein requir[e]d, and a complete list of such employees. Such certificate shall be executed by the county superintendent of schools, where there is one, or by some person authorized by him in writing. It shall state the name, date and place of birth, and the age of the child, and that he can read at sight, and write in a legible hand, simple English sentences; or that he is a regular attendant at some school, or during the past twelve months has attended school as required by law, or has been lawfully excused therefrom. Attendance at a private school shall be certified to by the teacher thereof on this certificate.

Visitation. SEC. 4. Every factory, workshop, mine, mercantile establishment or other place in or in connection with which children are engaged at labor of any kind, shall at all times be subject to visitations by the county superintendent of schools.

Needy children. SEC. 5. Whenever it appears upon investigation that the labor of a minor, who would otherwise be barred from employment under the provisions of this act, is necessary for his support or that of the family to which he belongs, the county superintendent of schools of the county, or chairman or president of the school board or district in which he resides, may issue a permit authorizing his employment within certain hours, to be fixed therein.

Sanitation. SEC. 6. Every factory, mill or workshop where women, girls and children are employed, shall be kept clean and free from effluvia arising from any sewer, drain, privy or water-closet; be properly ventilated and provided with privies or water-closets for the separate use of male and female employees, and at all times kept in a sanitary condition. Whenever the labor performed is such as to require a change of clothing, separate dressing rooms shall be provided for the sexes.

Cleaning. SEC. 7. The interior of every factory and workshop in this State where women, girls and children are employed shall be limewashed or painted at least once in every twelve months.

Every floor of any room in said factory shall be thoroughly cleaned with soap and water at least once in two weeks and every dressing room and water-closet in said factory shall be thoroughly cleaned with soap and water once every week.

Violation. SEC. 8. Every firm, person, association or corporation, and every officer, agent or employee thereof, violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not more than thirty days, or both such fine and imprisonment in the discretion of the court.

Seats. SEC. 9. Every employer of females and children in any mercantile, manufacturing, hotel, or restaurant business, and every agent in charge of any such business, shall provide and maintain suitable seats in the room where they work, and permit such use thereof by them as may be necessary for the preservation of their health.

CHAPTER 275.—*Mothers' pensions—Aid for children.*

Provisions for support. SECTION 1. 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,

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when such women are poor and are the mothers of children under the age of fourteen years, and such mothers and children have a legal residence in any county of this State, the county court is hereby authorized and empowered to and shall make an allowance to each of such women, upon petition and notice as hereinafter set out, as follows: Not to exceed fifteen dollars a month, when such women [woman] has but one child under the age of fourteen years, and if she has more than one child under the age of fourteen years, it shall not exceed fifteen dollars a month for the first child and seven dollars a month for each of the other children under the age of fourteen years. 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, providing the court is satisfied that such order of extension is proper.

Conditions.

SEC. 2. Such allowance shall be made by the county court upon a verified petition made by such poor woman or by some member of the board of county commissioners of said county or by any other charitable organization or association within such county. Upon presentation of such petition to the court the county court shall proceed to examine into the effects [facts] and shall make such allowance only upon the following conditions:

1. The child or children for whose benefit the allowance is to be 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 children, except that she may be absent not more than one day a week for work; or when it is deemed and found to be absolutely necessary for the proper care and education of said children;

3. The mother must in the judgment of the court be a proper person morally, physically and mentally, for the bringing up of her child;

4. 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;

5. It must appear to be for the benefit of child to remain with such mother;

6. A careful preliminary examination of the home of such mother must first have been made by either the State's attorney or some officer of a charities organization or humane society or such other competent person as the court may direct and a written report of such examination filed with the court.

Discontinuance.

SEC. 3. Whenever any child shall reach the age of fourteen years any allowance made to the mother of such child for the benefit of such child shall cease. The county court may in its discretion at any time before such child reaching the age of fourteen years discontinue or modify the allowance to any mother and for her child.

Selection.

SEC. 4. Should the fund hereinafter provided for and at the disposal of the court for this purpose be sufficient to permit an allowance to only a part of the persons coming within the provisions of this act, the county court may and shall select those cases in most urgent need of such allowance.

Wives of prisoners.

SEC. 5. 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.

Violation.

SEC. 6. Any person or persons 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 by imprisonment in the county jail for a period not exceeding thirty days or by both such fine and imprisonment.

Regulations.

SEC. 7. In each case where an allowance is made to any woman under the provisions of this act an entry to that effect shall be

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entered upon the records of the county court making such allowance 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 and upon such notice as the county court shall deem proper the said court shall hear evidence and may make a new order sustaining the allowance, modify or vacate the same, and an appeal may be taken from such order to the circuit court or supreme court as in civil actions. If the judgment be not appealed from or if the appeal be not prosecuted and the judgment of the county court be sustained or affirmed the person filing such motion shall pay all the costs incident to the hearing on such motion. Such motion may be renewed from time to time but not oftener than once in any calendar year.

Taxation to provide funds.

SEC. 8. It is hereby made the duty of the county commissioners to provide out of the moneys in the county treasury such sum each year as will meet the requirements of the court and will pay the allowances made by said court as herein provided. To provide for such moneys the said county commissioners may levy a tax not to exceed one-tenth of a mill on the valuation of the taxable property of the county. The county treasurer shall pay such allowances upon orders made by the judge of the county court of such county.

CHAPTER 299.—*Railroads—False charges against employees.*

False statements.

SECTION 1. Every person who shall by any letter, mark, sign or designation whatever, or by any verbal statement, maliciously, falsely and without probable cause, report to any railroad or any other company or corporation, or to any individual or individuals, or to any of the officers, servants, agents or employees of any such corporation, individual or individuals, that any conductor, brakeman, engineer, fireman, station agent or other employees of any such railroad company, corporation, individual or individuals, have received any money for the transportation of persons or property, or shall falsely, maliciously and without probable cause, report that any conductor, brakeman, engineer, fireman, station agent or other employees of any such railroad company, corporation, individual or individuals, neglected, failed or refused to collect any money for transportation of persons or property when it was their duty to do so, shall upon conviction be adjudged guilty of a misdemeanor and shall be fined in any sum not less than one hundred dollars, and not more than five hundred dollars.

Penalty.

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TENNESSEE.

SHANNON'S CODE OF 1896 AND SUPPLEMENT OF 1904.

Bureau of labor and mining statistics.

Bureau established.

SECTION 326. There shall be a department to be styled "The Bureau of Labor and Mining Statistics." It shall be under the control of one officer, who shall be known as the "Commissioner of the Bureau of Labor, Statistics, and Mines." He shall be appointed by the governor, with the advice and consent of the senate, and shall hold his office for the term of two years, or until his successor is appointed and qualified. He shall have his office at the capitol, and shall receive a salary of eighteen hundred dollars per year, and he shall be allowed one clerk, at a salary of twelve hundred dollars per year.

Commissioner to keep records, etc.

SEC. 327. Said commissioner shall keep at his office all maps and plans of all mines being worked in the State, and also all records and correspondence, papers and apparatus, and property pertaining to his official duties, belonging to the State, all of which shall be delivered without delay to his successor in office; and for every thirty days of delay to turn over said maps, papers, books, records, correspondence, property, and apparatus belonging to said office, said delinquent shall pay a fine of not less than one hundred nor more than two hundred dollars, and all cost accruing in the case, said fine going one-half to the prosecutor and one-half to the State.

Removal.

SEC. 328. Said commissioner shall be subject to a removal from office by the governor when convicted of any neglect in the discharge of his duties or malfeasance in office. Said commissioner shall be a practical miner of not less than five years' practical experience in mining, having a full and practical knowledge of the different systems of working and ventilating coal mines or collieries, and of the nature and properties of all noxious gases generated in said coal mines or collieries.

Qualifications.

Duties.

SEC. 329. The duties of the commissioner shall be to collect, assort, arrange, and present, in annual report to the governor, and for general distribution to those who may apply, and to the general assembly when in session, statistics and details relating to all departments of labor and mines in the State, especially in relation to the commercial, industrial, social, educational, and sanitary conditions of the laboring classes, and to the permanent prosperity of the productive industries of the State, together with all the expenditures of his office, and the purposes for which said expenditures were incurred.

Oath.

SEC. 330. Said commissioner, before entering upon the duties of his office, shall take an oath or affirmation to discharge the same faithfully and impartially, without favor or preference, which oath or affirmation shall be indorsed upon his commission, and said commission shall be forthwith recorded in the office of the secretary of state. The commissioner shall also give a bond, in the sum of fifteen thousand dollars, to be approved by the governor, for the faithful performance of his duty while in office, and the surrender of all books, papers, records, and correspondence, and property pertaining to his office, to his successor, said bond to be recorded and placed on file in the office of the secretary of state.

Bond.

To give whole time.

SEC. 331. The said commissioner shall give his whole time to the duties of his office, and, while holding said office, shall not act as

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an agent or manager of any mine or mining corporation, or be interested in operating any mine or colliery; and he shall annually, on or before the first day of January, make his report to the governor of his proceedings during the year preceding, and the condition and operation of the mines in the State, enumerating all accidents in or about the same, and give all of such other information as he may think useful and proper, and make such suggestions as may be deemed proper for future legislation on the subject of mines and collieries.

Reports.

Inspection of mines, etc.

SEC. 332. The commissioner shall inspect all mines and collieries that are being worked, once every three months; and it shall be lawful for him to enter and inspect and examine any mine in this State, and the works and machinery, either inside or out, of any mines, collieries, mills, or factories where human life is to be protected, and to see that the provisions of this article are enforced and obeyed at all times, either by night or by day, where it is reasonably within the power of human skill to do so; but at no time is he allowed to unnecessarily obstruct or impede the working of any mine or colliery.

Duties of owners.

SEC. 333. The owners or agents of said mines, collieries, mills, or factories are hereby required to furnish the means necessary to facilitate such entry and inspections, and the commissioner shall make a record of said inspection, with all the material facts connected with the case.

Witnesses, etc.

SEC. 334. The commissioner shall have power to send for persons and papers, and to examine witnesses under oath, and such witnesses shall be summoned in the manner, and paid the same fees, as witnesses before a justice of the peace.

Accidents to be reported.

SEC. 335. It shall be the duty of the person or persons having charge of any mine, colliery, mill, or factory, where any loss of life shall occur by accident connected with the working of such mine, colliery, mill, or factory, either by explosion or any other accident, whereby any serious accident should occur to any employee working in or about said mines, mills, or factories, such person or persons shall forthwith give notice to the commissioner; and, should death result from such accident, the person or persons in charge, having charge of the said works, shall at once notify the coroner of the county wherein the loss of life occurred, and the coroner shall hold an inquest upon the body or bodies whose death has been caused thereby, and inquire into the cause thereof, and return a copy of the verdict to the commissioner, with all the testimony in the case, and, upon receipt of these facts from the coroner, the commissioner shall, without delay, investigate the matter, and take such steps to prevent a recurrence of the accident, as provided for by the provisions of this article; and any person or persons having charge of any mines, colliery, mill, or factory where any accident occurs, causing the loss of human life, failing to give notice as herein prescribed, upon conviction of the same, shall be subjected to a fine of not less than two hundred dollars nor more than five hundred dollars, subject to the discretion of the court trying the case, and all costs accruing thereon.

Coroners' juries.

SEC. 336. No person or persons having any personal interest in, or employed in the management of the mine or colliery when a fatal accident occurs, shall be qualified to serve on the jury impaneled for the inquest, and the coroner shall have full power to challenge all such jurors so impaneled.

Application of law.

SEC. 337. The provisions of this article shall apply to the workings of all kinds of mines that are worked in this State, either for mineral of any description, or coal, and all of said mines shall come under the control of the said commissioner, and be subject to his orders, as herein provided for, and what he may direct in connection with the working of the same for the protection of human life therein.

Expenses.

SEC. 338. The comptroller is authorized to issue his warrant quarterly upon the treasury to the commissioner for one-fourth of the amount appropriated, and said inspector shall make a quarterly report to the governor of the receipts and expenditures of

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his office, and the same shall be approved by the governor before any further amount is drawn by the inspector from the treasury. The expenses of this department shall in no case exceed four thousand dollars per annum.

Mine regulations.

Checkweighman.

SECTION 339. At every coal or other mine in this State, where coal or other minerals are 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 measuring 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 or 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 imprisoned, at the discretion of the court.

Notification by the president of a mining company that he would shut down the mine unless the miners discharged the checkweighman hired by them did not violate the provisions of this section as to interference or intimidation. 90 Tenn. 575.

Settlement of differences.

SEC. 340. It shall be a further duty of checkweighman or check measurer to credit each miner with all merchantable coal or other mineral mined by him, on a proper sheet or book 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 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 pay or 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.

Fraudulent weighing.

SEC. 341. Should any weighman, 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 is now provided for by law, 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 not less than three months.

Express agreement to accept a different weight from that actually mined can not be pleaded as a defense against the enforcement of this section. Criminal law can not be dispensed with by contract. 90 Tenn. 575.

(Chapter 338, Acts of 1899. Supplement, p. 48.)

Assessment may be withheld.

SECTION 1. When miners of coal or other minerals in this State elect a checkweighman or measurer, as provided by chapter 206 of the Acts of * * * 1887, the operators, company or firm employing said miners, shall, upon receiving notice in writing from the miners of said election of checkweighman, withhold from each miner an equal amount, agreed upon by the miners and checkweighman, and pay the same to the checkweighman at each regular pay day.

Liability of company.

SEC. 2. Upon failure of any operator, company or firm to comply with section 1 of this act, they shall be liable to the check-

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weighman for the full amount of his wages, and shall be guilty of a misdemeanor, and upon conviction shall be fined at the discretion of [the] court having jurisdiction.

Protection of employees as voters.

Right to vote. Contracts.

SECTION 1173. The laws of this State shall guarantee to every qualified voter the right to go to the polls and vote without fear of molestation. No person shall be allowed to make contracts with work hands or others in their employ, that will, or is [are] intended to, keep them from going to the polls on election days; nor shall they, or any party, have the legal right to claim that any contract has been violated because parties or individuals in their employ left their work or lands to go and vote on election days in their county.

Sunday labor.

Sunday labor forbidden.

SECTION 3029. If any merchant, artificer, tradesman, farmer, or other person shall be guilty of doing or exercising any of the common avocations of life, or of causing or permitting the same to be done by his children or servants, acts of real necessity or charity excepted, on Sunday, he shall, on due conviction thereof before any justice of the peace of the county, forfeit and pay three dollars, one-half to the person who will sue for the same, the other half for the use of the county.

Barbering forbidden. Penalty.

SEC. 3030. It shall be a misdemeanor for any person to carry on the business of barbering on Sunday in Tennessee; and any person found guilty of violating this section shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned in the county jail not less than fifteen nor more than thirty days, or both, in the discretion of the court.

This law is constitutional. 50 S. W. Rep. 769.

Exemption of wages from execution.

What wages exempt.

SECTION 3794 (as amended by chapter 376, Acts of 1905). There shall be exempt from execution, attachment, and garnishment ninety (90%) per centum of the salary, income, or wages of every person earning a salary or wages, or drawing an income of forty ($40) dollars or less per month, and who is eighteen years of age or upward or is the head of a family, and is a resident of the State of Tennessee: *Provided*, That the lien created by the service of garnishment, execution, or attachment shall only affect ten (10%) per centum of such salary, wages, or income earned at the time of service of process. And there shall be exempt from execution, attachment, or garnishment thirty-six ($36) dollars of the salary, wages, or income of every person earning a salary, wages, or income in excess of forty ($40) dollars per month who is eighteen years of age or upward or who is the head of a family, and who is a resident of the State of Tennessee: *Provided*, That the debtor shall only pay the costs of one garnishment on each debt on which suit is brought.

Action for personal injuries—Survival.

SECTIONS 4025–4029.

* * * * *

(Chapter 317, Acts of 1903. Supplement, p. 666.)

Actions to survive.

SECTION 1. No suit now pending or hereafter brought for personal injuries or death from wrongful act in any of the courts of this State, whether by appeal or otherwise, and whether in an inferior or superior court, shall abate or be abated, because or on account of the death of the beneficiary or beneficiaries for whose

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use and benefit said suit was brought, and such suit shall be proceeded with to final judgment, as though such beneficiary or beneficiaries had not died, for the use and benefit of the heirs at law of such deceased beneficiary.

Enticing employees.

Enticing employees forbidden.

SECTION 4337. It shall not be lawful for any person in this State, knowingly, to hire, contract with, decoy or entice away, directly or indirectly, anyone, male or female, who is at the time under contract or in the employ of another; and any person[s] so under contract or employ of another, leaving their employ without good and sufficient cause, before the expiration of the time for which they were employed, shall forfeit to the employer all sums due for service already rendered, and be liable for such other damages [as] the employer may reasonably sustain by such violation of contract.

Penalty.

SEC. 4338. Any person violating the provisions of the first clause of the last section shall be liable to the party who originally had and was entitled to the services of said employee, by virtue of a previous contract, for such damages as he may reasonably sustain by the loss of the labor of said employee; and he shall also be liable for such damages, whether he had knowledge of an existing contract or not, if he fails or refuses to discharge the person so hired, or to pay such damages as the original employer may claim, after he has been notified that the person is under contract, or has violated the contract with another person, which amount shall be ascertained, and the collection enforced by action for damages before any justice of the peace of said county where said violation occurs, or the party violating said section may reside.

Payment of wages.

Monthly pay day.

SECTION 4339. All persons, firms, companies, or corporations engaged in constructing and building railroads, or in mining coal, ore, or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their laborers and employees the amounts due them for their work or service in lawful money of the United States, or by cash order as described and required in section 4342, and shall adjust accounts with their laborers and employers at least once in every thirty days.

Provisos.

SEC. 4340. If the employer and employee fail, in their adjustment, to agree upon the amount due the laborer, and the courts have to settle the question in controversy, the penalty herein provided shall not apply.

Claim may be assigned.

SEC. 4341. Nothing herein contained shall affect the right of such laborer or employee to assign, in whole or in part, his claim against his employer.

Scrip to be redeemable.

SEC. 4342. It shall not be lawful for any person, firm, company, or corporation engaged in the business set forth in section 4339, or for their clerk, agent, officer, or servant, to issue for payment of labor any order or other paper whatever, unless the same purports to be redeemable, for its face value, in lawful money of the United States, bearing interest at legal rate, made payable to employee or bearer, and redeemable by the person, firm, company, or corporation giving, making, or issuing the same; and any person, firm, company, or corporation engaged in the business aforesaid, their clerks, agents, officers, or servants, who shall be guilty of a violation of section 4339 or this section, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding two hundred dollars and not less than fifty dollars, in the discretion of the court.

The provisions of this law are valid. 183 U. S. 13, 22 Sup. Ct. 1.

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(Chapters 21 and 453, Acts of 1903. Supplement, p. 681.)

What assignments to be assented to.

SECTION 1. No action shall be brought whereby to charge any employer upon any assignment by any clerk, servant, or employee of such employer to any person, persons, firm, or corporation of any wages or salary unearned at the time of such assignment, unless such assignment at the time of the execution thereof shall have been assented to in writing by such employer.

Actions for personal injuries—Limitations.

Limitation;

SECTION 4466. All civil actions, other than * * * [real], shall be commenced after the cause of action has accrued, within the periods prescribed in this chapter, unless otherwise expressly provided.

Of one year.

SEC. 4469. Actions for * * * injuries to the person, * * * and statute penalties, within one year after cause of action accrued.

The limitation runs from the moment of the injury and is not suspended for the want of a personal representative. 9 Heis. 829.
Nor because of minority. 1 Bax. 314.

Negligence of employees of common carriers.

Bursting of boilers.

SECTION 6475. Whenever any steamboat bursts the boiler or machinery connected therewith, while racing with another boat, or attempting to excel her in speed, and the life of any person is endangered thereby, the captain and engineer in charge of said boat shall, on conviction, be imprisoned in the penitentiary not less than two years.

Racing boats.

SEC. 6476. The captain and engineer in charge of any vessel propelled by steam, who shall be guilty of racing his boat against another, or attempting to make her excel another in speed, shall be punished by imprisonment in the county jail not more than six months, or fined not more than five hundred dollars, or both fined and imprisoned within these limits.

Loss of life, etc.

SEC. 6478. Whenever any loss of human life or injury to any human being is occasioned by the willful negligence or gross want of skill of the captain, engineer, or other officer or person in the management of any steamboat, or any of the machinery thereof, the officer or other person causing such loss of life or injury shall, on conviction, be imprisoned in the penitentiary not exceeding five years.

Negligence of railroad employees causing death;

SEC. 6482. Whenever any person is killed upon any railroad in this State, by an accident occasioned by the wrongful act, negligence, or omission of the engineer, conductor, or other manager, such engineer, conductor, or manager is guilty of a felony, and shall, on conviction, be confined in the penitentiary not less than two nor more than ten years.

Personal injury.

SEC. 6483. If any person is wounded or crippled by such accident, without being killed, the offender is guilty of a misdemeanor, and shall, on conviction, be confined in the common jail not less than six months nor more than three years.

Negligence of railroad employees causing death.

SEC. 6484. If any engine driver, or other person connected with the running of a locomotive or train upon any railroad, shall omit to observe the precautions prescribed for the prevention of accidents, whereby an accident shall occur, and any person shall be killed, he shall be guilty of a felony.

Penalty.

SEC. 6485. The punishment of this offense shall be confinement in the penitentiary not less than three nor more than twenty-one years.

Causing personal injury.

SEC. 6486. If any engine driver, or other person intrusted with the running of a locomotive or train on any railroad, shall omit to observe said precautions, whereby an accident shall occur, and any person be wounded or crippled, he shall be guilty of a felony. The punishment of this offense shall be confinement in the penitentiary not less than one month nor more than ten years.

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Protection of employees in choice of physicians.

Restriction as to employment of physicians.

SECTION 6879. It shall be unlawful for any manufacturer, firm, company, or corporation, their agents, clerks, or superintendents in this State, to dictate or in any manner interfere with any employee or laborer in their rights to select their own family physician.

Company doctor.

SEC. 6880. It shall be unlawful for any such manufacturer, firm, company, or corporation, their agents, clerks, or superintendents, to retain or withhold any part or portion of the wages due to any such employee or laborer for the avowed purpose of paying the salary of any person claiming to be the "company doctor" without the full consent of such employee or laborer; and the whole amount of any such wages so retained by consent shall be paid to said company doctor or other physicians employed by said employees.

Penalty.

SEC. 6881. Any agent, clerk, or superintendent of any such firm, company, or corporation violating the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction in any of the courts of the State having jurisdiction, shall be fined not less than ten dollars.

Protection of employees on street railways—Inclosed platforms.

(Chapter 69, Acts of 1901. Supplement, p. 375.)

Platforms to be inclosed.

SECTION 1. Street car companies operating street cars by electricity, by cable, by horsepower, or by any other motive power requiring the operator to be on the front of the car and outside the main body thereof, shall equip all cars with vestibules, so as to protect employees from wind and rain: *Provided*, That this act shall not include the closing of the sides of the cars: *And, provided, further*, That this act shall not apply to cars operated from the fifteenth of March to the first of November.

Provisos.

Penalty.

SEC. 2. Street car companies which fail to observe and comply with the provisions of the first section of this act shall be 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 480, Acts of 1903. Supplement, p. 376.)

Car lines in certain counties.

SECTION 1. Street car companies operating street cars by electricity, by cable, by horsepower, or by any other motive power requiring the operator to be on the front of the car, and outside the main body thereof, in counties having a population of not less than 60,000 nor more than 70,000 by the Federal census of 1900 or by any subsequent Federal census, shall equip all cars with complete vestibules so as to thoroughly protect employees from inclement weather: *Provided*, That this act shall not apply to cars operated from the fifteenth of March to the first of November in each year.

Violations.

SEC. 2. Street car companies in said counties which fail to observe and comply with the provisions of the first section of this act shall be 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.

Payment of wages in scrip.

(Chapter 11, Acts of 1899. Supplement, p. 469.)

Scrip, etc., to be redeemable.

SECTION 1. All persons, firms, corporations, and companies using coupons, scrip, punch outs, store orders, or other evidences of indebtedness to pay their or its laborers and employees, for labor or otherwise, shall, if demanded, redeem the same in the hands of such laborer, employee, or bona fide holder in good and lawful

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Provisos. money of the United States: *Provided*, The same is presented and redemption demanded of such person, firm, company, or corporation using [issuing] same as aforesaid, at a regular pay day of such person, firm, company, or corporation to laborers or employees, or if presented and redemption demanded as aforesaid by such laborers, employees, or bona fide holders at any time not less than thirty days from the issuance or delivery of such coupon, scrip, punch out, store order, or other evidences of indebtedness to such employees, laborers, or bona fide holder. Such redemption to be at the face value of said scrip, punch out, coupon, store order, or other evidence of indebtedness: *Provided, further*, Said face value shall be in cash the same as its purchasing power in goods, wares and merchandise at the commissary company store or other repository of such company, firm, person or corporation aforesaid.

Right of action. SEC. 2. Any employee, laborer, or bona fide holder referred to in section 1 of this act, upon presentation and demand for redemption of such scrip, coupon, punch out, store order, or other evidence of indebtedness aforesaid, and upon refusal of such person, firm, corporation, or company to redeem the same in good and lawful money of the United States, may maintain in his, her, or their own name an action before any court of competent jurisdiction against such person, firm, corporation, or company using [issuing] same as aforesaid for the recovery of the value of such coupon, scrip, punch out, store order, or other evidence of indebtedness, as defined in section 1 of this act.

Act construed. SEC. 3. Nothing herein in this act contained is to be so construed as to legalize the issuance or use of scrip. * * *

This law is constitutional and has the same effect as to foreign corporations that it has upon those formed within the State. 22 Sup. Ct. Rep. 5.

An assignee of scrip may recover under its provisions and for face value, though he purchased it at a discount. 53 S. W. Rep. 955.

Inspection and regulation of factories, etc.

(Chapter 401, Acts of 1899; chapter 67, Acts of 1901. Supplement, p. 470.)

Duties of inspector. SECTION 2. It shall be the duty of the shop and factory inspector to inspect all workshops and factories where machinery is used at least once every six months, and he shall have authority to enter such workshops or factories at all proper times for the purposes of such inspection. He shall, on or before the first day of January of each year, make a report to the governor of the condition as respects safety to life and health of workshops and factories visited by him, and said report shall be printed for the use of the general assembly at its regular sessions. The expense of printing said report shall be paid out of the general appropriation for printing the reports of State officers.

Ventilation, safety appliances, etc. SEC. 3. All workshops and factories where machinery is used shall be well ventilated and kept as clean as the nature of the business will permit. The belting, shafting, gearing, machinery, and drums of all workshops and factories where machinery is used, when so placed as in the opinion of the shop and factory inspector to be dangerous to persons employed therein while engaged in their ordinary duties, shall, as far as practicable, be securely guarded.

Protection of hatchways, etc. SEC. 4. The shop and factory inspector may order the opening[s] of all hatchways, elevator wells, and wheel holes, upon every floor of any workshop or factory where machinery is used, to be protected by good trapdoors, self-closing hatches, or safety catches or other safeguards such as will insure the safety of the employees in such workshop or factory when engaged in their ordinary duties.

Water-closets. SEC. 5. Every person, firm, or corporation running or operating any workshop or factory where fifteen or more persons are employed at labor, shall provide separate water-closets for males and females, and keep the same in good sanitary condition.

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Enforcement.

SEC. 6. It shall be the duty of the shop and factory inspector to enforce the provisions of this act by giving proper notices to the person, firm, or corporation operating or running workshops or factories inspected by him, and also to make complaint to the attorneys general of the respective districts of all violations of this act.

Penalty.

SEC. 7. Any person, firm, or corporation operating or running any workshop or factory where machiney is used, upon conviction of a violation of this act, shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each offense: *Provided*, No action shall be taken until after four weeks' notice shall have been given by the shop and factory inspector to any firm, person, or corporation operating or running a workshop or factory of the changes necessary to be made, and not then if in the meantime said changes have been made.

Notices.

SEC. 8. The orders or notices given by the shop and factory inspector shall be written or printed, and signed by him officially, and served by himself or by leaving an attested copy thereof at the usual place of business of the person upon whom service is to be made, and a copy of the same shall be filed in the office of the county court clerk of the county in which the workshop or factory is located, and such copy shall be prima facie evidence that notice was given.

(Chapter 98, Acts of 1897. Supplement, p. 472.)

Water-closets.

SECTION 1. All persons hiring or employing female help in any manufacturing or mercantile business or establishment, shall provide separate privies or water-closets for such female help.

Males excluded.

SEC. 2. No male person shall enter such separate privies or water-closets except for the purpose of repairing or cleaning the same.

Penalty.

SEC. 3. A violation of the foregoing sections shall be a misdemeanor, punishable by a fine of not less than two or more than ten dollars.

[See chapter 159, Acts of 1905.]

Mine regulations.

(Chapter 237, Acts of 1903. Supplement, p. 472.)

Inspectors.

SECTION 1. For the purpose of greater security and protection of life and health of persons employed in and around the mines, and to increase the security and protection connected with the mining operations, and to facilitate an efficient and thorough inspection of the mines in Tennessee, and to provide an adequate inspecting force therefor, the governor shall appoint one (1) chief mine inspector, who, with the approval of the governor, shall appoint two district mine inspectors. The chief mine inspector shall hold his office for the term of four (4) years, or until his successor is appointed and qualified; and the district mine inspectors shall hold their office for the term of two (2) years, or until their successors are appointed and qualified. The first appointment hereunder shall be made within thirty (30) days from the date when this act shall take effect.

Vacancies.

SEC. 1a. In case of resignation, removal, or death of the chief inspector, or any district inspector, such vacancy shall be filled in the manner above provided for original appointments for the unexpired term so made vacant.

Qualifications.

SEC. 1b. No person shall be appointed chief mine inspector unless he is possessed of a competent knowledge of chemistry, geology, and mineralogy of Tennessee, so far as these sciences relate to mining, and has a practical knowledge of mining engineering and the different systems of working and ventilating mines, and the nature and properties of the noxious, poisonous, and explosive gases found in mines, and the best means of pre-

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venting dangers and the removal of same, and shall have had six (6) years' experience in mining, and shall have been a citizen and a resident of Tennessee for two (2) years, and shall be of good moral character and temperate habits.

Interest in mines.

SEC. 1c. The chief mine inspector shall not, while in office, be interested as owner, agent, operator, stockholder, superintendent, or engineer of any mine, and may be removed for cause by the governor at any time.

District inspector.

SEC. 1d. No person shall be appointed district inspector of mines unless he is a practical miner of at least six (6) years' experience in mining, has been a citizen and resident of Tennessee for two (2) years or more, and is possessed of a practical knowledge of the best mode of working and ventilating mines, of the best means of detecting noxious, poisonous, and explosive gases, and the best means of preventing and removing same, and shall not while in office be interested as owner, agent, stockholder, superintendent, foreman, or otherwise interested in any mine; and he shall be of good moral character and temperate habits and possessed of a class "A" foreman's certificate of competency, as required for foremen of mines in this State.

Additional inspector.

SEC. 1e (added by chapter 540, Acts of 1907). There shall be appointed in the same manner as now provided for the appointment of the present district mine inspectors an additional district mine inspector, who shall hold his office for a period of two years from date of appointment, and thereafter until his successor is elected and qualified. Said additional district mine inspector must have a general knowledge of the conduct of the mining business, and shall, in addition to such qualification, be thoroughly familiar with the work necessary in the compilation of mining statistics. He shall receive a salary of ($1,700) seventeen hundred dollars per annum and the same traveling expenses as that allowed other district mine inspectors under section 8 of said act [chapter 237, Acts of 1903], to be paid in the same manner, and he shall be subject to the same rules and regulations as now provided or may hereafter be provided for other district mine inspectors.

Bonds.

SEC. 2. Before entering upon the duties of their offices, the chief mine inspector and the district mine inspectors shall give a bond to the State, the former in the sum of fifteen thousand dollars ($15,000), and the latter in the sum of five thousand dollars ($5,000), each to be approved by the governor; said bonds to be conditioned that they will faithfully discharge the duties of their offices; and they shall take an oath of office before some court of record that they will support the constitution of the State of Tennessee, and that they will faithfully and impartially, to the best of their ability, discharge the duties of their respective offices, which oath shall be reduced to writing and filed with the secretary of state, together with their commissions, bonds, and the governor's approval of their bonds.

Duties.

SEC. 4. The chief inspector of mines and the district inspectors of mines shall give their whole time and attention to the duties of their offices and see that all provisions of this act are strictly observed and carried out, and the penalty for neglect and failure to observe the provisions of this act are strictly enforced.

Same.

SEC. 4a. It shall be the duty of the district mine inspectors to thoroughly and carefully examine each mine in their respective districts, as set forth hereinafter, and to see that every provision of this act is strictly observed by owner, agent, and employees, and that all penalties are enforced.

Ventilation, etc.

SEC. 4b. They shall carefully examine into the workings and conditions of the mines as to ventilation, drainage, general security to health and life, circulation and condition of the air in the mines, doors, brattices, overcasts, undercasts, roadways, traveling ways, top-on roadways and in workings, for the presence of dust in suspension or dust in deposit on bottom, timbers, and sides of roadways and working places throughout the mine, and for the presence of poisonous and noxious gases; examine every mine with a modern improved test lamp for the presence of explosive

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gases at each examination; examine all machinery and ventilating apparatus outside and inside of the mine; measure the quantity of air circulating in each and every part of the workings of the mine, the amount of intake and outlet currents, and designate to the superintendent or mine foremen where they shall measure the currents, as hereinafter required by this act; examine into the plan of ventilation of abandoned or worked-out portions of mines; and so far as possible, examine such places for the presence of noxious, poisonous, and explosive gases.

Records.

SEC. 4c. The inspectors shall make a record of all examinations of mines, showing the date when made, the parts the examination covered, the condition in which the mines are found, the extent to which laws relating to mines and mining are observed or violated, the progress made in the improvement of the mines and security of life and health sought to be secured by the provisions of this act, the number of accidents or injuries received in and about the mines (with full details of each), the number of mines in their districts and the State, the number of persons and animals employed in and about each, the number of kegs of powder and pounds of dynamite used in each mine per month—which, together with all such other facts and information of public interest concerning the conditions of the mines and the development and progress of mining in this State as may be useful and proper, shall be forwarded to the chief mine inspector's office on or before the third day of each month, covering work of the previous month.

Reports.

SEC. 4d. The chief mine inspector shall make a complete record of all such inspections and reports in detail, and so much thereof, that may be of public interest, to be included in an annual report to the governor of Tennessee, which report shall be in the hands of that official by the 10th day of February, or as soon thereafter as possible, following the year covered by the report.

Notices.

SEC. 4e. The district mine inspectors shall immediately and forthwith notify the owner, agent, and superintendent of any mine found to be in a dangerous condition, or operated contrary to the provisions of this act, in writing, and immediately send the chief mine inspector a duplicate of such written notice, which shall in detail show in what manner the laws have been violated and the nature of the dangerous condition of the mine.

Dangerous mines.

SEC. 4f. On receipt of same, the chief mine inspector shall make a personal examination of the mine at the earliest practicable time; and should his conclusions and findings agree with the district inspector, showing a dangerous condition of the mine to exist, he shall notify the employees of the mine by posting a notice near the entrance to the mine, setting forth the nature of the danger.

Injunctions.

SEC. 4g. If deemed necessary, the chief mine inspector shall apply to any of the courts of law or equity of this State having local jurisdiction, where the coal mine proceeded against is situated, for an injunction restraining any person from working in said mine, except those employed on improvements or repairs, until the conditions are made safe, or until the provisions of this act have been complied with, and this proceeding shall be governed by the rules and principles of chancery practice. It shall be brought on behalf of the State by said inspector, and no bond for costs shall be required, and shall be prosecuted by the attorney general in whose district the mine is located.

Orders.

SEC. 4h. The district mine inspectors shall give all orders for improvements under this act in writing, and in all cases a duplicate must be forwarded immediately to the chief mine inspector's office. If the chief or district mine inspectors while making examination or inspection of a mine, should find any matter, thing, or practice in or connected with 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 notify such person or persons immediately, and such person or persons are hereby required to obey such notices from the mine inspectors, and the inspector shall notify the owner, manager, and superintendent in writing

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to rectify such danger, condition, thing, or practice within a certain reasonable time, as hereinafter provided.

Enforcement. SEC. 4i. It shall be the duty of the chief mine inspector to enter all suits for failure to carry out and observe the provisions of this act; and such suits shall, so far as practicable, be instituted in the county in which the mine is situated, and it shall be the duty of the attorney general of the district in which county the said mine is situated to prosecute in the name of the State such suits for enforcement of the provisions and penalties under this act.

Negligence of inspectors. SEC. 4j. That the duties of the mine inspectors may be faithfully and impartially discharged, and that their orders to operators and employees, as set forth above, may be carried out to the extent and meaning of this act, any mine inspector, operator, agent, superintendent, or employee of any mine neglecting or refusing to observe this act shall, upon conviction thereof, be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200), and may, in the discretion of the court, be imprisoned in the county jail not exceeding one year and be removed from office.

Right to enter mines. SEC. 5. For the purpose of making the inspections and examinations provided for in this act, the chief mine inspector and the district mine inspectors shall have the right to enter any mine at all reasonable times, by day or night, but in such manner as shall not unnecessarily obstruct the workings of the mine; and the owner or agent of such mine is hereby required to furnish the means necessary for such entry and inspection, and the inspection and examination hereby provided for shall extend to all coal, iron ore, copper, lead, phosphate, and other mines in this State; and in case of refusal of owner, agent, operator, or superintendent to allow such entry for inspection and examination, upon conviction they shall be liable to a fine of twenty-five dollars ($25) for each and every refusal, and each refusal shall constitute a separate offense.

Districts. SEC. 6. The chief mine inspector shall designate the counties, or portions thereof, in this State, which shall constitute the three inspection districts, and may at any time change the same when, in his judgment, it is required by the best interest of the service, and shall issue such instructions, make such rules and regulations for the government of the district inspectors, not inconsistent with the powers and duties invested in them by law, as shall secure uniformity of action and proceedings throughout the different districts; and he may order one district inspector to the assistance of any other district inspector or two of the district inspectors to the assistance of the other district inspector, or make transfer of district inspectors when, in his judgment, the efficiency or necessity of the service demands or permits; and he may, with the consent of the governor, remove any district inspector for a sufficient cause. Any malfeasance in office, disregard for rules, drunkenness, or immoral conduct shall constitute a sufficient cause.

Inspections by chief inspector. SEC. 7. The chief mine inspector shall render such assistance to the district mine inspectors personally or otherwise as circumstances and conditions may require; and he shall make such personal inspections and examinations of mines as he may deem necessary and his other duties will permit, and investigate all dangerous conditions reported by the district inspectors at the earliest possible time after receipt of such information; and he shall keep in his office all maps, plans, reports, papers, books, records, and other matter required to be filed with him by this act; and he shall supply the district inspectors with test lamps, instruments, stationery, blank vouchers for expense accounts, and all kinds of blanks used in the service; and he shall keep a record of all of his and the district inspectors' work in and about the mines in such a manner that it will make a complete and ready record of reference.

Supplies.

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Report to contain what.

SEC. 7a. In his annual report to the governor he shall enumerate all accidents, fatal or nonfatal, with full particulars; prepare, assort, and arrange statistics of the annual output of all mines in this State and the number of coke ovens in operation and the number not in operation, with such information and statistics as he may think useful and proper, and make such suggestions as he deems important to the mining interests of the State, and report such facts relative to the mineral resources of the State, and the development of the same, that will be of public interest, and make any suggestions that may be necessary for the better protection of the life and health of persons engaged in the mining industry, together with the total expense of his department.

Duty of operators to give information.

SEC. 7c (added by chapter 540, Acts of 1907). In order that such full and complete statistics as, in the opinion of the chief mine inspector, is essential for the promotion of the mineral industry of Tennessee, may be obtained and published in said annual report, each and every person, firm, company, or corporation engaged in the mining, quarrying, or production of coal, cobalt, copper, fluospar, gold, iron, ores, lead, lime, manganese, mineral waters, natural gas, petroleum, phosphate rock, platinum, sand and gravel, sand, lime, brick, silver (mines report), stone, including limestone, sandstone, and marble, or other stone, zinc, gypsum, ocher, pyrites, salt-clay products, slate, or other minerals, or engaged in the manufacture of coke, brick, coal tar, lime, pig iron, ammonium sulphate, gas coke, Portland and natural cement, grindstone, metallic paint and mortar colors, flint, and all other by-products of any minerals produced in this State, shall, on or before January 15 of each year, make out and send to the chief mine inspector upon blanks, to be by him furnished and sent out for that purpose, detailed annual report, giving such statistics and information concerning the output of said mines or plant, the tonnage, number of employees, and the number of days worked. It is thereby declared a misdemeanor for any person, firm, company, or corporation to fail or refuse to furnish the chief mine inspector any and all information called for for said annual report, as above provided, on or before the fifteenth day of January of each year; and any and all parties or agents so failing or refusing to furnish said reports within the time specified shall, upon conviction, be fined one hundred dollars for each day of delay, said fine to go to the State of Tennessee. And it is hereby made the duty of the chief mine inspector to report said failure to the district attorney general of the district where the mine, quarry, or other works are situated; and in the event of the failure of any of such parties to furnish such information, it shall be the duty of the chief mine inspector to call upon such party and inspect such books and records of said firm or corporation or company as will give him the information above provided for; and such person, firm, or corporation shall be required to permit examination of all necessary books or records as will enable the chief mine inspector to obtain the information above provided for, such inspection to be made at its chief office and at any reasonable time; and their failure to permit such inspection shall be a misdemeanor and finable as above provided.

Salaries.

SEC. 8 (as amended by chapter 57, Acts of 1913). The salary of the chief mine inspector shall be three thousand dollars ($3,000) per annum, payable in monthly installments; and he shall be allowed his actual expenses incurred in the performance of his official duties, including traveling expenses, postage, stationery, instruments, test lamps, blank books, telegraph and telephone expenses, printing, tabulating reports, and other necessary expenses for the proper conduct of the office.

Same.

SEC. 8a (as amended by chapter 57, Acts of 1913). The district inspectors shall each receive a salary of two thousand dollars ($2,000) per annum, payable in monthly installments, while in the performance of the orders of the chief inspector and the duties imposed by the provisions of this act; and they shall be allowed their actual expenses.

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Expenses.

SEC. 8e (as amended by chapter 540, Acts of 1907). * * * *Provided*, That the traveling expenses of the chief mine inspector shall not exceed $1,000 per annum: *And provided, further*, That the traveling expenses of the assistant inspectors shall not exceed $700 per annum each: *Provided, further*, That the entire appropriation under the provisions of this act shall not exceed fourteen thousand dollars per annum.

Classes of mines.

SEC. 9. The maximum period that shall occur between inspections and examinations of each mine in this State and the minimum quantity of fresh air that shall be supplied to each person and each animal employed in the mines of this State shall be governed by the following classifications of mines, based upon the existing conditions heretofore, at present, or may appear in the future, in accordance with the conditions jeopardizing human life and health in such mines.

Class A.

SEC. 9a. The classification shall be as follows: Class A shall include every coal mine or other mine known to liberate fire damp (CH_4) at present or in the future, and all mines of this class shall be inspected by the chief inspector or the district inspector at least once every sixty (60) days; and the minimum amount of fresh air supplied to each person and animal employed in the mine by the ventilating currents, shall be one hundred and fifty (150) cubic feet per minute for each person and six hundred (600) cubic feet per minute for each animal employed in the mine at one time. At any time fire damp is discovered in the mine or mines of other classes the inspector may place such mine or mines in this class, and then it shall be subject to the restrictions herein prescribed for the operation of mines of such class. However, if the amount of fire damp is slight or limited, and the safety of employees is not endangered from such gas, the chief inspector may use his best judgment in changing the classification of such mine or mines; and any mine liberating sufficient fire damp to be detected on the flame of a modern test lamp may, by action of the chief mine inspector, be placed in this class; and if changes are necessary in order that they may comply with this act, the chief inspector shall allot them a reasonable time to make such changes; and if he deems it necessary, he may remove a portion of or all the inside employees until such changes are made in accordance with the provisions of this act. The minimum amount of fresh air required and specified may be increased by the chief inspector should he deem it necessary for the better protection of human life and health, as the conditions may require.

Class B.

SEC. 9b. Class B shall include every coal or other mine that is dry and dusty to such an extent as, in the best judgment of the chief inspector, renders the same dangerous from dust explosions; and where coal or other dust is deposited on timbers, sides, and bottoms of the airways, entries, and other workings of the mine, and where dangers would be increased by too great a velocity of the ventilating currents in mines of this class, the minimum amount of fresh air supplied by ventilating currents shall not be less than one hundred (100) cubic feet per minute for each person and five hundred (500) cubic feet per minute for each animal employed in the mine at one time; and the chief inspector or a district inspector shall inspect and examine each mine of this class at least once every sixty (60) days, or oftener, and determine if the mine is operated under the restrictions of this act and those governing mines of this class. The chief mine inspector shall have the right to classify the mines and determine to what class they shall belong.

Class C.

SEC. 9c. Class C shall include every coal or other mine employing over twenty (20) persons and three (3) mules that is [does] not at present or may [not?] in the future liberate sufficient fire damp to be detected on the flame of a modern test lamp and has not been classed as a dry and dusty mine by the chief inspector of mines. The minimum quantity of fresh air that shall be supplied to each person employed in the mine by the ventilating currents

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shall be eighty-five (85) cubic feet per minute, and for each animal employed in the mine it shall be five hundred (500) cubic feet per minute; and it shall be the duty of the chief mine inspector or a district inspector to inspect and examine each mine of this class at least once every ninety (90) days; and at any time conditions may require, the chief inspector may increase the quantity of fresh air to be supplied by ventilating currents, and when conditions require may change mines from one class to another by proper notice to all parties interested.

Class D.

SEC. 9d. Class D shall include all coal or other mines working less than twenty (20) persons in which fire damp has not been discovered at any time and which are not considered to be dry and dusty mines. This class of mines shall supply the same amount of fresh air by ventilating currents to persons working in same as required for class "C" mines. Mines of this class shall be inspected every ninety (90) days by the chief inspector or a district inspector. The chief inspector shall have the authority to change the classification of mines of this class as the conditions may require to maintain them in proper classes.

Class E.

SEC. 9e. Class E shall include all copper, iron ore, phosphate, lead, or other materials being mined by shaft, slope, drift, or otherwise; and mines of this class shall be examined once every three (3) months by the chief mine inspector or a district inspector, and the amount of fresh air supplied by the ventilating currents for each person and animal employed shall be governed by the conditions therein, and in no case shall the quantity of the ventilating currents be increased over that of class "A" mines: *Provided, however,* That whenever any explosive gases are met with, the chief inspector shall fix the required amount of the ventilating current per person.

Maps.

SEC. 10. The owner, operator, or superintendent shall make or cause to be made by a competent mining engineer or surveyor, an accurate map or plan of such mine, not less than a scale of one hundred (100) feet per inch—where this scale is impracticable, the chief mine inspector may allow such map to be made on a scale of two (200) hundred feet per inch—which map shall be as follows: First, all measurements shall be in feet and decimal parts thereof. Second, all of the openings, excavations, shafts, tunnels, slopes, planes, stopes, stumps, pillars, main entries, cross entries, airways, rooms, pumps, sump, etc., in each opening, stratum, seam, or bed of coal or other material, mineral, etc., in such mine. Third, by darts or arrows made thereon by pencil or pen, showing the direction of ventilating currents of such mine. Fourth, all doors, brattices, overcasts, undercasts, regulators, ventilating apparatus, buildings on outside within two hundred (200) feet of intake air way. Fifth, an accurate delineation of the boundary lines between said mine and all adjoining mines, whether owned by same operator, and the relation and proximity of said mine to every other adjoining mine. Sixth, the elevation above some well-established datum point (sea levels derived from adjacent railroad surveys to have the preference) of all tunnels, sumps, entries, headings, and working places adjacent to boundary lines at points not to exceed three hundred (300) feet apart in each direction.

Same subject.

SEC. 11. A true copy of said map or plan shall be kept at the mine, in the office of the superintendent, for the use of the inspectors at least once every six (6) months, or oftener if deemed necessary by the chief mine inspector or the district mine inspectors.

Changes to be shown.

SEC. 11a. The owner, operator, or superintendent of each mine shall cause to be shown accurately on the map or plan of the mine all the changes of every character, all the advancements and excavations made therein during the time elapsing since work was last shown on such map or plan; and all parts of such mine that were worked out or abandoned during said 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 destination, a correct measurement and surveys

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of all such workings and excavations shall be made and recorded in a survey book and placed on the map or plan prior to the removal of the pillars or any supporting material from such parts of the mine.

Copy to be furnished.

SEC. 11b. The operator or superintendent of every mine in this State shall within four (4) months after the passage of this act furnish the chief mine inspector of this State (a tracing on muslin, or a sun print) a correct copy of said map or plan, as hereinbefore provided for.

Additions, etc.

SEC. 11c. The chief inspector of mines shall, at the end of each year, or twice a year if required, forward said map or plan to the owner, operator, or superintendent, whose duty it shall be to place, or cause to be placed, on said map or plan, all the extensions, worked-out and abandoned parts of the mine that have been completed during the time since the map was last brought to date, and return the same to the mine inspector's office within sixty (60) days from the time of receiving said map or plan.

Use of copies.

SEC. 11d. The copies of the maps or plans of the mines filed with the chief inspector of the State shall remain in that office as the official records of the office, and shall be transferred by him to his successor in office; but in no case shall a copy of said map or plan be made without the written consent of the owner, operator, or agent.

Failure to furnish maps.

SEC. 11e. If any operator, owner, or agent of a mine fail or neglect to furnish the chief mine inspector with a map or plan of such mine as provided herein, or should the chief mine inspector believe that any map or plan so filed is inaccurate or materially imperfect, then, in either case, the chief mine inspector is duly authorized to cause a correct survey and map or plan to be made at the expense of the operator thereof, and the expense shall be recoverable from said operator as other debts are recoverable by law: *Provided, however*, That if the map or plan which may be claimed by the chief inspector to be inaccurate shall prove to be correct, then the chief mine inspector shall be liable for the expense incurred in making said test survey and map or plan.

Foremen, etc., to be licensed.

SEC. 12. It shall be unlawful for any person or persons to act as mine foremen, assistant mine foremen, or fire bosses of any mine in this State, unless they are registered as holders of certificates of competency or qualification under this act.

Examination.

SEC. 13. A certificate of competency or qualification to mine foremen, assistant mine foremen, and gas boss[es] shall be granted by the secretary of state to every applicant who may be reported by the examiners, as hereinafter provided, as having passed a satisfactory examination and given satisfactory evidence of at least five (5) years' practical experience in mining, and of good conduct, capability, and sobriety, and shall be sufficient evidence of his competency. The certificate shall be in manner and form as shall be prescribed by the secretary of state, and a record of all certificates issued shall be kept in his department.

Board of examiners.

SEC. 14 (as amended by chapter 540, Acts of 1907). For the purpose of the examination of applicants for certificates of qualification the chief mine inspector and district mine inspectors provided for in this act be, and are hereby, constituted a board of examiners, of which the chief mine inspector shall be the chair-

Powers and duties.

man. Said board may hold meetings at such times and places for the examinations of applicants for the position of mine foremen, gas bosses, etc., as in its judgment may be most convenient. Said board shall have power to make such rules and regulations for the conduct of said examinations as in its judgment may seem proper for ascertaining the qualification of the applicants, and shall conduct all examinations in the presence of the majority of its members. Said board shall report its action to the secretary of state, and majority of same shall certify to the qualification of each applicant who satisfactorily passed the examination, and

Revocation of license.

shall serve without compensation. The chief mine inspector is hereby authorized and empowered to revoke and annul the certificate of any foreman or assistant mine foreman or gas boss or other

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foreman or bosses issued under this act upon satisfactory evidence appearing to him that the holder of said certificate is or has been guilty of negligence in the performance of his duties, immoral conduct, or his wanting in integrity, and upon the revocation of such certificate the chief mine inspector shall make a record of same in his office, and shall immediately certify the same to the secretary of the state, who shall record said revocation upon a book containing a copy of certificate issued. The chief mine inspector shall notify the holder of such revoked certificate of said revocation, and the holder of said certificate shall immediately surrender the said revoked certificate to the chief mine inspector, to be by him turned over to the secretary of state for cancellation. Should the holder of said revoked certificate fail or refuse to surrender the same as herein provided, he shall be deemed guilty of a high misdemeanor, and, upon conviction, be fined not less than one hundred dollars ($100) and be imprisoned not less than three months nor more than eleven months in the county jail or workhouse: *Provided*, Any foreman, assistant mine foreman, gas boss, or other foreman or boss whose certificate has been revoked as herein provided may, within ten days after receipt of the notice of revocation herein provided for, notify the chief mine inspector of his desire to be reinstated and have said order of revocation annulled; and if at the time he shall execute bond, payable to the State of Tennessee, with good and sufficient security, conditioned to pay the costs incident to the proceeding, in the event he is unsuccessful in his efforts to be reinstated and set aside the order of revocation, it shall then be the duty of the chief mine inspector to fix a day, not later than ten days from such written demand, [and a place,] which place shall be within the civil district where the party whose license is revoked lived at the time of the revocation, and at said time and place the chief mine inspector shall appear and hear such legal evidence as may be offered by such aggrieved party, as well as such legal evidence as may be offered in favor of the order of the chief mine inspector revoking his license, which evidence shall be reduced to writing, and upon such evidence said chief mine inspector shall pass judgment, either affirming the order of revocation of the chief mine inspector or reversing the same; and in the event the order of the chief mine inspector is reversed, such party shall be reinstated. The written testimony taken in the case shall be preserved by the chief mine inspector as a part of the records of his office: *Provided*, That either party may take the case from the action of the mine inspector made on said written evidence before the judge of the circuit court of the county where said trial is had by writ of certiorari prosecuted within twenty days from the date of the judgment of said inspector; and in the event of such action, the chief mine inspector shall cause a certified copy of all the evidence, as well as the original order of revocation and his order thereon, made on said written evidence, certified by him as a true and correct copy of same, to be filed in the office of the clerk of the circuit court where the said petition for certiorari is filed, and the case shall thereupon stand for hearing before the judge of said circuit court upon such certified record at the next term of the court after the filing of same. The writ of the certiorari in such cases may be granted by any judge of the State on proper petition being presented to him therefor, and upon the execution of a bond for the costs of the petition in the event that the same is prosecuted by the party whose license is revoked, the circuit judge shall pronounce judgment on said certified copy, either affirming the action of the mine inspector or revoking and setting aside the same. In all trials of cases of this kind before the circuit court the mine inspector shall be represented by the district attorney general, and the party whose certificate has been revoked shall be entitled to have counsel to represent him as in other matters of litigation. In the event the party seeking to be reinstated is unsuccessful in his contention, judgment shall be rendered by the chief mine inspector in the first instance against

Appeals.

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said party and the sureties on the bond filed for that purpose for all costs incident to the proceeding and by the circuit judge for all costs incident to the prosecution of the writ of certiorari. If the action of the chief mine inspector is annulled and set aside, either by the inspector or by the circuit judge, then the costs of the proceeding shall be certified by the clerk and the judge and the attorney general to the comptroller of the State for payment out of the appropriation for the support of the mining department of the State.

Contents of certificate.

SEC. 15 (as amended by chapter 540, Acts of 1907). Said certificate shall contain the full name, age, and place of birth of the applicant, also the length and nature of his previous experience in and about coal and other mines, and the secretary of state shall, without cost, keep a record in his department of all the certificates issued. Before the issuance of certificates to any applicant the applicant must give satisfactory evidence to the board of examiners of his good conduct, honesty, capability, and sobriety, and shall pay the said board of examiners for the use and benefit of the State the following fees: For conducting the examination (to be paid for when the examination is held), five dollars ($5); for the issuance and registration of the certificate, five dollars ($5), to be paid for when issued. All fees collected by virtue of provisions of this section shall be reported and paid into the State treasury at the end of the month during which said collections are made by the board of examiners, to be placed to the credit of the mining department.

Fees.

Foremen to be employed.

SEC. 16. No coal mine shall be operated for a period longer than thirty (30) days without such certificated mine foremen. For all class "A" and class "B" mines the foremen shall hold class "A" certificates; the assistant foremen may be holders of class "B" certificates. In all mines of class "C" and class "D" the foremen may be holders of class "B" certificates, and all gas bosses shall be holders of class "A" or class "B" certificates, which certificates shall state on the face of same that they are qualified to act as gas bosses. Any owner, operator, or superintendent operating a coal mine in this State for thirty days without such certificated foreman shall, upon conviction of same, be subject to a fine of twenty-five dollars ($25) per day for each and every day operated without such foremen or foreman.

Duplicate certificate.

SEC. 17. In case of the loss and destruction of a certificate the secretary of state may supply a copy thereof to the person losing same upon the payment of fifty (50) cents: *Provided*, It shall be shown to the satisfaction of the secretary of state that the loss has actually occurred and the loser was a holder of such certificate.

Counterfeiting.

SEC. 18. 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 the same, or shall urge and influence others to do so, or shall utter or use any such 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 any document containing same, he or they shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred dollars ($200) or imprisoned for a term not exceeding six (6) months nor less than three (3) months, or both, at the discretion of the court.

Acting without license.

SEC. 19. Any person who shall act as mine foreman, assistant mine foreman, or gas boss for a period of more than thirty (30) days after the passage of this act without being a holder of a certificate under this act and in accordance with this act, shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars ($100) and costs and imprisoned not less than sixty (60) days, at the discretion of the court: *Provided, however*, That certificates granted under the laws of this State prior to the passage of this act shall be considered good and in full force as if issued under this act.

Proviso.

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Care of ventilation.

SEC. 20. In order to better secure the proper ventilation of mines and promote the health and safety of the persons employed therein, the operator or superintendent shall employ a competent and practical inside overseer of each and every mine, to be called "mine foreman." Said mine foreman shall be licensed as hereinbefore required by this act, and his license as such shall be sufficient evidence of his competency. He shall be a citizen of the United States, and he shall devote the whole of his time to the duties at the mine when in operation (or in case of his absence, an assistant chosen by him), and shall keep a careful watch over the ventilating apparatus, airways, entries, traveling ways, timbers, pumps, and drainage, that as the miners advance their excavations all dangerous coal, slate, or rock overhead is taken down or secured against falling, and that sufficient props, caps, and timbers are kept at some convenient point near the mine entrance, which shall be selected and loaded on the cars by the miners, and shall then be hauled to the mouth of the room or face of the entry where he is working.

Duties of mine foreman.

Airways, etc.—in class A mines;

SEC. 20a. The mine foreman shall see that all break-throughs are made in accordance with this act, as follows: In all class "A" mines, no entry or airway shall advance over sixty (60) feet from the last completed break-through and air current without written special permission of the chief mine inspector, who shall designate the distance and the manner such entry or airway shall be advanced, and such permission shall be given only in cases where necessary to make some connection with other parts of the works or surface for improvement in ventilation or drainage; and break-throughs between rooms, or "pillars" break-throughs shall not be over seventy-five (75) feet apart, measuring the first room from entry or airway.

In class B;

SEC. 20b. In all class "B" mines, the entries or airways shall not be advanced over sixty-seven and one-half (67½) feet from last completed break-through and air current; and all break-throughs between rooms or "pillars" break-throughs shall not exceed eighty-two and one-half (82½) feet apart, measuring from the nearest entry or airway for the first break-through.

In classes C and D;

SEC. 20c. In all class "C" and class "D" mines the entries and airways shall not be driven over seventy-five (75) feet in advance of the last completed break-through or air current; and break-throughs between rooms or "pillars" break-throughs shall not exceed ninety (90) feet apart, measuring from the nearest airway or entry.

In class E.

SEC. 20d. In all class "E" mines the method of ventilating and directing the ventilating current shall be determined by the chief mine inspector, as the case may require and the health and safety of the persons therein employed demand.

Power to change.

SEC. 20e. In all classes of mines the chief inspector, in conjunction with the mine foreman, may increase or decrease all the distances above provided for when by them deemed expedient.

Foreman agent of employer.

SEC. 20f (as amended by chapter 540, Acts of 1907). Said mine foreman is hereby expressly declared to be the agent or representative of the operator or owner of the mine in the discharge of the duties required of said mine foreman by this act.

Duties of foreman.

SEC. 20g. It shall be the duty of the mine foreman or foremen to see that the provisions of this section [sections 20–20f, as above given], and the other duties herein defined are faithfully discharged and carried out; and in case of his or their failure to comply with such provisions, and upon conviction he or they shall be subject to a fine of one hundred dollars ($100) each and imprisonment for a period of not less than ninety (90) days, at the discretion of the court.

Gas boss.

SEC. 21. In all mines termed and designated as class "A" by the chief mine inspector, there shall be employed one (1) or more gas bosses, as conditions, extent or workings, and other circumstances may require, who shall examine every place before each shift of workmen enter the mine, for the presence of fire damp and other dangers to persons employed therein.

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Tests. SEC. 21a. Such gas bosses shall make all examinations with an improved test lamp that is satisfactory to the chief mine inspector. [See section 21d.]

Dangerous places. SEC. 21b. When fire damp or other dangers are found to exist in a person's working place or any part of the mine, the fire boss shall place some obstruction at a safe distance from the dangers found to exist in a working place or other part of the mine, and place a board at such point, on which he shall designate the character of the danger found to exist, together with the date and time of examination. Such obstruction shall be sufficient notice to all persons not to pass, except it be in the presence of the mine boss or gas boss, and then only for the purpose of removing the dangers found to exist there.

Certificate. SEC. 21c. The person or persons acting as gas boss or gas bosses shall have received a certificate of competency, as required by this act, which shall be sufficient evidence of his competency.

Safety lamp. SEC. 21d. In no case while making examinations shall the gas boss use any other light than that inclosed as a safety lamp. [See section 21a.]

Time of inspection. SEC. 21e. In all cases such examinations shall be begun within three (3) hours of the time that each shift commences work; and it shall be the duty of the gas boss to leave some evidence of having examined each and every working place throughout the mine at the working place as may be agreed upon between the chief mine inspector and the gas boss.

Abandoned parts. SEC. 21f. The gas boss shall also examine the entrances to worked-out or abandoned parts of the mine that are adjacent to working places and roadways, where fire damp is likely to accumulate.

Danger signals. SEC. 21g. Where danger is found to exist he shall place danger signals at such places which shall be sufficient warning for all persons not to pass such signals. At each and every entrance of a class "A" mine, allowed to be used as a traveling way, there shall be placed a blackboard, not less than twenty (20) by thirty (30) inches; and it shall be the duty of the superintendent, mine foreman, or gas boss to display a danger signal at the end of each shift; and no person shall pass such board when such signal is displayed, except the superintendent, mine foreman, or gas boss while in the discharge of their duties, or by their orders in case of necessity. Said danger signal shall remain there until the mine has been carefully examined by the gas boss, who shall remove said signal and state where he has found any danger in the mine and its nature. [See section 21b.]

Record. SEC. 21h. Immeidately [sic] after each examination the fire boss shall enter in a book supplied by the chief mine inspector, and kept at the office of the operator nearest the mine, the exact condition he has found in the mine, and the location of and the nature of any danger found to exist; and said book shall at all times be open to the examination of the chief mine inspector or district mine inspectors.

Stoppage of work. SEC. 21i. In all class "A" mines where operations are temporarily suspended, or if the ordinary current of air throughout the mine be stopped, all entrances to the mine shall be fenced off by the mine foreman and a danger signal placed on such fence, and it shall be unlawful for any person or persons to pass such danger signal until the circulation of air is restored and the mine has been examined as hereinbefore required.

Violations. SEC. 21j. Any disregard of this section [sections 21–21k, as here given] by any person or persons shall be a misdemeanor; and it shall be the duty of the mine foreman or the gas boss to forthwith notify the chief mine inspector, who shall enter legal proceedings against such person or persons, and any conviction under this section [sections 21–21k, as here given] shall subject such person or persons so convicted to a fine of fifty dollars ($50) and costs or imprisonment not to exceed ninety (90) days, at the discretion of the court.

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Gas boss agent of employer.

SEC. 21k (as amended by chapter 540, Acts of 1907). Said gas boss is hereby expressly declared to be the agent or representative of the operator or owner of the mine in the discharge of the duties required of said gas boss by this act.

Safety lamps.

SEC. 22. In order to better protect human life and property in class "A" mines in this State, the chief mine inspector is hereby given authority to cause any such mine to be worked exclusively with safety lamps and to make rules and regulations for the safety of the mine and safety of the persons employed in such mine not inconsistent with this act. The safety lamps so used shall be the property of the operator of such mine, and shall be in care of some competent person designated by the superintendent or mine boss, who shall clean, trim, fill, lock, and examine each lamp carefully and deliver same to the persons employed in the mine as they enter, and shall receive the same from the men at the end of each shift, for which service a charge not exceeding the cost of material and labor may be made by the operator against persons using such safety lamps; and a sufficient number of extra safety lamps shall be kept at each mine in case of an emergency—the number shall not be less than twenty (20) per centum of the number actually in use during each shift—and it shall be the duty of every person using a safety lamp, who knows his lamp to be injured or defective in any manner, to promptly report such fact to the party authorized to receive and care for same, and it shall be promptly reported to the mine foreman: *Provided, further*, That all safety lamps used shall be of a character approved by the chief mine inspector, who shall place all mines using safety lamps under special rules, as conditions may require; and such rules shall not in any manner conflict with this act. Any operator of mines neglecting to carry out the provisions of this section when ordered by the chief mine inspector, or any person using a safety lamp known to be dangerous or defective or refusing to maintain the extra lamps as above required, shall, upon conviction, be subject to a fine of fifty dollars ($50) and all costs for each and every case.

Number of lamps.

SEC. 23. Every class "A" mine, whether using safety lamps or not, shall be required to keep and maintain at least twenty-five (25) safety lamps for use in case of an emergency, and such lamps shall be in condition for immediate use at all times. Any operator refusing to provide and maintain such lamps shall, upon conviction, be subject to a fine of fifty dollars ($50) and costs for each and every refusal.

Record book.

SEC. 24. At all class "A" mines a suitable and uniform record book shall be provided from the chief mine inspector's office in which the gas boss or gas bosses shall enter on completion of each examination the finding and examination, showing the exact nature of any danger discovered, its location, and its extent, which report shall be signed by the fire boss or gas boss making the examination.

Report of danger.

SEC. 24a. The gas boss shall promptly report such danger or dangers to the mine foreman, whose duty it shall be to remove the danger as far as practicable forthwith.

Books.

SEC. 24b. It shall be the duty of the mine foreman to countersign the gas boss' report in said book each day, and he shall keep and maintain a record of every danger found to exist in such mine that has come under his immediate attention and not reported by the gas boss during that day or any other time; and these books shall at all times be open to the inspection of the chief mine inspector or the district inspector; also there shall be kept and maintained a record of all air measurements made each week.

Violation.

SEC. 24c. Any refusal or neglect to comply with this section [sections 24–24d, as here given] of this act shall be deemed a misdemeanor; and upon conviction the party whose duty it is to comply with this section [sections 24–24d, as here given] shall be subject to a fine of fifty dollars ($50) and costs for each and every case.

Books to be examined.

SEC. 24d. It shall be the especial duty of the district mine inspector to carefully examine these books at each examination and

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report their contents to the chief mine inspector's office, should they contain a record of any danger not heretofore reported.

Ventilation to be recorded.

SEC. 25. It shall be the duty of the mine foreman to measure the ventilating currents at places throughout the mine designated by the chief mine inspector or the district mine inspector, and a record of all such measurements shall be kept and maintained at the office of the mine nearest to the mine. Such measurements shall be made each week and promptly recorded in said book; and at the end of each month they shall be reported to the office of the chief mine inspector upon blanks supplied by that office for such purposes, together with the output of the mine, number of persons and animals employed inside and outside of the mine, the number of days the mine was in operation, the amount of powder and dynamite consumed, and such information deemed necessary to formulate useful and proper statistics of the mining business of this State; and the owner or operator shall provide an accurate anemometer to the foreman to make such measurements with, and any such person making false returns of such measurements shall be deemed guilty of an offense against this section.

Accidents.

SEC. 25a. Whenever loss of life occurs by accident or explosion, the superintendent or foreman in charge shall give immediate notice to the chief or district mine inspector and to the coroner of the county in which the mine is situated, and the coroner shall hold an inquest upon the body or bodies of the person or persons whose death has been caused, and inquire carefully into the cause thereof, and shall return a copy of the findings and all the testimony to the chief mine inspector.

Investigation.

SEC. 25b. Whenever loss of life or serious personal injury results from an explosion or accident, the place where it occurred shall be left as it was immediately after the accident occurred until the arrival of the inspector to investigate the case, unless a compliance with this enactment would tend to increase or continue the danger or would impede the working of the mine.

Reports.

SEC. 25c. It shall be the further duty of every owner, superintendent, or foreman to report the facts in the following cases promptly: First, where any change occurs in the name of any mine or in the name of any owner, agent, manager, superintendent, foreman, assistant foreman, or gas boss of any mine or the officers of any incorporated company which owns and operates a mine in this State. Second, where any working commenced for the purpose of opening a new shaft, slope, or mine to which this act will apply. Third, where any mine is abandoned or the working thereof is discontinued indefinitely. Fourth, where the working of any mine is recommenced after any abandonment or discontinuance for a period of two (2) months. Fifth, 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 or feeder of gas is found in any mine. Sixth, for any violations of the provisions of this act by any person or persons, with names, dates, and witnesses, of any neglect, intemperance, or bad conduct on the part of the district mine inspectors. Seventh, whenever the works of any mine are approaching old workings which may contain water or gas in sufficient quantity to jeopardize the life of persons employed therein.

Violations.

SEC. 25d. Any offense against this section [sections 25–25d, as here given] or the neglect or failure of persons so required to make reports, shall be deemed an offense against this section [sections 25–25d, as here given]; and such offense shall be deemed a misdemeanor, and upon conviction the party guilty of such offense shall be subject to a fine of fifty dollars ($50) and costs.

Negligence of inspectors.

SEC. 26. For any neglect or dereliction of duty on the part of the chief inspector or district inspectors, he or they may be summarily dismissed by the governor and their successors by him appointed to fill the vacancies thus created.

Two openings required, when.

SEC. 27. It shall not be lawful for the operator, superintendent, or mine foreman of any mine to employ more than twenty (20) persons within said mine or permit more than twenty (20) per-

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sons to be employed therein, at any one time, unless such persons are in communication with at least two (2) available openings to the surface or outside from each seam, vein, stratum, or bed of material being mined exclusive of any upcast or slope from a furnace; and in all shaft mines and slope mines where slope is greater than twenty (20) degrees, the two (2) openings shall be at least one hundred and fifty (150) feet apart, separated by natural strata and maintained for the purpose of ingress and egress of the persons employed therein, and must be available for that purpose at all times unless in the judgment of the chief mine inspector that distance is impracticable, then the mine inspector shall fix the distance: *Provided*, That this shall apply to air courses already located: *But provided*, That any mine operated by shaft or a slope of over twenty (20) degrees and the extent of the workings does not exceed ten thousand (10,000) square yards in area, and is ventilated by a fan, and the shaft or slope is divided into two or more compartments, one of them may be used for an airway, the other for the purpose of ingress and egress from and into said mine by the persons therein employed; and the same shall be considered in compliance with this statute so long as no marsh gas is liberated and the workings are not dry and dusty, but when such conditions are discovered the number of persons allowed to work in such mine shall be designated by the chief mine inspector, as the conditions may warrant, and the mine placed in its proper class; and the second opening shall be made, separated from the first opening by one hundred and fifty (150) feet or more of natural strata, if, in the judgment of the chief mine inspector, it is practicable to do so; if not, the second opening shall not be less than fifty (50) feet from the first opening, separated by natural strata; but this shall not apply when such mode of ingress and egress is available through an adjacent mine connected for that purpose and maintained in a proper manner to be at all times available for such purpose. Any neglect or refusal to provide such opening in accordance with the provisions of this section shall be deemed an offense agaents [sic] this act; and the chief mine inspector may order the suspension of work in such mines, limiting the number of employees therein and the time for completion of the second opening; and in case of the refusal of the owner, superintendent, or mine foreman to comply with the chief mine inspector's orders in such cases, he or they shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to a fine of twenty-five dollars ($25) per day for each and every day that the mine is operated contrary to orders of said mine inspector.

Provisos.

Shaft to be kept open.

SEC. 28. In every shaft mine or slope mine exceeding twenty (20) degrees, a compartment shall be provided in one of the two openings for the ingress and egress of persons employed therein; and such compartment shall not be clogged or obstructed by ice, machinery, pumps, pipes, or currents of heated air and steam; and if the opening is a shaft, it shall be fitted with safe and convenient stairs not less than two (2) feet wide and not to exceed an angle of sixty (60) degrees descent, and landings of not less than twenty (20) inches wide and four (4) feet long at easy and convenient distances; and all water coming from the surface and out of the starata [sic] in the shaft shall be conducted by rings, casings, or otherwise, and be prevented from falling down the shaft and wetting persons who are ascending or descending the shaft stairway.

Means of travel.

SEC. 28a. If the second opening is a slope for a traveling way, it shall have a stairway, if the slope is over twenty (20) degrees in pitch, and may be any depth. When the seam, vein, stratum, or bed of material being worked exceeds seventy-five (75) feet in vertical depth at the main shaft, the persons employed in such mine shall be lowered into and out of the mine by machinery; and when employees are lowered into said mine at the main outlet, the escapement shaft shall be fitted with safe and available ma-

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chinery or safe and convenient stairs, by which persons employed in the mine may readily escape in case of accident.

Hoisting machinery.

SEC. 28b. The hoisting machinery and stairs used for lowering the employees into and out of the mine shall be kept in a safe condition and inspected once each twenty-four (24) hours by a competent person employed in whole or in part for that purpose; and such inspection [of] stairs and machinery shall be approved by the district mine inspector of the district wherein the mine is situated: *Provided*, That the requirements of this section shall not be applicable to stairways now in use when, in the judgment of the inspector, they are sufficient.

Speaking tubes, etc.

SEC. 28c. The owner, superintendent, or foreman shall provide and maintain a metal tube from top to bottom of the shaft, or a telephone system, through which conversation may be held between persons at top and bottom of the shaft; also the ordinary means of signaling to and from the bottom of the shaft, and an improved safety catch and a sufficient metal covering overhead on every carriage used for lowering and hoisting persons; and the

Safety cages.

said owner, superintendent, or foreman shall see that sufficient flanges are attached to the sides of every drum and every machine used for lowering and hoisting persons into and out of a mine, and also that adequate brakes are attached to the drum. The main coupling or socket attached to the rope supporting the cage shall be made from the best quality of iron, and shall be tested by weights or otherwise to the satisfaction of the district mine inspector; and 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 owner, superintendent, or foreman of each mine in a conspicuous place near the shaft.

Violations.

SEC. 28d. Any neglect or refusal to comply with the provisions of this section shall constitute an offense against this section; and upon conviction, the owner, superintendent, or foreman shall be subject to a fine of fifty dollars ($50). Upon the conviction of any one of the above persons of neglecting or refusing to comply with the provisions of this section, the chief mine inspector shall have authority to close down the mine and suspend all operations until the provisions of this section are complied with.

Shelter holes.

SEC. 29. In all slopes exceeding twenty (20) degrees and where the main haulage way is used for a traveling way, "shelter holes" shall be made in the sides of entries or slope, not exceeding twenty (20) yards apart; and these shall be maintained safe from loose material on sides and top, in order that persons traveling said roadways may avoid danger from passing trips of mine cars. In all shaft mines there shall be cut out around the sides or driven through the solid strata at the bottom of such shaft, a traveling way not less than five and one-half (5½) feet high and five (5) feet wide, to enable persons to pass the shaft in going to one side or the other without passing over or under the cage or other hoisting apparatus. The neglect or refusal of persons in charge of a mine to comply with the provisions of this section shall be deemed a misdemeanor, and upon conviction they shall be fined twenty-five dollars ($25) for each day the mine is operated contrary to the provisions of this section: *Provided*, That that part of this section applying to ingress and egress shall not apply to class "E" mines under the classification of this act, when other means of ingress and egress may be had.

Dusty mines

SEC. 30. In all class "B" mines it shall be the duty of the owner, superintendent, or operator to remove any and all dangerous accumulations of dust from the mine and see that all traveling ways, haulage ways, and working places are maintained in a safe and moist condition by sprinkling, spraying, saturating the sides and bottom and other places with water or otherwise, so as to maintain the mine in a safe condition from dust explosions; and in any mine the mine inspector is hereby invested with authority to cause the owner, superintendent, or foreman to take the

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necessary precautions to prevent such explosions. In case of neglect or refusal to obey the instruction and orders given them or the provisions of this section, they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), at the discretion of the court.

Rules.

SEC. 31. The chief mine inspector or the district mine inspectors shall formulate rules and regulations in conjunction with the superintendent and mine foreman of each mine, controlling the number of shots within certain limits, time, and manner of firing same, manner of preparing the shots, and the amount of powder to be used within certain limits; and such rules shall be posted at or near the entrance of each mine, and any person violating such rules shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) and imprisoned at the discretion of the court.

Violations.

SEC. 32. Whoever violates any of the provisions of this act or does any act whereby the health or life of persons or the security of any mine and machinery is endangered, or any miner, or other person employed in any mine covered by this act who neglects or refuses to securely prop the roof of any working place under his control, or neglects or refuses to obey any order given by the superintendent or foreman of a mine in relation to the security of the mine in the part thereof where he is at work or along the roadway to his room or working place, or any miner, workman, or other person who shall knowingly injure any water gauge, instrument, air course, ventilating apparatus, door, brattice, or shall obstruct or throw open any airway, or shall handle or disturb any part of the machinery of the hoisting engine or drainage plant, or open a door of the mine and not have same closed again, whereby danger is produced to either the mine or those at work therein, or who shall enter any part of the mine against the caution or danger signal, or who shall disobey any order given in pursuance of this act, or who shall do any willful act whereby the lives and health of the persons working in the mine or the security of the mine or property connected therewith or the machinery inside and [or] outside of the mine is endangered or injured, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500) and all costs, and imprisoned at the discretion of the court.

Ventilation.

SEC. 33. The operator, superintendent, or foreman of any class "A" mine in this State shall arrange the approach to the fan or ventilating apparatus with explosion doors, which, in case of an explosion, will be thrown open and assist in preventing the destruction of the fan or ventilating apparatus; and the mine shall be divided into splits or districts, and the ventilating current entering such a district from the main inlet current and passing through such a district, shall be conducted to the main return airway without passing through the works of another district or in any manner supplying persons outside of that district; and all main doors between such districts shall be in duplicate, the second, or duplicate, to be used in case of damage or destruction of the first one. It shall be unlawful to work more than fifty (50) men and eight (8) mules on or in any split or district unless, in the judgment of the chief mine inspector, it is impracticable to comply with this section. It shall be the duty of the chief mine inspector to see that the provisions of this section are carried out, and in case of refusal or neglect of the owner, superintendent, or operator to comply with these provisions, the mine inspector may remove all persons from the mine and close the works, or partially do so, until they are in compliance with these provisions.

Riding on loaded cage.

SEC. 34. It shall be unlawful for any person to ride on a loaded trip or cage in any mine[,] other than those whose duty compels them to do so, and a violation of this section shall be deemed a misdemeanor, and upon conviction the person or persons violating

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this section shall be subject to a fine of twenty-five dollars ($25) and costs.

Fee for inspection.

SEC. 35 (as amended by chapter 540, Acts of 1907). All owners or operators of coal, metal, or other mines required to be inspected by this act, or which may hereafter be required by law to be inspected by the chief mine inspector or a district mine inspector, shall pay to the comptroller of the State of Tennessee for the use of the State a fee for each inspection of mines as follows: Mines employing an average of 100 inside employees or over, $35; mines employing an average of 75 to 99 inside employees, $30; mines employing an average of 50 to 74 inside employees, $25; mines employing an average of 25 to 49 inside employees, $20; mines employing an average of 15 to 24 inside employees, $15; mines employing an average of 10 to 14 inside employees, $10; mines employing an average of less than 10 inside employees, $5: *Provided*, That not more than four (4) inspection fees shall be charged and collected from the owner or operator of any one mine for any one year.

Reports.

SEC. 35a. The inspection fees herein prescribed shall be paid to the comptroller of the State at the end of each year; and for the purpose of collecting the same the owners or operators of coal, metal, and other mines in this State inspected by the chief mine inspector, or the district mine inspectors, shall prepare a sworn report to the comptroller of the State of Tennessee on the first day of January of each year, showing the monthly average number of employees of every character working inside of mines operated during the preceding year or any part thereof, also the number of inspections made by the chief mine inspector or the district mine inspectors during that year, and shall forward such reports to the comptroller of the State, together with the fees due the State, as herein prescribed. The chief mine inspector shall make a report to the comptroller of the State on the first day of January of each year, showing the number of inspections made during the preceding year and the fees due the State from each mine, with the name of the owner or operator of each mine. In the event of the failure or refusal or [of] any owner or operator to pay the fees as prescribed herein, it shall be the duty of the State comptroller to collect said fees by distress warrant or otherwise. The fees collected under the provisions of this act shall be credited by the comptroller to the account of the mine inspection department of the State.

(Chapter 92, Acts of 1901. Supplement, p. 501.)

Illuminating oil.

SECTION 1. Only a pure animal or vegetable oil, or other oil as free from smoke as a pure animal or vegetable oil, and not the product or by-product of rosin, and which shall, on inspection, comply with the following test, shall be used for illuminating purposes in the mines of the State: All such oils must be tested at 60 degrees Fahrenheit. The specific gravity of the oil must not exceed 24 degrees Tagliabue. The test of the oil must be made in a glass jar one and five-tenths inches in depth. If the oil to be tested is below 45 degrees Fahrenheit in temperature, it must be heated until it reaches about 80 degrees Fahrenheit, and should the oil be above 45 degrees and below 60 degrees Fahrenheit, it must be raised to a temperature of about 70 degrees Fahrenheit, when, after being well shaken, it should be allowed to cool gradually to a temperature of 60 degrees Fahrenheit before finally being tested. In testing the gravity of the oil, the Tagliabue hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. In case the oil under test should be opaque or turbid, one-half of the capillary attraction shall be deemed and taken to be the true reading. Where the oil is tested under difficult circumstances, an allowance of one-half degree may be made for possible error in parallax, before condemning the oil, for use in the mine.

Test.

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All oil sold to be used for illuminating purposes in the coal mines of this State shall be contained in barrels or packages branded conspicuously with the name of the dealer, the specific gravity of the oil, and the date of the shipment. Barrels to be branded.

SEC. 2. Any person or persons, firm, or corporation, which ships any oil contained in any barrel or barrels, package or packages, which are not branded as prescribed in section 1, said oil to be used for illuminating purposes in coal or other mines; and any person or persons, firms, or corporations, which sell any oil other than that prescribed in section 1, to be used for illuminating purposes in coal mines; and any person, firm, or corporation having in charge the operation or running of any coal mine, under his or its charge, [who] uses or permits the use of any oil other than that prescribed in section 1, and any miner or mine employee who uses, with a knowledge of its character, in any coal mine in this State, any other oil than that prescribed in section 1, shall be guilty of a misdemeanor, and on conviction, shall be fined for each offense not less than fifty nor more than two hundred dollars, or shall be imprisoned in the county jail not less than three nor more than twelve months, or by both such fine and imprisonment. Penalty.

SEC. 3. It shall be the duty of the State mine inspector, in person, or by some person designated by him, to inspect oils being used by mines to determine if the grade is of the standard described in section 1 of this act; said inspection to be made at the pleasure of the coal mine inspector, or person designated by him. Should he find the grade of oil used below the grade fixed in this act, he shall notify the owner, agent, or operator of the mine, and also notify the miners using the oil, that the quality is inferior, and if change is not made as soon as practicable, he shall notify the prosecuting attorney of the county in which the mine is located, giving him all the facts, and the prosecuting attorney shall forthwith proceed to enforce the provisions of this act. Inspection.

Exemption of wages from attachment, etc.

(Chapter 590, Acts of 1903. Supplement, p. 745.)

SECTION 1. Wages earned out of this State and payable out of this State shall be exempt from attachment or garnishment in all cases, where the cause of action arose out of this State, and it shall be the duty of garnishees in such cases to plead such exemption unless the defendant is actually served with process. Wages earned outside of State.

Protection of employees as voters.

(Chapter 14, Acts of 1899. Supplement, p. 835.)

SECTION 4a. It shall be unlawful for any employer, either corporation, association, company, firm, or person, in paying its, their, or his employees the salary or wages due them, to inclose their pay in "pay envelopes" on which there is [are] written or printed any political mottoes, devices, or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views, or actions of such employees. Inclosures in pay envelopes.

SEC. 4b. Nor shall it be lawful for any employer, either corporation, association, company, firm, or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment or place where its, their, or his employees may be working or may be present in the course of such employment, any handbill, notice, or placard, containing any threat, notice, or information, that in case any particular ticket or candidate shall, or shall not be elected, work in its, their, or his establishment shall cease in whole or in part, or its, their, or his workmen be reduced; or other threats, express or implied, intended or calculated to influence the political opinions or actions of its, their, or his employees. Handbills, etc.

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Penalty.

SEC. 4d. Any person or persons, or corporation violating any of the provisions of this section [sections 4a and 4b] shall be deemed guilty of a misdemeanor; and any person, whether acting in his individual capacity or as an officer or agent of any corporation, so guilty of such misdemeanor shall be punished as hereinafter prescribed.

Use of force, violence, etc.

SEC. 5. It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence, by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or otherwise in any manner whatever, to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons, measure or measures, at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

Penalty.

SEC. 7. * * * any corporation or agent of a corporation, guilty of any offense herein made a misdemeanor, shall, upon conviction, be punished by a fine not exceeding one thousand dollars. * * *

Employment of labor—False representations—Hiring armed guards.

(Chapter 104, Acts of 1901. Supplement, p. 843.)

Deceptive representations, etc.

SECTION 1. It shall be unlawful for any person, persons, company, corporation, society, association, or organization of any kind doing business in this State by himself, 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 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 the 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 any advertisement, proposal, or contract for the employment of workmen that there is a strike, lockout, or other labor troubles 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 as false advertisement and misrepresentation for the purposes of this act.

Notice of strike.

Penalty.

SEC. 2. 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 1 of this act, or any part thereof, shall be fined not less than $500, or confined in the county jail not exceeding one year, or both, where the defendant or defendants is or are a natural person or persons.

Hiring armed guards.

SEC. 3. Any person or persons who shall in this or another State, hire, aid, abet, or assist in hiring, through agencies or otherwise, persons to guard with arms or deadly weapons of any kind for any such purpose, without a permit from the governor of this State, 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 in this act shall be construed to interfere with the right of any person, persons, company, corporation, society, association, or organization in guarding or protecting their private property or private interests,

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as is now provided by law; but this act shall be construed only to apply in cases where workmen are brought into this State, or induced to go from one place to another in this State by any false pretenses, false advertising, or deceptive representations, or brought into this State under arms, or removed from one place to another in this State under arms.

Damages.

SEC. 4. Any workman of this State, or any workman of another, who has or shall be influenced, induced, or persuaded, to engage with any persons mentioned in section 1 of this act, 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.

ACTS OF 1905.

CHAPTER 159.—*Inspection and regulation of bakeries.*

Bakeries as workshops.

SECTION 1. Chapter 401, of the Acts of 1899 [relating to the inspection of factories, etc., pp. 2036, 2037, above], is hereby, amended to make the word "workshop," whenever the same shall appear therein, include bakeries, whether the same be run by machinery or not.

CHAPTER 171 (as amended by chapter 45, Acts of 1913).—*Seats for female employees.*

Seats to be provided.

SECTION 1. Every person, firm, or corporation employing females in any factory, mercantile establishment, mill, or workshop in this State, shall provide a suitable seat for each female employee, 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; and shall permit the use of such seat [seats] at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employees, and wherever practicable, such seats shall be made a permanent fixture.

Violations.

SEC. 2. Any person, firm, or corporation violating this act, or any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than ten dollars ($10) nor more than one hundred dollars ($100) for each violation thereof.

ACTS OF 1907.

CHAPTER 256.—*Employment of children to support parents in idleness.*

Who are vagrants.

SECTION 1. The following persons are and shall be defined and punished as vagrants, viz:

* * * * * * *

(n) All persons who, though able to work, fail to do so, but hire out their minor children, or allow them to be hired out, and subsist upon their wages.

* * * * * * *

CHAPTER 308.—*Employment of women and children—Hours of labor.*

Sixty hours per week.

SECTION 3. It shall be unlawful for any person, firm, or corporation to employ in any manufacturing establishment in this State

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any female, or any child under the age of sixteen years, more than sixty (60) hours in any one week.

Violation. SEC. 4. Every violation of this act is hereby declared to be a misdemeanor punishable by a fine of not less than twenty-five ($25) dollars and not more than one hundred ($100) dollars for each offense.

CHAPTER 541.—*Private employment offices.*

Tax assessed. SECTION 4. Each vocation, occupation, and business hereinafter named in this section is hereby declared to be a privilege, and the rate of taxation on such privilege shall be as hereinafter fixed, which privilege tax shall be paid to the county court clerk as provided by law for the collection of revenue.

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INTELLIGENCE OFFICES AND EMPLOYMENT AGENCIES.

Each office, per annum $10

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ACTS OF 1909.

CHAPTER 124.—*Factory inspector—Powers.*

Enforcement of laws. SECTION 1. Police powers and authority are hereby conferred upon and vested in the factory inspector, and he shall have full power and authority to enforce all the labor laws of the State, with the exception of the mining laws, by making arrests for the violation of such laws in the same manner as officers of the State empowered by law to make arrests for violation of the laws of the State now have and possess.

CHAPTER 473.—*Inspection and regulation of factories, etc.—Manufacture of food products.*

Lighting, ventilation, etc. SECTION 1. 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 act the term "food," as used herein, 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.

Walls. SEC. 3. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel, and 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 and restaurant kitchen 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,

Floors. or distribution of food shall have an impermeable floor made of cement, or tile laid in cement, brick, wood, or other suitable nonabsorbent material which can be flushed and washed clean with water.

Screens. SEC. 4. 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.

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Toilet rooms.

SEC. 5. 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 any other nonabsorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and wash rooms shall be adjacent to toilet rooms, and shall be supplied with soap, running water, and towels, and shall be maintained in a sanitary condition. Operatives, clerks, and all 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. 6. 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 floors or side walls of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation, or sale of any food is conducted.

Living or sleeping in rooms.

SEC. 7. 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 for sale, served, or sold.

Diseased employees.

SEC. 8. 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 dysentery, measles, mumps, German measles, whooping cough, chicken pox, or any other infectious or contagious disease.

Enforcement.

SEC. 9. The pure food and drug inspector or other legal agent of the State board of health shall have full power at all times to enter every building, room, basement, or cellar occupied or used or suspected of being used for the production for sale, manufacture for sale, storage, sale, distribution, or transportation of food, and to inspect the premises 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 act, or if the production, preparation, manufacture, packing, storing, sale, distribution, or transportation is being conducted in a manner detrimental to the health of the employees and operatives or to 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 report such conditions and violations to the pure food and drug inspector, who shall issue an order to the person or persons 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 may, within five days from the issuance of the order, appear in person or by attorney before the pure food and drug inspector to give reason why such instruction should not be obeyed.

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ACTS OF 1911.

CHAPTER 57.—*Employment of children—Age limit.*

Age limit.

SECTION 1 (as amended by chapter 47, Acts of first extra session, 1913). It shall be unlawful for any proprietor, foreman, owner, or other person to employ, permit, or suffer to work any child less than fourteen years of age in, about, or in connection with any mill, factory, workshop, laundry, telegraph or telephone office, or in the distribution or transmission of merchandise or messages. And no child under sixteen years of age shall be employed, permitted, or suffered to work in any of the occupations named in this section between the hours of six o'clock in the evening and six o'clock in the morning of any one day.

Employment during school time.

SEC. 2 (as amended by chapter 47, Acts of first extra session, 1913). It shall be unlawful for any proprietor, foreman, owner, or other person to employ, permit, or suffer to work any child under fourteen years of age in any business or service whatever which interferes with the child's attendance at school, during any part of the term the public schools of the district in which the child resides are in session.

Occupations forbidden.

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

Nightwork.

SEC. 4. It shall be unlawful for any proprietor, foreman, owner, or other person to employ any child under eighteen years of age 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.

Statements of age on file.

SEC. 5. It shall be unlawful for any proprietor, foreman, owner, or other person to employ, permit, or suffer to work any child between the ages of fourteen and sixteen years in, about, or in connection with any place or establishment named in section 1, unless said proprietor, foreman, owner, or other person keep on file and accessible to the shop and factory inspector a sworn statement made by the parent or guardian or any person acting as guardian of such child, setting forth the place and date of birth of such child, and whoever shall make false statement as to the age of such child in such sworn statement shall be deemed guilty of perjury.

Violations.

SEC. 6. 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 deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars

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nor more than two hundred and fifty dollars, in the discretion of the court.

ACTS OF 1913.

CHAPTER 9.—*Employment of children—School attendance.*

Attendance required.

SECTION 1. Every parent, guardian, or other person, in the State of Tennessee, having charge or control of any child between the ages of eight and fourteen years inclusive, shall cause such child to be enrolled in and attend some day school, public, private, or parochial, for eighty consecutive days, or when the school term is less than eighty days in length, for the full term, in each year in the county or city in which said child may reside.

Provided, That in cities maintaining a separate school system which have a scholastic population of five thousand or over by the State school census of 1912 or any subsequent State school census, any parent, guardian, or other person having charge or control of any child between the ages of eight and fourteen inclusive, shall cause such child to attend school for the full school term.

Provided, further, That any parent, guardian, or other person having charge or control of any child between the ages of fourteen and sixteen years who is not actively and regularly and lawfully engaged in some useful employment or service, or who is unable to read and write, shall cause such child to attend school as herein provided for children between the ages of eight and fourteen years.

CHAPTER 11.—*Department of workshop and factory inspection.*

Department created.

SECTION 1. There is hereby created a department to be known as a "Department of Workshop and Factory Inspection of the State of Tennessee;" that the governor shall appoint a chief inspector of workshops and factories, who shall hold office for a term of four years from the first day of March following his appointment and until his successor is appointed and qualified. He shall have an office at the State capitol in which the records of the department shall be kept.

Chief inspector.

SEC. 2. 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 all laws relating to workshops and factories, and prosecute violation thereof, and perform such other duties as are required of him by law.

Deputies.

SEC. 3. With the approval of the governor, the chief inspector of workshops and factories shall appoint two deputy inspectors of workshops and factories, one male and one female, each of whom shall hold office for a term of four years from the first day of March after their appointment and until their successors are appointed and qualified. Each male deputy inspector of workshops and factories shall be a competent and practical mechanic, and each deputy inspector must devote his or her whole time and attention to the duties of the office.

Duties.

SEC. 4. The chief inspector of workshops and factories shall divide the State into districts and make such assignments of deputy inspectors therein as he may see fit, and prescribe such rules and regulations for their government as the service may require. Each deputy inspector of workshops and factories shall visit the shops and factories of the district assigned to them as often as practicable, see that the laws relating to workshops and factories are enforced, and perform such other duties pertaining to the department of workshops and factory inspection as the chief inspector directs.

Additional duties.

SEC. 5. Each deputy inspector of workshops and factories, assigned to a district for the inspection of workshops and factories therein, shall carefully inspect the sanitary conditions, systems of sewerage, situation and condition of water-closets, systems of sewerage, lighting, and ventilating rooms where persons are em-

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ployed at labor, and the means of exit in case of fire or other disasters within, or connected with, such workshops and factories. They shall examine the belting, shafting, gearing, elevators, drums, and machinery in and about such workshops and factories, and see that they are not so located as to be dangerous to employees when engaged in their ordinary duties and, as far as practicable, securely guarded; they shall see that each vat, pan, or structure filled with molten lead, or hot liquid is surrounded by proper safeguards for preventing accident or injury to persons employed at or near them.

Access to premises. SEC. 6. For the purpose of an inspection or examination required of them by law, the chief inspector of workshops and factories, and each deputy inspector, at reasonable hours may enter any workshop or factory in the State.

Witnesses. SEC. 7. In the performance of his duties pertaining to his office, the chief inspector of workshops and factories, and each of the deputy inspectors, shall have the authority of a notary public to administer oaths and take affidavits in the administration of the duties thereof, and any false swearing shall be deemed guilty of perjury, and punishable as such.

Records. SEC. 8. Each inspector of workshops and factories shall make a record of shops and factories in their districts, showing the date when an examination was made, the condition in which the shop or factory was found, and what changes were ordered. The records shall also show the number of shops and factories in the district, the number of men, women, and children employed in each, and such other facts and information concerning the condition of such shops and factories as the chief inspector deems necessary. Each week this record shall be filed in the office of the chief inspector, and so much of it as is of public interest included in his annual report to the governor.

Definition. SEC. 9. The term "workshops and factories" as used in this act shall include the following: Manufacturing, mills, mechanical, electric, mercantile, art, and laundering establishments; printing, telegraph, and telephone offices; department stores, or any kind of an establishment wherein labor is employed or machinery used.

Salary of chief. SEC. 10. The salary of the chief inspector of workshops and factories shall be one thousand eight hundred dollars ($1,800) per annum, payable monthly, on the warrant of the comptroller as other salaries are paid. And that the sum of one thousand eight hundred dollars ($1,800) per annum, or as much thereof as may be necessary, is hereby appropriated for the expenses of the said department incurred in the actual performance of their official duties; said expenses to be itemized, evidenced by vouchers, and sworn to.

Salary of deputies. SEC. 11. The salary of each deputy inspector of workshops and factories shall be twelve hundred dollars ($1,200) per annum, payable monthly, on the warrant of the comptroller as other salaries are paid.

Clerk. SEC. 12. The chief inspector of workshops and factories shall appoint a clerk in the office of his department; the salary of said clerk shall be one thousand dollars per annum, payable monthly, on the warrant of the comptroller as other salaries are paid.

ACTS OF 1913—FIRST EXTRA SESSION.

CHAPTER 12.—*Employment of women and children—Hours of labor.*

Limit of hours of labor. SECTION 1. On and after January 1, 1914, and up to and including January 1, 1915, it shall be unlawful for any proprietor, foreman, owner, or other persons to employ, permit, or suffer to work in, about, or in connection with any workshop or factory in the State of Tennessee, any female or any child under the age of sixteen years in excess of fifty-eight hours in any one week or more than ten and a half hours in any one day: *Provided*, That ten and a half hours a day will be permitted only for the purpose of providing for one short day in the week.

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Limit after Jan. 1, 1915.

SEC. 2. Commencing January 1, 1915, it shall be unlawful for any proprietor, foreman, owner, or other person to employ, permit, or suffer to work in, about, or in connection with any workshop or factory in the State of Tennessee, any female or any child under sixteen years of age in excess of fifty-eight hours in any one week or more than ten and a half hours in any one day: *Provided*, That ten and a half hours per day will be permitted only for the purpose of providing for one short day in the week.

Violation.

SEC. 3. Any proprietor, foreman, owner, or other person who shall require, permit, or suffer to work in, about, or in connection with any industry or establishment named in the foregoing section, any female or child under the age of sixteen years more than the number of hours as prescribed in sections one and two of this act, or any person mentioned in sections one and two violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each offense.

Schedule of hours.

SEC. 4. Every proprietor, foreman, owner, or other person in charge of any industry specified in sections one and two of this act shall post, or cause to be posted, in a conspicuous place in the workroom or place of employment where persons affected by this act are employed, a printed or written notice, setting forth therein the hours of commencing and leaving work, the time allowed for meals or other intermissions, and the maximum number of hours any female or child under the age of sixteen be permitted to work in any one day or in any one week. And in event any proprietor, foreman, owner, or other person shall operate a business which runs at night, he shall specify in said notice the hours of work on the night shift, giving the number of hours each female or child under the age of sixteen years is permitted to work on such night shift.

Evidence of violation.

SEC. 5. The failure on the part of any proprietor, foreman, owner, or other person in charge of any industry named in sections one and two of this act to post, or cause to be posted, within sixty days after date of the passage of this act, and to keep posted said notices as provided in section four, shall be prima facie evidence of the violations of sections one and two of this act.

Record.

SEC. 6. Every proprietor, foreman, owner, or other person mentioned in the foregoing sections of this act shall keep, or cause to be kept, a record, showing the length of time each and every female or child under sixteen years has worked each day and the number of hours worked in each week; and such record shall be open for inspection at all reasonable hours to the department of workshop and factory inspection.

Enforcement.

SEC. 7. The State department of workshop and factory inspection shall be charged with the duty of enforcing the provisions of this act and prosecute all violations thereof.

CHAPTER 24.—*Provisions for accidents in mines.*

Equipment required.

SECTION 1. Every operator of a coal mine in this State shall provide and keep in a convenient place, at or near the mouth of said mine, and in a room where the same shall be well protected, a suitable stretcher, bandages, dressings, and medicines for the first aid to the injured in and about said mine. The supplies to be furnished by the operator under this section shall be the same or equivalent to those recommended in such cases by the first-aid department of the American Red Cross Society.

Violations.

SEC. 2. Every operator of a coal mine in this State who shall violate the first section of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $25 nor more than $100 for each offense.

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CHAPTER 29.—*Payment of wages—Semimonthly pay day.*

Semimonthly pay day required.

SECTION 1. All corporations doing business within this State, who shall employ any salesmen, mechanics, laborers, or other employees, and who operate a commissary or supply store in connection with their business, shall pay the wages balance then due of such employees in lawful money semimonthly on Saturday nearest the fifteenth and thirtieth of each month: *Provided*, Deduction to be made from amount due for such advances made in the way of cash, supplies, rent, and etc., that may have been furnished.

Violations.

SEC. 2. Any person, corporation, company, firm, or partnership that through its president or otherwise violates section 1 of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than $50 nor more than $500 for each offense.

CHAPTER 32.—*Accidents to be reported.*

Reports required.

SECTION 1. It shall be the duty of every firm, corporation, or individual employing labor in any workshop or factory in the State of Tennessee to make or cause to be made to the department of workshop and factory inspection, within three days after it shall occur, a report of each and every accident happening in, about, or in connection with such workshop or factory, where such accident might have resulted in bodily injury or death to any employee or person connected with such workshop or factory, setting forth in such report the nature of the business in which such employee is engaged in, the time, place, and nature of the accident, and the kind of machinery, if machinery caused the accident.

Accidents causing death.

SEC. 2. It shall be the duty of every firm, corporation, or individual employing labor in any workshop or factory in the State of Tennessee to make or cause to be made to the department of workshop and factory inspection, within ten days after it shall occur, a report of each and every accident happening to any person in, about, or in connection with such workshop or factory, which accident resulted in death or bodily injury of such a nature that the injured person does not return to his or her employment within seven days after the occurrence of such accident, setting forth in such report the nature of the business in which such employee is engaged, the time, place, and nature of the accident, the name, address, sex, age, and nature of employment of the person killed or injured, and whether such person is married or single, and, if married, the number of persons dependent upon the injured person for support, together with a statement of how the accident occurred, and, if such accident was caused by machinery, the kind of machinery used.

Report on request.

SEC. 3. It shall be the duty of every firm, corporation, or individual employing labor in workshop or factory in the State of Tennessee to make a full and detailed report, in addition to the information required to be furnished in section one and two of this act, upon written request of the chief inspector of the department of workshop and factory inspection, furnishing him any information which such chief inspector may demand.

Reports not evidence.

SEC. 4. No report herein required to be made, or any part thereof, shall be admitted in evidence or referred to at the trial of any action or any judicial proceedings whatsoever.

Violations.

SEC. 5. Any person who fails or refuses to comply with the provisions of this act, or who fails and refuses to answer in detail any inquiry made by any inspector of the department of workshop and factory inspection relative to such accidents, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished, for the first offense, by a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100), and, for the second and subsequent offense, by a fine of not less than one hundred dollars ($100) nor more than two hundred dollars ($200).

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SEC. 6. The term "workshop and factories" as used in this act shall include the following: Manufacturing mills; mechanical, electrical, mercantile, art, and laundering establishments; printing, telegraph, and telephone offices; department stores; or any kind of an establishment wherein labor is employed or machinery used. Definition.

SEC. 7. The chief inspector of the department of workshop and factory inspection shall compile and make a permanent record of the information obtained by virtue of this act. Record.

SEC. 8. The sum of five hundred dollars ($500) per annum, or as much thereof as may be necessary, is hereby appropriated for the expense incurred in collecting, compiling, and reporting this information, said expenses to be itemized, evidenced by voucher, and sworn to, which vouchers shall be paid by the comptroller of the State of Tennessee upon the request of the chief inspector of the department of workshop and factory inspection. Expense.

SEC. 9. It shall be the duty of the chief inspector of the department of workshop and factory inspection to prepare and furnish, free of charge, to any person, upon application, or printed forms, which, when filled out, will set out the facts required by this act. Blanks.

CHAPTER 38.—*Mine regulations—Rescue stations.*

SECTION 1. When any individual, company, corporation, or other organization, connected with any mine or mines in this State, shall establish and equip a station with approved oxygen-breathing, mine-rescue apparatus to conform to requirements hereinafter set forth; and wherever six or more men in connection with said station shall have qualified as hereinafter set forth in the use of said apparatus, then said station, through its owner or representative, and six men constituting the rescue corps of said station, may make application to the chief mine inspector to become a State station, and receive aid from the State for the maintenance of same. State rescue stations.

SEC. 2. State stations up to the number of six may be provided for in different parts of the mining section of this State. The section of the mining field in which these stations may be located shall be decided by the chief mine inspector. Number.

SEC. 3. The requirements for admission as State stations shall be: Each station shall have a suitable building or place for the apparatus, together with a smoke room, or other suitable place for the drill and training of men in said apparatus. Requirements.

The equipment of each station shall consist of not less than four oxygen-breathing apparatus, of a type which have [has] been approved by the United States Bureau of Mines, two large oxygen tanks, and one extra oxygen bottle, or set of bottles, for each apparatus; also one safety lamp and one electric lamp for each apparatus, together with a supply of such duplicate parts as might be easily lost or destroyed; also one oxygen pump for charging said apparatus, and such other accessories as are necessary for the successful use of said apparatus for drill and rescue work. Equipment.

It shall be the duty of the owners of each station to keep all apparatus in good repair, and to furnish at their own expense such duplicate parts and repairs as are necessary; also to furnish all oxygen and potash necessary for operating said apparatus, the same to be paid for when used for regular drill or otherwise by the State, as is hereinafter provided for. Duties of owners.

Six men shall constitute the official rescue corps for each station, one of whom shall be chosen as captain. These men shall be chosen by the owners of the station, or their representative, or by the organization, as the case may be, and shall be approved by the chief mine inspector. They shall be men thoroughly acquainted with mining, and preferably men working in the mine. Rescue corps.

These men must have been examined by a physician who has due knowledge of the requirements of this service, and hold a certificate from him as to their physical fitness for this work. Physical examination.

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They must be holders of certificates of rescue training from the United States Bureau of Mines, or have received training in the apparatus equal to that required by said Bureau for such certificate.

Drills. Each station must maintain official drill, or practice once each month, under such regulations as may be prescribed by the chief mine inspector, a feature of which must be, however, not under one or over two hours for each man, in the apparatus using oxygen.

Reports to chief inspector. Regular reports must be made by the captain or acting captain of each rescue corps to the chief mine inspector, on the last of each month, on blanks supplied for this purpose. This report must state the names of the members of the corps, or substitutes, participating in the drill, the amount of time each apparatus was in use with oxygen, the names of men, if any, who were given training, together with such other data as may be required. Such report must be sworn to before some party duly authorized to administer oaths.

Reports to comptroller. SEC. 4. On the first of each month, or as soon thereafter as possible, the chief mine inspector shall make a report to the comptroller, giving the name of each member of each corps or legal substitute participating in the monthly drill, together with the amount of oxygen and potash consumed in such drill and training at each station in hours per apparatus.

Compensation. The comptroller shall then issue warrants to each man named as taking part in said drill for the sum of $5 each, together with the warrant to the owner or representative of each station for compensation for oxygen and potash used in said drill, at the rate of $1 per hour for each apparatus in use: *Provided*, That not more than $50 shall be paid in any one month for both compensation to men and supplies to any one station for both drill or practice purposes.

Appropriation. There shall be appropriated and set aside for the purpose of meeting the expense above provided for, or for paying such extra expense as might occur in any serious mine disaster, or otherwise, as hereinafter set forth, the sum of $4,000 per annum, or such part of same as may be necessary.

Substitutes. No person shall be eligible to receive compensation for taking part in the monthly drill as set forth above, except the six regular members provided for, or legal substitutes. In case any of said members are absent or otherwise incapacitated, the captain or person acting as such may appoint substitutes to make up the full number of the corps. However, such substitutes must be appointed from those having legal qualifications for membership in the corps, and whose names and qualifications have previously been reported to the chief mine inspector as such.

Training. Each corps may, however, under the supervision of the captain or other member of the corps, give training in the use of the apparatus to those desiring same. The cost of the oxygen and potash for such training may, within the total amount per month specified above, be included in the cost of such supplies.

Duty of corps in case of disasters. SEC. 5. In consideration of the above expenditures, the chief mine inspector, or, in his absence, the district mine inspector, shall be empowered, in the case of any mine disaster or emergency, to call on any corps to report at the shortest possible time to any point in the State, with their apparatus, ready for duty.

Duty of owners. It shall be the duty for the owner or representative of such station to see that the apparatus is at all times available for any such call, and the duty of the corps to respond to such call in the quickest possible time, in full number, either members of said corps or legal substitutes, and to act under the direct orders at such time of the chief mine inspector: *Provided, however*, That no man shall be required other than voluntarily to perform any duty where he may feel his life is in danger.

Control. The chief mine inspector, or, in his absence, the district mine inspector, shall have full control of the mine and all rescue work in case of such disaster.

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All men called for and reporting for duty in such cases, together with any such competent men offering their services for such rescue work, and being accepted by the chief mine inspector, shall be paid by the State at the rate of $5 per day, and all oxygen and potash used at the rate of $1 per hour, together with all transportation and traveling expenses; said time for the regular crops to reckon from the time said corps leave the station till their return, and all other cases from the acceptance of said services to the discharge of said men by the order of the chief mine inspector. Compensation.

SEC. 6. The chief mine inspector shall be authorized to incur such expense as he may judge necessary in connection with the rescue work at any mine disaster, also that he may employ competent men from the membership of any State rescue corps to give instructions under his direction in the organization and training of mine rescue corps and first air [aid] corps; and the rate of compensation and expenses therefor shall not exceed that provided for in the regular drill or rescue work. Expenses.

Itemized statements of time and expense shall be made under oath by the parties incurring same; and after approval by the chief mine inspector, the same shall be paid by the comptroller out of any money remaining of the $4,000 above provided for.

SEC. 7. The chief mine inspector shall have the right to drop from the membership of any corps, or any substitute therein, any person showing unfitness or incapacity for rescue work. He may also disband any State station, withdrawing State aid from same, where the standards and requirements as herein set forth are not kept up or carried out. If such station does not requalify within two months, he may, if there is a request for same, form a station elsewhere to take the place of the one disbanded. Nothing in this act shall, however, be construed to in any way interfere with the full use of the apparatus at any time by the owners of the same: *Provided*, That while the said apparatus forms the equipment of a State station, it shall be available, as above set forth, for emergency or for drill and training. Regulations.

CHAPTER 40.—*Fire escapes on factories, etc.*

SECTION 1. Every mechanical or mercantile establishment or factory or workshop or laundry or mill or manufacturing or other places wherein labor is performed, on or above the second floor now or hereafter erected, which is two or more stories in height, and in which twenty-five or more operators or employees shall be at work, on or above the second floor, shall be provided with outside iron fire escapes as hereinafter provided. The fire escape shall be located at such place on the said buildings as may be best suited for the purpose intended, or as the chief inspector of factories designates in writing, and shall take in one or more windows on each floor above the first floor. Fire escapes may project into the highway to a distance not greater than four feet beyond the building line. Fire escapes required.

SEC. 2. Every factory, workshop, mill, or place where the manufacture of goods of any kind is carried on now or hereafter erected, which is three or more stories in height, and in which twenty-five or more operatives or employees shall be at work on or above the second floor, shall be provided with outside iron fire escapes as hereinafter promised [provided]. The fire escapes shall be located at such place on the said building as may be best suited for the purpose intended, or as the chief inspector of workshop and factories may designate in writing, and shall take in one or more windows on each floor above the first floor. Fire escapes may project into the public highway to a distance not greater than four feet beyond the building line. Same subject.

SEC. 3. The fire escapes 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 the fire escape being over a public highway, when a drop ladder shall connect the lower balcony to the ground in a manner hereinafter specified. Construction.

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The stairways shall be placed at a slope not steeper than a ratio of one horizontal to one and one-quarter vertical. The balcony on the top floor shall be provided with a gooseneck ladder leading from said balcony to above the roof.

Balconies.

SEC. 4. The balconies shall not be less than three feet in width, taking in at each story above the ground floor at least one window of each part of building, separated by inside walls, in which twenty-five or more operatives or employees shall be at work. They shall be below and not more than one foot below the window sills, and extend in front of and not less than nine inches beyond each window. There shall be a landing of not less than twenty-four inches square at the head and foot of each stairway. The stairway opening on each platform shall be a size sufficient to provide clear headway. The windows opening upon each balcony shall be of easy access and sufficiently large to permit easy passage through them, and shall be kept unobstructed. Where the top of the window sill is more than two feet above the floor of the building, inside steps shall be provided.

Landings.

Stairways.

Windows.

Details of construction.

SEC. 5. The floors of balconies shall be of wrought iron or steel not less than one and a half inches by three-eighths of an inch, placed not less than one-quarter of an inch apart, and well secured and riveted to iron battens not less than one and a half inch by three-eighths of an inch and not over two feet apart, and which battens shall rest on and be riveted to frame of balcony, said frame to consist of angle iron not less than two and one-half inches by two and one-half inches by three-sixteenths of an inch thick, and to extend around the four sides of balcony floor, to rest upon brackets, and to be secured to same by rivets or bolts, and to be riveted at corners. The openings for stairways in all balconies shall not be less than twenty-one inches wide and forty-two inches long, and such openings shall have no covers of any kind. The platform of balconies shall be constructed and erected to sustain in all their parts a safe load of not less than eight pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts.

Same subject.

SEC. 6. The outside rail shall in no case be less than three feet above the floor of the balcony, and shall extend around the entire platform, and in all cases shall go through the wall at each side, be worked out to three-quarter-inch bolt size, and be properly secured by nuts, with washers at least four inches and three-eighths of an inch thick, and to top rail shall be connected at angles by cast iron. The top rail of balconies shall be one and three-quarter inches by one-half inch of wrought iron, of such size and shape as shall be approved by the inspector of factories. The bottom rails shall in no case be more than one-eighth inch above floor of balcony, and shall be of one and one-half inches by three-eighths of an inch wrought iron or one and one-half inch thick, well loaded or cemented into the wall. The standard or filling-in bars shall not be less than one-half inch round or square wrought iron, well riveted to the top and bottom rails and to platform frames immediately where adjacent to brackets, and shall be placed not more than six inches apart.

Stairways.

SEC. 7. The stairway shall be constructed and erected to fully sustain in all parts a safe load of not less than one hundred pounds per step, 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 sustain at said ratio a concentrated load of two hundred pounds. The treads shall not be less than seven inches wide and the rise of each step not more than nine inches. The treads shall be flat, open treads of cast iron not less than five-eights of an inch thick or of flat bars not over one and one-quarter of an inch wide or less than three-eighths of an inch thick, with spaces between not more than one inch or less than a half inch, such bars to be riveted to angled irons of not less than twenty inches wide between inside of strings; and there shall remain a clear passage between the stairway and wall of building of not less than fourteen inches. The

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strings shall be not less than three-inch channels of iron or steel or other shape equally strong, and shall at both top and bottom rest upon and be fastened to a bracket, which shall be fastened through the wall as hereinafter provided. The stairs shall have a handrail of not less than three-quarter inch round wrought-iron rod or pipe on each side, not less than thirty inches or more than forty-two inches above steps of any point, and same shall be secured and well braced.

Brackets.

SEC. 8. The brackets shall be placed not more than four feet apart and not less than three-quarters of an inch by one inch and a half wrought iron placed edgewise or one and three-quarters inch angle iron one-quarter of an inch thick, to extend full across width of balcony, and be well braced at a point not less than two-thirds of the distance from wall to end of bracket by means of not less than three-quarters of an inch wrought iron or one and three-quarters inch angle iron. The ends of brackets and braces shall go through the wall and be turned down three inches or be properly secured by nuts and washers four inches square and at least three-eighths of an inch thick. On new buildings the brackets shall be set as the walls are being built. When brackets are put on factories already erected, the part going through the wall shall not be less than five inches square and one-half inch thick.

Ladders.

SEC. 9. A proper ladder to reach to a safe landing place below shall be required from the lower balcony of any fire escape over a public highway 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.

Landing platforms.

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 costructed as this act requires; for stairways between such platforms shall not be less than three feet in width and four feet long, and provided with proper railings.

Drop ladders.

The drop ladder to the ground shall not be less than fifteen inches in width, with strings not less than one-half inch by two inches iron, and not less than five-eighths of an inch in diameter, placed not more than twelve inches apart and securely riveted through the strings; strings to be made of one piece and not connected in parts by riveting or bolts; the upper end of each string to be formed into a hook, by which the ladder may be secured to the frame of the balcony when in use. The goose-neck ladder shall be securely fastened to 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 the balcony.

Expense.

The erecting of said fire escape shall, in the absence of any agreement between the landlord and tenant, be done at the expense of the landlord.

Paint.

SEC. 10. All 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 whenever the same may be needed.

Powers of inspector.

SEC. 11. The chief inspector of factories shall have the power to make and have served an order in writing upon any owner or owners of any building coming under the provisions of this act, ordering that a fire escape shall be erected either on a new building or on a building already erected, or ordering that a fire escape already erected shall be changed and altered in such manner as he shall in such order designate.

Such fire escape must conform to the provisions of this act.

Violation.

Any corporation, firm, or person failing or neglecting to obey such order within the time therein limited shall be liable to a penalty of one hundred dolars ($100) for such failure, and to a further penalty of ten dollars ($10) for each day that shall elapse after the expiration of the time limited in said order until a fire escape shall be erected on such building in compliance with the terms of such order: *Provided*, That fire towers, when approved by the chief inspector of factories, shall be legal protection, the same as iron fire escapes as hereinafter [hereinbefore] provided.

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TEXAS.

CONSTITUTION.

ARTICLE 3.—*Labor organizations—Provisions of constitution.*

SECTION 56. The legislature shall not, except as otherwise provided in this constitution, pass any local or special law, * * * regulating labor, trade, mining and manufacturing; * * * Local laws forbidden.

ARTICLE 16.—*Exemption of wages from garnishment.*

SECTION 28. No current wages for personal service shall ever be subject to garnishment. Current wages exempt

REVISED CIVIL STATUTES—1911.

Arbitration of labor disputes—Boards of arbitration.

ARTICLE 71. Whenever any grievance or dispute of any nature, growing out of the relation of employer and employees, shall arise or exist between employer and employees, it shall be lawful, upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five persons. When the employees concerned in such grievance or dispute, as the aforesaid, are members in good standing of any labor organization which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators, and the employer shall have the power to designate two others of said arbitrators; and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employees concerned in any such grievance or dispute, as aforesaid, are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute, as aforesaid, are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board; and said board shall be organized as hereinbefore provided: *Provided*, That when the two arbitrators shall have been selected by each of the respective parties to the controversy, the district judge of the district having jurisdiction of the subject matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator. Arbitration lawful. Board.

ART. 72. Any board, as aforesaid selected, may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition, it shall be the duty of said judge, if it appear, that all requirements of this law have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determina- Procuring license.

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tion. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

Different labor organizations.

ART. 73. When a controversy involves and affects the interests of two or more classes or grades of employees belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators selected by the employees shall be agreed upon and selected by the concurrent action of all such labor organizations, and a majority of such individuals who are not members of a labor organization.

Submission of claims.

ART. 74. The submission shall be in writing, shall be signed by the employer or receiver and the labor organization representing the employees, or any laborer or laborers to be affected by such arbitration who may not belong to any labor organization, shall state the question to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows:

1. That pending the arbitration the existing status prior to any disagreement or strike shall not be changed.

2. That the award shall be filed in the office of the clerk of the district court of the county in which said arbitration is held, and shall be final and conclusive upon both parties, unless set aside for error of law, apparent on the record.

3. 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.

4. That the employees dissatisfied with the award shall not, by reason of such dissatisfaction, quit the service of said employer or receiver before the expiration of thirty days, nor without giving said employer or receiver thirty days' written notice of their intention so to quit.

5. 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 parties shall be had until the expiration of said one year.

Organization.

ART. 75. The arbitrators so selected shall sign a consent to act as such and shall take and subscribe an oath before some officer authorized to administer the same to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the district court wherein such arbitrators are to act. When said board is ready for the transaction of business, it shall select one of its members to act as secretary and the parties to the dispute shall receive notice of a time and place of hearing, which shall be not more than ten days after such agreement to arbitrate has been filed.

Powers.

ART. 76. The chairman shall have power to administer oaths and to issue subpœnas for the production of books and papers and for the attendance of witnesses, to the same extent that such power is possessed by the court of record, or the judge thereof in this State. The board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournment, and shall herein [hear and] examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

Powers cease, when.

ART. 77. When said board shall have rendered its adjudication and determination, its powers shall cease, unless there may be at the time in existence other similar grievances or disputes between the same class of persons mentioned in article 71, and in such case such persons may submit their differences to said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such difference or differences.

Status quo to be maintained.

ART. 78. During the pendency of arbitration under this chapter it shall not be lawful for the employer or receiver party to such arbitration, nor his agent, to discharge the employees parties

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thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employees to order, nor for the employees to unite in, aid or abet strikes or boycotts against such employer or receiver.

Compensation.

ART. 79. Each of the said board of arbitrators shall receive three dollars per day for every day in actual service, not to exceed ten days, and traveling expenses not to exceed five cents per mile actually traveled in getting to, or returning from, the place where the board is in session. The fees of witnesses of the aforesaid board shall be fifty cents for each day's attendance and five cents per mile traveled by the nearest route to, and returning from, the place where attendance is required by the board. All subpœnas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same. And the fees and mileage of witnesses and the per diem and traveling expenses of said arbitrators shall be taxed as costs against either or all of the parties to said arbitration, as the board of arbitrators may deem just, and shall constitute part of their award; and each of the parties to said arbitration shall, before the arbitrators proceed to consider the matters submitted to them, give a bond, with two or more good and sufficient sureties, in an amount to be fixed by the board of arbitration, conditioned for the payment of all expenses connected with the said arbitration.

Award.

ART. 80. The award shall be made in triplicate. One copy shall be filed in the district clerk's office, one copy shall be given to the employer or receiver, and one copy to the employees or their duly authorized representative. 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 shall be rendered accordingly when such exceptions shall have been fully disposed of by either said district court or on appeal therefrom.

Entry of judgment.

ART. 81. At the expiration of ten days from the decision of the district court, upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during the said ten days either party shall appeal therefrom to the court of civil appeals holding jurisdiction thereof. In such case, only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said court of civil appeals upon said questions shall be final, and being certified by the clerk of said court of civil appeals, 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 an award.

Exemption of wages from garnishment.

Current wages exempt.

ARTICLE 306. No current wages for personal service shall be subject to garnishment; and where it appears upon the trial that the garnishee is indebted to the defendant for such current wages, the garnishee shall nevertheless be discharged as to such indebtedness.

Blacklisting—Statement of cause of discharge.

What is discrimination.

ARTICLE 594. Either or any of the following acts shall constitute discrimination against persons seeking employment:

Blacklisting.

1. Where any corporation, or receiver of the same, doing business in this State, or any agent or officer of any such corporation

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or receiver, shall blacklist, prevent, or attempt to prevent, by word, printing, sign, list or other means, directly or indirectly, any discharged employee, or any employee who may have voluntarily left said corporation's service, from obtaining employment with any other person, company, or corporation, except by truthfully stating in writing, on request of such former employee, the reason why such employee was discharged, or why his relationship to such company ceased.

Sending secret information to prospective employer.

2. Where any corporation, or receiver of the same, doing business in this State, or any officer or agent of such corporation or receiver shall, by any means, directly or indirectly, communicate to any other person or corporation any information in regard to a person who may seek employment of such person or corporation, and fails to give such person in regard to whom the communication may be made, within ten days after demand therefor, a complete copy of such communication, if in writing, and a true statement thereof if by sign or other means not in writing, and the names and addresses of all persons or corporations to whom said communication shall have been made.

Failure to furnish reason for discharge.

3. Where any corporation, or receiver of the same, doing business in this State, or any agent or employee of such corporation or receiver, shall have discharged an employee, and such employee demands a statement in writing of the cause of his discharge, and such corporation, receiver, agent or employee thereof fails to furnish a true statement of the same to such discharged employee, within ten days after such demand, or where any corporation or receiver of the same, or any officer or agent of such corporation or receiver, shall fail, within ten days after written demand for the same, to furnish to any employee voluntarily leaving the service of such corporation or receiver, a statement in writing that such employee did leave such service voluntarily, or where any corporation or receiver of the same, doing business within this State, shall fail to show in any statement under the provision of this title the number of years and months during which such employee was in the service of the said corporation or receiver in each and every separate capacity or position in which he was employed, and whether his services were satisfactory in each such capacity or not, or where any such corporation or receiver shall fail within ten days after written demand for the same to furnish to any such employee a true copy of the statement originally given to such employee for his use in case he shall have lost or is otherwise deprived of the use of the said original statement.

Withholding communications.

4. Where any corporation, or receiver of same, doing business in this State, or any agent or officer of the same, shall have received any request, notice or communication, either in writing or otherwise, from any person, company or corporation, preventing, or calculated to prevent, the employment of a person seeking employment, and shall fail to furnish to such person seeking employment, within ten days after a demand in writing therefor, a true statement of such request, notice or communication, and, if in writing, a true copy of same, and, if otherwise than in writing, a true statement thereof, and a true interpretation of its meaning, and the names and addresses of the persons, company or corporation furnishing the same.

Furnishing statements to third parties.

5. Where any corporation, or receiver of the same, doing business in this State, or any officer or agent of such corporation or receiver, discharging an employee, shall have failed to give such employee a true statement of the causes of his discharge, within ten days after a demand in writing therefor, and shall thereafter furnish any other person or corporation any statement or communication in regard to such discharge, unless at the request of the discharged employee.

Refusing employment to participants in strikes.

6. Where any corporation, or receiver of same, doing business in this State, or any officer or agent of such corporation or receiver, shall discriminate against any person seeking employment on account of his having participated in a strike.

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Reporting participation in strikes.

7. Where any corporation, or receiver of the same, doing business in this State, or any officer or agent of such corporation or receiver, shall give any information or communication in regard to a person seeking employment having participated in any strike, unless such person violated the law during his participation on [in] such strike, or in connection therewith, and unless such information is given in compliance with subdivision 1 of this article.

Subdivision 5 of the above article only requires that the employer give in good faith his reason for a discharge; nor is he liable because a court might not regard the reason in the same light. 137 S. W. 343.

Discrimination.

ART. 595. Any and all discriminations against persons seeking employment as defined in this title are hereby prohibited and are declared to be illegal.

Violation by foreign corporation.

ART. 596. Every foreign corporation violating any of the provisions of this title is hereby denied the right, and is prohibited from doing any business within this State, and it shall be the duty of the attorney general to enforce this provision, * * *

Violation, general.

ART. 597. Each and every person, company or corporation, who shall in any manner violate any of the provisions of this title shall, for each and every offense committed, forfeit and pay the sum of one thousand dollars, * * *

Violation by agent is act of corporation.

ART. 599. In prosecutions for the violation of any of the provisions of this title, evidence that any person has acted as the agent of a corporation in the transaction of its business in this State shall be received as prima facie proof that his act in the name, behalf or interest of the corporation of which he was acting as the agent, was the act of the corporation.

ARTS. 600–603. [See Art. 1199, p. 2093.]

Statement of cause of discharge not ground for libel.

ART. 604. Said written statement of cause of discharge, if true, when so made by such agent, company or corporation, shall never be used as a cause for an action for libel, either civil or criminal, against the agent, company or corporation so furnishing same.

This statute does not deny freedom of speech, nor does it authorize unreasonable searches and seizures. Its application to corporations only does not deprive them of the equal protection of the laws. Statements under it are not privileged to the extent of relieving from liability for statements not made honestly, fairly, and in good faith. 154 S. W. 583.

Labor organizations—Incorporation.

Who may incorporate.

ARTICLE 1120. Private corporations may be created by the voluntary association of three or more persons for the purposes and in the manner hereinafter mentioned.

Purposes.

ART. 1121. The purposes for which private corporations may be formed are:

* * * * *

48. The organization of laborers, workingmen, wage earners and farmers to protect themselves in their various pursuits.

* * * * *

Safety of employees—Bands, ties, etc., of cotton bales.

Requirements as to bands, ties, etc.

ARTICLE 1322. Every person, firm, corporation or association of persons, owning or operating a compress in this State, and their agents and employees, are hereby required, in compressing, recompressing, baling or rebaling cotton bales, to so bind and tie every bale of cotton by them compressed, recompressed, baled or rebaled, that no such bale shall be delivered to any railroad company, or other common carrier, by such person, firm, corporation or association of persons, their agents or employees, unless such bale of cotton shall be free from all or any dangerously exposed ends of bands or buckles, or any dangerously exposed or protruding part of the ties, bands, buckles or splices used in tying or binding such bale of cotton. And any such person, firm, corporation or association of persons, who shall fail to bind or tie any bale of cotton by them compressed, recompressed, baled or rebaled, in the manner above provided, and shall deliver, or cause to be delivered, any such bale of cotton, to any railroad company, or other com-

Violations.

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mon carrier, such person, firm, corporation or association of persons, shall forfeit and pay to the State of Texas the sum of not less than fifty dollars nor more than two hundred and fifty dollars, which may be recovered in a civil suit brought in the name of the State of Texas in a court of competent jurisdiction.

ART. 1323. Any person, firm, corporation or association of persons, receiving for storage, loading for transportation, or transporting, any such compressed bale or bales of cotton, in this State, containing any dangerously exposed ends of bands or buckles, or any dangerously protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton, shall be liable in damages for injury to any person in the employ of such person, firm, corporation or association of persons, occasioned by reason of such dangerously exposed ends of bands or buckles, or any dangerously exposed or protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton, while in the discharge of the duties of such employment. The duty of inspection of such bales of cotton shall be on the employer and not on the employee.

Duty of inspection.

Enforcement. ART. 1324. It shall be especially the duty of the commissioner of labor and his deputies to see that the provisions of articles 1322 and 1323 hereof are observed and enforced; and, in pursuance thereof, he shall obtain and collect evidence of all violations of said provisions upon the part of persons, firms, corporations and associations of persons engaged in the business of compressing cotton, who shall fail to comply with the said provisions. The commissioner of labor shall file annual statements with the governor, showing in detail all expenses incurred by him in connection with his duties under this act.

Suits against railroad companies.

ARTICLE 1830.

* * * * *

Where suits for damages shall be brought. 26. All suits against railroad corporations, or against any assignee, trustee or receiver operating any railway in the State of Texas, for damages arising from personal injuries, resulting in death or otherwise, shall be brought either in the county in which the injury occurred, or in the county in which the plaintiff resided at the time of the injury: *Provided*, That if the defendant railroad corporation does not run or operate its railway in, or through, the county in which the plaintiff resided at the time of the injury, and has no agent in said county, then said suit shall be brought either in the county in which the injury occurred, or in the county nearest that in which the plaintiff resided at the time of the injury, in which the defendant corporation runs or operates its road, or has an agent: *And provided, further*, That, in case that the plaintiff is a nonresident of the State of Texas, then such suit may be brought in any county in which the defendant corporation may run or operate its railroad, or may have an agent: *Provided*, That, when an injury occurs within one-half mile from the boundary line dividing two counties, suit may be brought in either of said counties.

Suits for wages. 27. Suits by mechanics, laborers and operatives, for their wages due by railroad companies, may be instituted and prosecuted in any county in this State where such labor was performed, or in which the cause of action, or part thereof, accrued, or in the county in which the principal office of such railroad company is situated; and, in all such suits, service of process may be made in the manner now required by law.

* * * * *

Wages as preferred claims—In receiverships.

Wages a prior claim. ARTICLE 2135. All moneys that come into the hands of a receiver as such receiver shall be applied as follows: First, to the

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payment of all court costs of the suit; second, to the payment of all wages of employees due by the receiver; * * *

Suits for wages—Attorneys' fees.

Claimant may recover fee.

ARTICLE 2178. Any person in this State having a valid, bona fide claim against any person or corporation doing business in this State, for personal services rendered or for labor done, * * * may present the same to such person or corporation or to any duly authorized agent thereof, in any county where suit may be instituted for the same; and if, at the expiration of thirty days after the presentation of such claim, the same has not been paid or satisfied, he may immediately institute suit thereon in the proper court; and if he shall finally establish his claim, and obtain judgment for the full amount thereof, as presented for payment to such person or corporation in such court, he shall be entitled to recover the amount of such claim and all costs of suit, and, in addition thereto, a reasonable amount as attorney's fees: *Provided*, He has an attorney employed in the case, not to exceed twenty dollars, to be determined by the court or jury trying the case.

ART. 2179. Nothing in this chapter shall be construed to repeal, or in any manner affect, any provision of the law now in force, giving a remedy to persons having claims of the character mentioned in this chapter, but the same shall be considered as cumulative of all other remedies given to such person or persons.

Exemption of wages from attachment, etc.

Wages reserved to families;

ARTICLE 3785. The following property shall be reserved to every family, exempt from attachment or execution and every other species of forced sale for the payment of debts, except as hereinafter provided:

* * * * *

16. All current wages for personal services.

To individuals.

ART. 3788. The following property shall be reserved to persons who are not constituents of a family, exempt from attachment, execution and every other species of forced sale:

* * * * *

5. Current wages for personal services.

Bureau of labor statistics.

Bureau created.

ARTICLE 5235. The bureau of labor statistics shall be under the charge and control of a commissioner of labor statistics.

Commissioner.

ART. 5236. The commissioner of labor statistics shall be appointed by the governor, whose term of office shall begin on the first day of February of every odd-numbered year, and shall continue for two years, and until his successor is appointed and qualified. The commissioner may be removed for cause by the governor, record thereof being made in his offiec [sic], and any vacancy shall be filled in the same manner as the original appointment. Said commissioner shall give bond in the sum of two thousand dollars, with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and he shall also take the oath of office prescribed by the constitution. He shall have an office in the capitol building; and, except as hereinafter provided, he shall safely keep and shall deliver to his successors all records, papers, documents, correspondence and property pertaining to or coming into his hands by virtue of his office.

Bond.

Duties.

ART. 5237. The commissioner shall collect, assort, systematize and present in biennial reports to the governor, statistical details relating to all departments of labor in Texas, and especially as affecting or bearing upon the commercial, social, educational and sanitary conditions of the employees and their families, the

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means of escape from dangers incident to their employment, the protection of life and health in factories and other places of employment, the labor of children and of women and the number of hours of labor exacted of them, and, in general, all matters and things which affect or tend to affect the prosperity of the mechanical, manufacturing and productive industries of this State, and of the persons employed therein. Said commissioner shall, also, as fully as may be done, collect reliable reports and information from each county, showing the amount and condition of the mechanical, mining and manufacturing interests therein, and all sites offering natural or acquired advantages for the location and operation of any of the different branches of industry, and he shall, by correspondence with interested parties in other parts of the United States, or in foreign countries, impart to them such information as may tend to induce the location of manufacturing and producing plants within the State, together with such information as may tend to increase the employment of labor and the products of such employment in Texas.

Reports. ART. 5238. In each biennial report, the commissioner shall give a full statement of the business of the bureau since the last preceding report, and such information as may be of value to the industrial interests and to persons employed therein, showing, among other things, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics and apprentices, the wages earned, the savings from the same, the age and sex of the persons employed, the number and character of accidents, the sanitary conditions of places where persons are employed, the restrictions put upon apprentices when indentured, the proportion of married employees living in rented houses, with the average rental paid, the value of property owned by such employees, and a statement as to the progress made in schools in operation for the instruction of students in mechanic arts, and what systems have been found most practical; but such reports shall not contain more than six hundred printed pages, and the same shall be printed and distributed in such manner as is or may be provided by law.

Powers. ART. 5239. The commissioner shall have power to issue subpœnas, administer oaths and take testimony in all matters related to the duties herein required of the said bureau, but such testimony must be taken in the vicinity of the residence or office of the person testifying.

Returns to be retained two years. ART. 5240. No report or return made to the bureau under the provisions of this chapter, or the penal laws of this State, and no schedule, record or document gathered or returned by its officers or employees shall be destroyed within two years of the collection or receipt thereof; but, at the expiration of two years all such reports, returns, schedules, records and documents as shall be considered by the commissioner to be of no further value, shall be destroyed: *Provided*, That the permission of the governor shall first be obtained for such destruction.

Action on complaint. ART. 5241. Upon the written complaint of two or more persons, or upon his failure otherwise to obtain information in accordance with the provisions of this law, the commissioner shall have the power to enter any factory, mill, workshop, mine, store, business house, public or private work, or other establishment or place where five or more persons are employed at work when the same is open and in operation, for the purpose of gathering facts and statistics, such as are contemplated by this chapter, and for the purpose of examining into the methods of protecting employees from danger and the sanitary conditions in and around such building or place, of all of which the said commissioner shall make and return [to] the bureau of labor statistics a true and detailed record in writing.

Attorneys to act, when. ART. 5242. If the commissioner shall learn of any violation of the law with respect to the employment of children, or fire escapes, or the safety of employees, or the preservation of health, or in any other way affecting the employees, he shall at once

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give written notice of the facts to the county or district attorney of the county in which the law has been violated, or of some other county, if any there be, having jurisdiction of the offense, and the county or district attorney to whom such notice has been given shall immediately institute the proper proceedings against the guilty person.

Salaries and expenses.

ART. 5243 (as amended by chapter 115, Acts of 1913). The commissioner of labor statistics shall receive a salary of $2,000.00 per annum, payable monthly, and he shall be allowed a clerk and statistician at a salary of $125.00 per month, two factory inspectors, and one safety-appliance inspector at a salary of $125.00 per month each, to be appointed by him, and such other employees and assistants as the legislature at any time in the future authorize. The commissioner shall also be allowed all necessary postage and stationery and other expense of a similar character necessary to the transaction of the business of the bureau, and the said salaries shall be paid as in the case of other State officers. In addition to his salary the commissioner and any employee of the said bureau shall be allowed his actual and necessary traveling expenses while in the performance of his duties under this act, but the total expenses of the said bureau, outside of the salaries paid, shall not exceed six thousand dollars per annum.

Labor combinations not unlawful.

Workingmen may organize.

ARTICLE 5244. It shall be lawful for any and all persons engaged in any kind of work or labor, manual or mental, or both, to associate themselves together and form trades-unions and other organizations for the purpose of protecting themselves in their personal work, personal labor, and personal service, in their respective pursuits and employments.

Persuading to quit work.

ART. 5245. It shall not be held unlawful for any member or members of such trades-union or other organization or association, or any other person, to induce or attempt to induce by peaceable and lawful means, any person to accept any particular employment, or quit or relinquish any particular employment in which such person may then be engaged, or to enter any pursuit, or refuse to enter any pursuit, or quit or relinquish any pursuit in which such person may then be engaged: *Provided*, That such member or members shall not have the right to invade or trespass upon the premises of another without the consent of the owner thereof.

Proviso.

Application of law.

ART. 5246. The foregoing articles shall not be held to apply to any combination or combinations, association or associations of capital, or capital and persons, natural or artificial, formed for the purpose of limiting the production or consumption of labor's products, or for any other purpose in restraint of trade: *Provided*, That nothing herein contained shall be held to interfere with the terms and conditions of private contract with regard to the time of service, or other stipulations between employers and employees: *Provided, further*, That nothing herein contained shall be construed to repeal, affect or diminish the force and effect of any statute now existing on the subject of trusts, conspiracies against trade, pools and monopolies.

Provisos.

Action for personal injuries.

Survival of cause of action.

ARTICLE 5686. Causes of action upon which suit has been or may hereafter be brought by the injured party for personal injuries other than those resulting in death, whether such injuries be to the health or to the reputation, or to the person of the injured party, shall not abate by reason of his death, nor by reason of the death of the person against whom such cause of action shall have accrued; but, in the case of the death of either or both, such cause of action shall survive to and in favor of the heirs and legal representatives of such injured party and against the person, re-

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ceiver or corporation liable for such injuries and his legal representatives; and so surviving, such cause may be thereafter prosecuted in like manner and with like legal effect as would a cause of action for injuries to personal property.

Limitation of two years.

ART. 5687. There shall be commenced and prosecuted within two years after the cause of action shall have accrued, and not afterward, all actions or suits in court of the following description:

* * * * * * *

6. Action for injuries done to the person of another.

* * * * * * *

Contracts as to notice.

ART. 5714. * * * no stipulation in any contract between a person, corporation or receiver operating railroad, or street railway or interurban railroad, and an employee or servant requiring notice of a claim by an employee or servant for damages for injury received to the person, or by a husband, wife, father, mother, child or children of a deceased employee for his or her death, caused by negligence as a condition precedent to liability, shall ever be valid. * * *

Mine regulations.

Mining board.

ARTICLE 5923. For the purpose of securing efficiency in the mine inspection service, a board of examiners, to be known as the State mining board, whose duty it shall be to make formal inquiry into and pass upon the practical and technical qualifications and personal fitness of persons seeking appointments as State inspector of mines, shall be appointed by the governor.

How made up.

ART. 5924. Said board shall be composed of seven members, three of whom shall be practical miners, three shall be mine operators; and it shall be the first duty of the six members thus appointed to nominate to the governor the seventh member of said board: *Provided*, That if the six members aforesaid shall fail for a period of ten days after their appointment to so nominate the seventh member, the same shall be appointed by the governor. Said board shall hold office for a period of two years and until their successors have been appointed and qualified.

Duty.

ART. 5925. The board shall meet in the capitol building at Austin biennially, for the purpose of hearing applications for the office of State mining inspector. It shall be the duty of the board to thoroughly examine all applicants who may come before it, and to select from among such applicants the person who in its opinion is best qualified to perform the duties of State mining inspector; and, upon the nomination of said board, the governor shall appoint the person so recommended.

Inspector.

ART. 5926. The State mine inspector shall be a citizen of the United States, and shall have resided in the State of Texas for one year, of temperate habits, of good repute, a man of personal integrity, shall have attained the age of thirty years, and shall have had at least five years' experience working in and around coal mines, and shall not have any pecuniary interest whatever in any mine in this State. He shall hold office for a period of two years, unless sooner removed as provided herein.

Supervision by board.

ART. 5927. It shall be the duty of the State mining board to exercise supervision over the acts of the State mine inspector, and, in the event of his incompetency or the neglect of his duty being proved to the board, said board shall recommend to the governor that he be removed from office, and his successor shall be chosen as herein provided.

Meetings.

ART. 5928. The State mining board shall meet twice each year, and at such time and place as the majority may select, for the purpose of receiving reports from the inspector and instructing him in the performance of his duty.

Compensation.

ART. 5929. The members of the State mining board shall receive as compensation for their services the sum of five dollars per day for a period not exceeding thirty days in any one year, and traveling expenses in going to and returning from board meetings.

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ART. 5930. It shall be the duty of the State mining inspector to enforce the provisions of this chapter under the instructions of the State mining board, and to make a report to said board at its semi-annual meetings, and oftener if required. He shall receive for his services the sum of two thousand dollars per year, and actual traveling expenses incurred in the discharge of his duty: *Provided*, That his traveling expenses shall not in any one year exceed the sum of one thousand dollars. Said mining inspector shall file an itemized statement, showing the actual amounts expended, and the number of times he inspected each mine or mines. Inspector to enforce law.

ART. 5931. It shall be the duty of the State mining inspector to enforce the provisions of this chapter under the instruction of the State mining board, and to make report to said board at its semi-annual meetings and oftener if required: *Provided*, That neither the instructions of said board nor the acts of said inspector shall ever discriminate in favor of or against any mine or mines, nor against any owner, operator or employee of any mine or mines; but said acts, either of the board, or of the inspector, shall be impartial, fair and just to all persons or corporations subject to this chapter. Acts to be impartial.

ART. 5932. Before receiving his appointment by the governor, the inspector of mines shall be required to enter into and deliver to the governor a good and sufficient bond in the sum of ten thousand dollars, with at least three good, lawful and sufficient sureties for the faithful and impartial performance of his duty; and the sureties herein required shall make affidavit before some officer authorized to administer oaths that they, in their own right, over and above all exemption, are worth the full amount of the bond they sign as sureties, said bond to be approved by the governor, provided he is satisfied as to its sufficiency, and said bond shall be conditioned that there shall be no discrimination in favor of or against any mine or mines, nor against any owner, operator or employee of any mine or mines: *Provided, further*, If the fact may be shown that said inspector has discriminated against and to the injury of any mine or mines, or against and to the injury of any owner, operator or employee, then the said owner, operator or employee may sue upon the bond herein provided for, and shall be entitled to recover such liquidated damages as may be proven and shown in such suit. Bond. Liability for discrimination.

ART. 5933. Any shaft in process of sinking, and any opening projected for the purpose of mining coal of all kinds, shall be subjected to the provisions of this chapter [Arts. 5933–5946]. At the bottom of every shaft and every caging place therein, a safe [and] commodious passageway must be cut around said landing place, to serve as a traveling way by which employees shall pass from one side of the shaft to the other without passing under or on the cage. The upper and lower landings at the top of each shaft, and the openings of each intermediate seam from or to the shaft, shall be clear and free from loose materials and shall be securely fenced with automatic or other gates or bars so as to prevent either men or materials from falling into the shaft. Every hoisting shaft must be equipped with substantial cages fitted to guide rails running from the top to the bottom. Said cages must be safely constructed, they must be furnished with suitable boiler-iron covers to protect persons riding thereon from falling objects, and they must be equipped with safety catches. Every cage on which people are carried must be fitted with iron bars, rings or chains in proper place and in sufficient number to furnish a secure handhold for every person permitted to ride thereon. At the top landing, cage supports, where necessary, must be carefully set and adjusted so as to work properly and securely hold the cages when at rest. In all cases where the human voice can not be distinctly heard, there shall be provided a metal tube or telephone from the top to the bottom of the shaft or slope through which conversation may be held between persons at the bottom and top of such shaft or slope, and that there shall also be maintained an Application of law. Traveling way. Gates. Cages. Speaking tubes, etc.

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efficient system of signaling to and from the top of the shaft or slope and each seam or opening. Every underground place on which persons travel, worked by self-acting engines, windlasses or machinery of any description, shall be provided with practical means of signaling between the stopping places and the ends of the plane, and shall further be provided, at intervals of not more than sixty feet, with sufficient manholes for places of refuge.

Manholes.

Timbers. ART. 5934. Every mine shall be supplied with props and timbers of suitable length and size; and, if from any cause the timbers are not supplied when required, the miners shall vacate any and all such working places until supplied with timber needed.

Abandoned workings. ART. 5935. All openings connecting with worked-out or abandoned portions of every operated mine likely to accumulate explosive gases or dangerous conditions shall be securely gobbed and blocked off from the operated portions thereof, so as to protect every person working in such mines from all danger that may be caused or produced by such worked-out portions of such mines.

Ventilation. ART. 5936. Throughout every mine there shall be maintained currents of fresh air sufficient for the health and safety of all men and animals employed therein, and such ventilation shall be produced by a fan or some other artificial means: *Provided*, A furnace shall not be used for ventilating any mine in which explosive gases are generated. The quantity of air required to be kept in circulation and passing a given point shall be not less than one hundred cubic feet per minute for each person, and not less than three hundred cubic feet per minute for each animal, in the mine, measured at the foot of the downcast; and this quantity may be increased at the discretion of the inspector, whenever in his judgment unusual conditions make a stronger current necessary. Said current shall be forced into every working place throughout the mine, so that all parts of the same shall be reasonably free from standing powder smoke and deleterious air of any kind. The measurement of the current of air shall be taken with an anemometer at the foot of the downcast, at the foot of the upcast and at the working face of each division or split of the air current. The main current of air shall be split or subdivided [so] as to provide a separate current of reasonably pure air to every one hundred men at work; and the inspector shall have authority to order separate currents for smaller groups of men, if in his judgment special conditions make it necessary. The air current for ventilating the stable shall not pass into the intake air current for ventilating the working parts of the mine. Whenever the inspector shall find men working without sufficient air, he shall at once give the mine manager or operator notice and a reasonable time in which to restore the current; and, upon his or their refusal or neglect to act promptly, the inspector may order the endangered men out of the mine.

Cut-throughs. ART. 5937. It shall be the duty of the mine foreman to see that proper cut-throughs are made in all the pillars at such distances as in the judgment of the mine inspector may be deemed requisite, not more than twenty yards nor less than ten yards apart, for the purpose of ventilation; and the ventilation shall be conducted through said cut-throughs into the rooms and entries by means of check doors made of canvas or other material, placed on the entries or in other suitable places; and he shall not permit any room to be opened in advance of the ventilating current. Should the mine inspector discover any room, entry, airway, or other working place, being driven in advance of the air current contrary to the requirements of this article, he shall order the workmen in such places to cease work at once until the law is complied with.

Notice of fire damp. ART. 5938. Immediate notice must be conveyed by the miner or mine owner to the inspector upon the appearance of any large body of fire damp in any mine, whether accompanied by any explosion or not, and upon the concurrence [occurrence] of any serious fire within the mine or on the surface.

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Use of cages.

ART. 5939. Cages on which men are riding shall not be lifted or lowered at a rate greater than six hundred feet per minute, except with the written consent of the inspector. No persons [sic] shall carry any tools or material with him on a cage in motion, except for use in making repairs; and no one shall ride on a cage while the other cage contains a loaded car. 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 convenient device by which said platform can be securely locked, and unless it is so locked whenever men or material are being conveyed thereon.

Powder.

ART. 5940. No miner or other person shall carry powder into the mine, except in the original keg, or in a regulation powder can securely fastened, and the can in otherwise air-tight condition.

Safety lamps.

ART. 5941. At any mine where the inspector shall find fire damp is being generated so as to require the use of a safety lamp in any part thereof, the operator of such mine, upon receiving notice from the inspector that one or more such lamps are necessary for the safety of the men in the mines, shall at once procure and keep for use such number of safety lamps as may be necessary.

Injuring, etc., appliances.

ART. 5942. It shall be unlawful for any miner, workman or other person knowingly or carelessly to injure any shaft, safety lamp, instrument, air course or brattice, or to obstruct or throw open an airway, or to carry any open lamp or lighted pipe, or fire in any form, into a place worked by the light of safety lamps, or within three feet of any open powder, or to handle or disturb any part of the hoisting machinery, or to enter any part of the mine against caution, or to do any willful act whereby the lives or health of persons working in mines, or the security of the mine machinery thereof, is endangered.

Rules to be posted.

ART. 5943. It shall be the duty of every operator to post on the engine house and at the pit top of his mine, in such manner that the employees of the mine can read them, rules not inconsistent with this law, plainly printed in the English language, which shall govern all persons working in the mine. And the posting of such notice, as provided, shall charge all employees of such mine with legal notice of the contents thereof.

Scales.

ART. 5944. The owner or operator of every mine shall provide adequate and accurate scales for weighing coal; and it shall be the duty of the mine inspector to examine such scales; and, if same are not found to be accurate, he shall notify the owner to repair same; and, if such owner fails or refuses to repair same within a reasonable time, said inspector shall institute proceedings under the law against the proper parties.

Checkweighman.

ART. 5945. The employees in any mine in this State shall have the right to employ a checkweighman at their own option and their own expense.

Oil.

ART. 5946. No miner or other person employed in a mine, shall use any kind of oil other than a good quality of lard oil for lighting purposes, except when repairing downcast or upcast shafts.

Railroad regulations.

Headlights required.

ARTICLE 6565. It shall be the duty of every railroad corporation, or receiver or lessee thereof, operating any line of railroad in this State, to equip all locomotive engines used in the transportation of trains over said railroad with electric headlights of not less than fifteen hundred candlepower, measured without the aid of a reflector, or other headlights of not less than fifteen hundred candlepower, measured without the aid of a reflector: *Provided*, That this article shall not apply to locomotive engines regularly used in the switching of cars or trains.

Violation.

ART. 6566. Any railroad company or the receiver or lessee thereof, doing business in the State of Texas, which shall violate the provisions of the preceding article, shall be liable to the State of Texas for a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense; * * *

Switch lights.

ART. 6567. It shall be the duty of every railway corporation

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operating any line of railway in the State of Texas to place and maintain good and sufficient switch lights on all their main line switches connected with the main line, and to keep the same lighted from sunset until sunrise: *Provided*, That this article shall not apply to railways which have all their locomotives equipped with electric headlights.

Derailing switches.

ART. 6568. It shall be the duty of every railway corporation operating any line of railway in the State of Texas to place and maintain good and safe derailing switches on all of their sidings connecting with the main line of such railway, and upon which sidings cars are left standing: *Provided*, That no derailing switches shall be required where the siding connects with main line on an upgrade in the direction of the main line of one-half of one per cent or over: *Provided further*, That no derailing switches shall be required on inside tracks at terminal points where regular switching crews are employed.

Violations.

ART. 6569. Any railway corporation which shall willfully violate any of the provisions of the two preceding articles shall be liable to the State of Texas for a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense; * * *.

Brake and brakeman required.

ART. 6571. Every such company shall have a good and sufficient brake upon the hindmost car on all trains transporting passengers and merchandise, and also permanently stationed there a trusty and faithful brakeman, under a penalty of not exceeding one hundred dollars for each offense, to be recovered by suit in the name of the State.

Crews for—Passenger trains;

ART. 6572. It shall be unlawful for any railroad company, or receiver of any railroad company, doing business in the State of Texas, to run over its road or part of its road, outside of the yard limits, any passenger train with less than a full passenger crew consisting of four persons, one engineer, one fireman, one conductor and one brakeman.

Freight, etc., trains;

ART. 6573. It shall be unlawful for any railroad company, or receiver of any railroad company, doing business in the State of Texas, to run over its road, or part of its road, outside the yard limits, any freight train, gravel train or construction train with less than a full crew consisting of five persons, one engineer, one fireman, one conductor and two brakemen.

Light engines.

ART. 6574. It shall be unlawful for any railroad company, or receiver of any railroad company, doing business in the State of Texas, to run over its road, or part of its road, outside of the yard limits, any light engine without a full train crew consisting of three persons, one engineer, one fireman and one conductor: *Provided*, That nothing in the two preceding articles shall be construed as applying in the case of disability of one or more of any train crew while out on the road between division terminals, or to switching crews in charge of yard engines, or which may be required to push trains out of yard limits.

Violations.

ART. 6575. Any railroad company, or any receiver of any railroad company, doing business in the State of Texas, which shall violate any of the provisions of the three preceding articles shall be liable to the State of Texas for a penalty of not less than one hundred dollars or more than one thousand dollars for each offense; * * *

Exemptions.

ART. 6576. The provisions of the four preceding articles shall not apply to or include any railroad company, or receiver or manager thereof, of any line of railroad in this State, less than twenty miles in length.

Self-dumping ash pans.

ART. 6577. It shall be unlawful for any common carrier, engaged in moving commerce in the State of Texas by railroad, to use in moving such commerce in said State any locomotive not equipped with an ash pan which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

Violations.

ART. 6578. Any such common carrier using any locomotive in violation of the provisions of the preceding article shall be liable

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to the State of Texas for a penalty of not less than one hundred dollars and of not more than one thousand dollars for each offense; and such penalty shall be recovered, and suit brought in the name of the State of Texas, in any court of proper jurisdiction in Travis County, Texas, or in any county into or through which such carrier may be operating a line of railroad, * * *.

Definition.

ART. 6579. The term, "common carrier" as used in the two preceding articles, shall include the receiver or receivers, or other persons or corporations charged with the duty of managing and operating the business of a common carrier.

Exemptions.

ART. 6580. Nothing contained in the three preceding articles shall apply to any locomotive upon which, by reason of the use of oil, electricity or other such agency, an ash pan is not necessary.

Shelters required, when.

ART. 6581. Every person, corporation, or receiver, engaged in constructing or repairing railroad cars, trucks or other railroad equipment, shall erect and maintain a building or shed at every station or other point where as many as five men are regularly employed on such repair work, the building or shed to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad equipment shall be sheltered from rain and protected from other inclement weather. The provisions of this article shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals, or other 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 said cars.

Violations.

ART. 6582. Any person, corporation, or receiver who shall violate the provisions of the foregoing article shall be liable to the State of Texas for a penalty in any sum not less than fifty dollars nor more than one hundred dollars, and each ten days of such failure or refusal to so comply shall be considered a separate infraction authorizing the recovery of a separate penalty; * * *

Rest of ten hours for certain employees.

ART. 6584. It shall be unlawful for any railroad company, or receiver of any railroad company operating, any line of railroad in whole or in part in this State, or any officer, or agent of such railroad company or receiver to require or permit any conductor, engineer, fireman or brakeman to be or remain on duty for a longer period than sixteen consecutive hours; and whenever any such conductor, engineer, fireman or brakeman shall have been continuously on duty for sixteen hours, he shall be relieved and shall not be 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 or brakeman 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.

Eight hours rest.

Violations.

ART. 6585. Any railroad company, or receiver of any railroad, operating a line of railroad in whole or in part in this State, or any officer or agent of such railroad or receiver who shall violate any of the provisions of the preceding article shall be liable to a penalty of not to exceed five hundred dollars for each and every violation; * * *. In all prosecutions under this and the preceding article against any railroad company, or receiver of any railroad company, such company or receiver shall be deemed to have had knowledge of all acts of all of its officers and agents: *Provided*, That the provisions of this and the preceding 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 officer or agent in charge of any conductor, engineer, fireman or brakeman at the time such conductor, engineer, fireman or brakeman left a terminal, and which act could not have been foreseen: *Provided, further*, That the provisions of this and the preceding article shall not apply to crews of wrecking or relief trains.

Limit of eight hours work.

ART. 6586. It shall be unlawful for any person, corporation or association, operating a railroad within this State, to permit any

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telegraph or telephone operator who spaces trains by the use of the telegraph or telephone under what is known and termed, "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 connecting sidetracks or switches, 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 article, to be on duty for more than eight hours in any twenty-four consecutive hours: *Provided*, That the provisions of this article shall not apply to railroad telegraph or telephone operators at stations where the services of only one operator is needed.

Violations.

ART. 6587. Any violation of the preceding article by any person, corporation or association, shall subject him or it to a penalty of one hundred dollars for each violation thereof, * * *

Wages of railroad employees—Notice of reduction.

Notice required.

ARTICLE 6620. All persons in the employment of such railway company [any railroad company or corporation] shall be entitled to receive thirty days' notice from said company before their wages can be reduced by such company; and, in all cases of reduction, the employee shall be entitled to receive from such company wages at his contract price for the full term of thirty days after such notice is given, to be recovered in any court of competent jurisdiction.

Form, etc., of notice.

ART. 6621. The notice referred to in the preceding article is declared to mean thirty full days immediately prior to the day upon which such reduction is to take effect, and may be given by posting written or printed handbills, specifying the parties whose wages are to be reduced and the amount of such reduction, in at least three conspicuous places in or about each shop, section house, station, depot, train or other places where said employees are at work: *Provided*, Such employee shall, within fifteen days from the date of such notice, inform such railway company, by posting like notices as given by such railway company, whether he will or will not accept such reduction; and, if no such information is given such company by such employee, then such employee shall forfeit his right to such notice, and such reduction shall take effect from the date of such notice, instead of at the expiration of thirty days.

Penalty.

ART. 6622. Any railway company violating or evading any of the provisions of the preceding article[s] shall pay to each employee affected thereby one month's extra wages, to be recovered by such employee in any court of competent jurisdiction.

Liability of railroad companies for injuries to employees.

Acts of fellow servants.

ARTICLE 6640. Every person, receiver, or corporation operating a railroad or street railway, the line of which shall be situated in whole or in part in this State, shall be liable for all damages sustained by any servant or employee thereof while engaged in the work of operating the cars, locomotives or trains of such person, receiver, or corporation, by reason of the negligence of any other servant or employee of such person, receiver or corporation, and the fact that such servants or employees were fellow servants with each other shall not impair or destroy such liability.

Hand cars are cars within the meaning of this section. 57 S. W. Rep. 137.

A member of a section gang carrying tools on foot and others using a hand car for the same purpose were held not to be fellow servants. 57 S. W. Rep. 802.

Vice principals defined.

ART. 6641. All persons engaged in the service of any person, receiver, or corporation controlling or operating a railroad or street

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railway, the line of which shall be situated in whole or in part in this State who are intrusted by such person, receiver, or corporation with the authority of superintendence, control or command of other servants or employees of such person, receiver, or corporation, or with the authority to direct any other employee in the performance of any duty of such employee, are vice principals of such person, receiver, or corporation, and are not fellow servants with their coemployees.

Fellow servants defined.

ART. 6642. All persons who are engaged in the common service of such person, receiver, or corporation controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment and are doing the same character of work or service, and are working together at the same time and place, and at the same piece of work and to a common purpose, are fellow servants with each other. Employees who do not come within the provisions of this article shall not be considered fellow servants.

Contracts limiting liability.

ART. 6643. No contract made between the employer and employee based upon the contingency of death or injury of the employee and limiting the liability of the employer under the preceding articles of this chapter, or fixing damages to be recovered, shall be valid or binding.

Contributory negligence.

ART. 6644. Nothing in preceding articles of this chapter shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employee is caused proximately by his own contributory negligence, except as otherwise provided in this chapter [Art. 6640–6644].

The act is constitutional, 88 S. W. Rep. 257.
It covers the operation of a logging railroad. 87 S. W. Rep. 358.
The negligent act of a vice principal need not be one of superintendence, the dual capacity theory being precluded. 89 S. W. Rep. 797.
A section foreman was given damages for injuries caused by the negligence of a subordinate. 85 S. W. Rep. 62.

Defense not allowed, when.

ART. 6645. In any suit against a person, corporation, or receiver, operating a railroad or street railway, for damages for the death or personal injury of an employee or servant, caused by the wrong or negligence of such person, corporation, or receiver, that the plea of assumed risk of the deceased or injured employee where the ground of the plea is knowledge or means of knowledge of the defect and danger which caused the injury or death, shall not be available in the following cases:

First. Where such employee had an opportunity before being injured or killed to inform the employer, or a superior intrusted by the employer with the authority to remedy or cause to be remedied the defect, and does notify, or cause to be notified, the employer or superior thereof, within a reasonable time: *Provided*, That it shall not be necessary to give such information where the employer, or such superior thereof, already knows of the defect.

Second. Where a person of ordinary care would have continued in the service with the knowledge of the defect and danger, and in such case it shall not be necessary that the servant or employee give notice of the defect as provided in subdivision one of this article.

This section does not impair the obligation of contracts nor interfere with vested rights, and its enactment was within the power of the legislature. 115 S. W. 601.
It applies to dangerous places as well as to defective machinery. 118 S. W. 612.

Defenses abrogated.

ART. 6646. Any employee of any common carrier engaged in any intrastate commerce, as provided in articles 6640 and 6641 of this title, who may be injured or killed shall not be held to have assumed the risk of his employment, or to have been guilty of contributory negligence, if the violation of such carrier of any of the provisions of said articles contributed to the injury or death of such employee.

Assumption of risk.

ART. 6647. Employees of railway companies employed by said companies in the operation of trains within this State, propelled by two or more engines, shall not be held to assume the risk, if

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any there be, incident to their employment: *Provided*, That they be injured while engaged in operation of such trains: *And provided further*, That such injury was occasioned by reason of the operation of two or more engines on such train instead of one.

Liability on account of—

ART. 6648. Every corporation, receiver, or other person, operating any railroad in this State, shall be liable in damages to any person suffering injury while he is employed by such carrier operating such railroad, or in case of the death of such employee, to his or her personal representatives for the benefit of the surviving widow and children, or husband and children, and mother and father of the deceased, and, if none, then of the next 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 carrier; 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: *Provided*, That the amount recovered shall not be liable for the debts of deceased and shall be divided among the persons entitled to the benefit of the action or such of them as shall be alive, in such shares as the jury, or court trying the case without a jury, shall deem proper: *And provided*, That in case of the death of such employee, the action may be brought without administration by all the parties entitled thereto, or by any one or more of them for the benefit of all, and, if all parties be not before the court, the action may proceed for the benefit of such of said parties as are before the court.

Negligence of officers or employees;

Defects in ways and appliances.

Recovery exempt.

Comparative negligence.

ART. 6649. In all actions hereafter brought against any such common carrier or railroad under or by virtue of any of the provisions of the foregoing article and the three succeeding articles 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, 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 violations by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Assumption of risks.

ART. 6650. Any action brought against any common carrier under or by virtue of any of the provisions of the two preceding articles to recover damages for injuries to or the death of any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation of such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Contracts of waiver.

ART. 6651. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by the three preceding articles shall to that extent be void: *Provided*, That, in any action brought against any such common carrier under or by virtue of said articles, such common carrier 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 was brought.

Construction of act.

ART. 6652. Nothing in the provisions of the four preceding articles shall be held to limit the duty or liability of common carriers, or to impair the rights of employees, under other articles of this chapter, or under the provisions of the Revised Civil Statutes, but, in case of conflict, these articles shall prevail; and nothing in said article shall affect the prosecution of any pending proceeding or right of action under any of the laws of this State.

This statute is not class legislation and is constitutional. 134 S. W. 819.

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Railroads—Regulations.

Interlocking devices.

ARTICLE 6702. In any case where the tracks of two or more railways cross each other at a common grade in this State, it shall be the duty of such railroad company to protect such crossings by interlocking or other safety devices and regulations to be designated by the railroad commission of Texas, to prevent trains colliding at such crossings.

Use of two locomotives on train.

ART. 6706. Where an unreasonable degree of hazard results to its employees, it is hereby declared to be an abuse of its franchise and privileges for any railroad company, or receiver, operating a line of railroad in this State to run or operate more than one working locomotive at the same time in propelling or moving any one train of cars, except in moving trains up steep grades, or where a locomotive propelling the train becomes temporarily disabled after leaving the terminal; and it shall be the duty of the railroad commission to investigate such abuses and see that the same are corrected, regulated, or prohibited as hereinafter provided.

Commission to issue order.

ART. 6707. After such investigation, should the railroad commission decide to regulate or forbid the practice of using more than one working locomotive in the operation of any train at the same time on any railroad, or part of railroad, within this State, then it shall be their duty to make and record an order fully setting forth their decision and clearly designating the railroad, or part of railroad, on which such practice is forbidden or regulated, and how regulated. Notice of said order shall be served upon said railroad affected by it. Said notice shall contain in full a copy of said order, and shall be directed to the sheriff or any constable of the county where the general offices of such railroad are located; and a copy of the same shall be delivered by the officer executing the same to the president, or the vice president, or the general manager, or the general superintendent, or any general officer of said railroad in this State residing in said county; and said officer executing said writ shall make his return on the original, and deliver the same with his return forthwith to the commission.

Violation of order.

ART. 6708. It shall be the duty of such railroad to obey said order; and any railroad corporation, or receiver, who shall at any time after such notice shall have been served for ten days violate the order of the commission, shall be liable to the State of Texas for a penalty of not less than five hundred dollars nor more than five thousand dollars for each offense; * * *

Power brakes.

ART. 6709. It shall be unlawful for any common carrier engaged in intrastate commerce by railroad within the State of Texas to use on its lines in moving intrastate traffic within said State any locomotive engine not equipped with a power driving-wheel brake and appliances for operating the train-brake system, or to run any train in such traffic that has not a sufficient number of cars in it so equipped with power or train 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, or to run any train in such traffic that has not all of the power or train brakes in it used and operated by such engineer, or to run any train in such traffic that has not at least seventy-five per centum of the cars in it equipped with power or train brakes; and for the purpose of fully carrying into effect the objects of this and the five succeeding articles, the railroad commission of Texas may, from time to time, after full hearing by public order, increase the minimum percentage of cars in any train which shall be equipped with power or train brakes; and after such minimum percentage has been so increased it shall be unlawful for any common carrier to run any train in such traffic which does not comply with such increased minimum percentage.

Automatic couplers.

ART. 6710. It shall be unlawful for any common carrier, engaged in commerce as aforesaid, to haul or permit to be hauled or used on its line of railroad within the State of Texas, any locomotive,

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tender, car or similar vehicle employed in moving intrastate traffic within the said State which is not equipped with couplers, coupling automatically by impact, and which can be coupled and uncoupled without the necessity of men going between the ends of locomotives, tenders, cars and similar vehicles.

Height of drawbars.

ART. 6711. It shall be unlawful for any common carrier, engaged in commerce as aforesaid, to use in moving intrastate traffic within said State any locomotive, tender, car or similar vehicle, any drawbar of which, when measured perpendicularly from the level of the tops of the track rails upon which such locomotive, tender, car or similar vehicle is standing to the center of such drawbar, is more than thirty-four and one-half inches in height, or less than thirty-one and one-half inches in height.

Cars, etc., from connecting lines.

ART. 6712. When any person, firm, company, corporation, or receiver engaged in commerce as aforesaid, shall have equipped a sufficient number of its locomotives, tenders, cars and similar vehicles so as to comply with the provisions of article 6709, it may lawfully refuse to receive from connecting lines of road or shippers any locomotives, tenders, cars, or similar vehicles not equipped sufficiently, in accordance with article 6709, with such power or train brakes as will work and readily interchange with the brakes in use on its own locomotives, tenders, cars, and similar vehicles, as required by this law.

Grab irons, etc.

ART. 6713. It shall be unlawful for any common carrier, engaged in commerce as aforesaid, to use in moving intrastate traffic within said State any locomotive, tender, cars, or similar vehicle which is not provided with sufficient and secure grab irons, handholds and foot stirrups.

Violations.

ART. 6714. Every such common carrier, whether a copartnership, a corporation, a receiver, or an individual or association of individuals, violating any of the provisions of the five preceding articles shall be liable to the State of Texas for a penalty of not less than two hundred nor more than one thousand dollars for each offense; and such penalty shall be recovered and suit brought in the name of the State of Texas, in any court of proper jurisdiction in the county of Travis, or in any other county in said State into or through which such line of railroad may run, * * *

Antitrust law—Boycotting, etc.

Articles 7796, 7798, 7799, 7806, 7807. [See Arts. 1454–1466, pp. 2094, 2095.]

REVISED CRIMINAL STATUTES—1911.

Protection of employees as voters.

Refusing privilege of voting.

ARTICLE 244. Any person or corporation who refuses to an employee entitled to vote the privilege of attending the polls, or subjects such employee to a penalty or deduction of wages because of the exercise of such privilege, is guilty of a misdemeanor.

Sunday labor.

Sunday labor forbidden.

ARTICLE 299. Any person who shall hereafter labor, or compel, force, or oblige his employees, workmen or apprentices to labor on Sunday, * * * shall be fined not less than ten nor more than fifty dollars.

Article does not apply, where.

ART. 300. The preceding article shall not apply to household duties, works of necessity or charity; nor to necessary work on farms or plantations in order to prevent the loss of any crop; nor to the running of steamboats and other water crafts, rail cars, wagon trains, common carriers, nor to the delivery of goods by them or the receiving or storing of said goods by the parties or their agents to whom said goods are delivered; nor to stages carrying the United States mail or passengers; nor to foundries, sugar mills, or herders who have a herd of stock actually gathered

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and under herd; nor to persons traveling; nor to ferrymen or keepers of toll bridges, keepers of hotels, boarding houses and restaurants and their servants; nor to keepers of livery stables and their servants; nor to any person who conscientiously believes that the seventh or any other day of the week ought to be observed as the Sabbath, and who actually refrains from business and labor on that day for religious reasons.

Trafficking on Sunday.

ART. 302. Any merchant, grocer, or dealer in wares or merchandise, or trader in any business whatsoever, * * * who shall sell, barter, or permit his place of business * * * to be open for the purpose of traffic * * * on Sunday, shall be fined not less than twenty nor more than fifty dollars. * * *

Exceptions.

ART. 303. The preceding article shall not apply to markets or dealers in provisions as to sales of provisions made by them before 9 o'clock a. m., nor to the sale of burial or shrouding material, newspapers, ice, ice cream, milk, nor to the sending of telegraph or telephone messages at any hour of the day, nor to keepers of drug stores, hotels, boarding houses, restaurants, livery stables, bath houses, or ice dealers, nor to telegraph or telephone offices.

Labor organizations—Unauthorized use of badges.

Penalty for unauthorized use of badges.

ARTICLE 425. Any person who shall willfully and without due authority use or wear the badge, label or button or other emblem of * * * any labor organization, or any order, society or organization in the State of Texas, or who shall use or wear the same to obtain aid or assistance or patronage thereby within this State, unless he shall be entitled to use or wear the same under the rules and regulations of * * * any labor organization, or any order, society or organization in the State of Texas, whose badge, label or button or other emblem was so used or worn, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars, or imprisoned for a term not exceeding sixty days, or both, at the discretion of the court or jury trying the case.

Intimidation of employees.

Definition.

ARTICLE 435. An "unlawful assembly" is the meeting of three or more persons with intent to aid each other by violence, or in any other manner either to commit an offense, or illegally to deprive any person of any right, or to disturb him in the enjoyment thereof.

Interference with employment.

ART. 445. If the purpose of the unlawful assembly be to prevent any person from pursuing any labor, occupation or employment, or to intimidate any person from following his daily avocation, or to interfere in any manner with the labor or employment of another, the punishment shall be by fine not exceeding five hundred dollars.

Strikers who prevented a train from running and being operated were guilty of an offense under this section, as interfering with the labor and employment of the conductor in charge of said train. 23 C. App. 330.

Same subject.

ART. 460. If any person, by engaging in a riot, shall prevent any other person from pursuing any labor, occupation or employment, or intimidate any other person from following his daily avocation, or interfere in any manner with the labor or employment of another, he shall be punished by confinement in the county jail not less than six months nor more than one year.

Employment of women and minors in saloons.

Employment of minors.

ARTICLE 622. Every retail liquor dealer, or malt liquor dealer, * * * who shall have in his employ about his place of business, * * * any minor * * * shall be guilty of a misdemeanor, and, upon conviction therefor, shall be punished by a fine of not less than ten dollars nor more than two hundred dollars,

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or by imprisonment in the county jail for not longer than sixty days, or by both such fine and imprisonment.

Of females. ART. 626. No retail liquor dealer, or retail malt dealer, shall employ or suffer to be employed, other than a member of his own family, any female as a servant, bartender or waitress in his place of business. * * * and any person violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment in the county jail for not more than twelve months, or by a fine of not exceeding five hundred dollars, or both such fine and imprisonment.

Employment of children to support parents in idleness.

ARTICLE 634. The following persons are and shall be punished as vagrants, viz:

* * * * * * *

Who are vagrants. (n) All persons who are able to work and do not work, but hire out their minor children, or allow them to be hired out, and live upon their wages, being without other means of support.

* * * * * * *

Interference with employment.

Act of individuals. ARTICLE 1021. Any person who shall, by threatening words, or by acts of violence or intimidation, prevent or attempt to prevent another from engaging or remaining in or from performing the duties of any lawful employment, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by confinement not less than one nor more than six months in the county jail.

Blacklisting—Protection of employees as to trading.

ARTICLE 1190. [See Art. 594, pp. 2073, 2074.]

Jail sentence. ART. 1191. Every person violating any of the provisions of the preceding article shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment in the county jail for not less than one month nor more than one year.

Evidence. ART. 1192. In prosecution for the violation of any of the provisions of this law, evidence that any person has acted as the agent of a corporation in the transaction of its business in this State shall be received as prima facie proof that his act in the name, behalf or interest of the corporation, of which he was acting as the agent, was the act of the corporation.

Definition. ART. 1193. He is also guilty of "blacklisting" who places, or causes to be placed, the name of any discharged employee, or any employee who has voluntarily left the service of any individual, firm, company or corporation on any book or list, or publishes it in any newspaper, periodical, letter or circular, with the intent to prevent said employees from securing employment of any kind with any other person, firm, corporation or company, either in a public or private capacity.

Blacklisting forbidden. ART. 1194. No corporation, company, or individual shall blasklist [blacklist] or publish, or cause to be blacklisted or published, any employee, mechanic or laborer discharged by such corporation, company 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 or individual.

Penalty. ART. 1195. 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 discharged by such corporation, company or individual, with the intent and for the purpose of preventing such employee,

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mechanic or laborer from engaging in or securing similar or other employment from any other corporation, company or individual, or shall in any manner conspire or contrive by correspondence or otherwise, to prevent such discharged employee from procuring employment, as provided in articles 1193 and 1194, 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.

Act construed.

ART. 1196. But this law shall not be construed as prohibiting any corporation, company or individual, from giving in writing, on application from such discharged employee, or any corporation, company 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 or corporation, shall never be used as the cause for an action for libel, either civil or criminal, against the person, agent, company or corporation so furnishing same.

Restriction of employees as to trading.

ART. 1197. It shall be unlawful for any person or persons, corporation or firm, or any agent, manager or board of managers, or servant, of any corporation or firm in this State to coerce or require any servant or employee to deal with or purchase any article of food, clothing or merchandise of any kind whatever, from any person, association, corporation or company, or at any place or store whatever. And it shall be unlawful for any such person or persons, or agent, manager, or board of managers, or servants, to exclude from work, or to punish or blacklist any of said employees for failure to deal with any such person or persons, or any firm, company or corporation, or to purchase any article of food, clothing or merchandise whatever at any store or any place whatever.

Blacklisting.

Penalty.

ART. 1198. Any person or persons, company or corporation, or association, or any agent, manager or managers, or servant of any company, corporation or association, described in the foregoing article, who shall violate any of the provisions of the preceding article, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than two hundred dollars for each offense.

Enforcement.

ART. 1199. Upon the application of the attorney general, or of any district or county attorney, made to any justice of the peace in this State, and stating that he has reason to believe that a witness, who is to be found in the county of which such justice of the peace is an officer, knows of a violation of any of the provisions of this chapter, it shall be the duty of the justice of the peace to whom such application is made, to have summoned and to have examined such witness in relation to violations of any of the provisions of this chapter, said witness to be summoned as provided for in criminal cases. The said witness shall be duly sworn, and the justice of the pease [peace] shall cause the statements of the witness to be reduced to writing and signed and sworn to before him; and such sworn statement shall be delivered to the attorney general, district or county attorney, upon whose application the witness was summoned. Should the witness, summoned as aforesaid, fail to appear or to make statements of the facts within his knowledge, under oath, or to sign the same after it has been reduced to writing, he shall be guilty of contempt of court, and may be fined not exceeding one hundred dollars, and may be attached and imprisoned in the county jail until he shall make a full statement of all the facts within his knowledge with reference to the matter inquired about. Any person so summoned and examined shall not be liable to prosecution for any violation of the provisions of this chapter about which he may testify fully and without reserve.

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Intimidation of employees—Preventing the running of trains.

Preventing the running of trains.

ARTICLE 1257. Any person or persons who shall, by force, threats, or intimidation of any kind whatever, against any railroad engineer or engineers, or any conductor, brakeman, or other officer or employee employed or engaged in running any passenger train, freight train, or construction train, running upon any railroad in this State, prevent the moving or running of said passenger, freight or construction train, shall be deemed guilty of an offense, and, upon conviction thereof, each and every person so offending shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, and also imprisoned in the county jail for any period of time not less than three months nor more than twelve months.

Separate offenses.

ART. 1258. Each day said train or trains mentioned in the preceding article are prevented from moving on their road, as specified in the preceding article, shall be deemed a separate offense, and shall be punished as prescribed in the preceding article.

Employment of seamen as longshoremen.

Foreign sailor working on wharf.

ARTICLE 1452. No sailor or portion of the crew of any foreign seagoing vessel shall engage in working on the wharves or levees of ports in the State of Texas beyond the end of the vessel's tackle. Any officer, sailor or member of the crew of a foreign seagoing vessel violating this law shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail for not less than ten nor more than thirty days, or both, in the discretion of the court or jury.

A similar Louisiana statute was held (66 Fed. Rep. 63) not to prohibit the crews of foreign vessels from loading and unloading their ship, as such a prohibition would be void as contravening the provisions of the Constitution relating to commerce between nations.

Antitrust law—Boycotting, etc.

Definition of trust.

ARTICLE 1454. A "trust" is a combination of capital, skill or acts by two or more persons, firms, corporations or associations of persons, or either two or more of them for either, any, or all of the following purposes:

1. To create, or which may tend to create or carry out, restrictions in trade or commerce or aids to commerce, or in the preparation of any product for market or transportation, or to create or carry out restrictions in the free pursuit of any business authorized or permitted by the laws of this State.

2. To fix, maintain, increase or reduce the price of merchandise, produce, or commodities, or the cost of insurance, or of the preparation of any product for market or transportation.

3. To prevent or lessen competition in the manufacture, making, transportation, sale or purchase of merchandise, produce, or commodities, or the business of insurance, or to prevent or lessen competition in aids to commerce, or in the preparation of any product for market or transportation.

4. To fix or maintain any standard or figure whereby the price of any article or commodity of merchandise, produce or commerce, or the cost of transportation, or insurance, or the preparation of any product for market or transportation, shall be in any manner affected, controlled or established.

5. To make, enter into, maintain, execute or carry out any contract, obligation or agreement by which the parties thereto bind, or have bound, themselves not to sell, dispose of, transport or to prepare for market or transportation any article or commodity, or to make any contract of insurance at a price below a common standard or figure, or by which they shall agree, in any manner, to keep the price of such article or commodity, or charge for transportation or insurance, or the cost of the preparation of any prod-

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uct for market or transportation, at a fixed or graded figure, or by which they shall, in any manner, affect or maintain the price of any commodity or article, or the cost of transportation or insurance, or the cost of the preparation of any product for market or transportation, between them or themselves and others, to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity or business of transportation or insurance, or the preparation of any product for market or transportation, or by which they shall agree to pool, combine or unite any interest they may have in connection with the sale or purchase of any article or commodity, or charge for transportation or insurance, or charge for the preparation of any product for market or transportation, whereby its price or such charge might be in any manner affected.

6. To regulate, fix or limit the output of any article or commodity which may be manufactured, mined, produced or sold, or the amount of insurance which may be undertaken, or the amount of work that may be done in the preparation of any product for market or transportation.

7. To abstain from engaging in or continuing business, or from the purchase or sale of merchandise, produce or commodities partially or entirely within the State of Texas, or any portion thereof.

Conspiracy.

ART. 1456. Either or any of the following acts shall constitute a conspiracy in restraint of trade:

1. Where any two or more persons, firms, corporations or associations of persons, who are engaged in buying or selling any article of merchandise, produce or any commodity, enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation or association of persons, any article of merchandise, produce or commodity.

Boycotting.

2. Where any two or more persons, firms, corporations or associations of persons, shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation or association of persons for buying from or selling to any other person, firm, corporation or association of persons.

Illegality.

ART. 1457. Any and all trusts, * * * and conspiracies in restraint of trade, as herein defined, are hereby prohibited and declared to be illegal.

Violations.

ART. 1464. Each and every firm, person, corporation or association of persons, who shall in any manner violate any of the provisions of this chapter, shall, for each and every day that such violation shall be committed or continued, forfeit and pay the sum of fifty dollars, which may be recovered in the name of the State of Texas in any county where the offense is committed or where either of the offenders reside, or in Travis County; * * *

Certain contracts void.

ART. 1465. Any contract or agreement in violation of the provisions of this chapter shall be absolutely void and not enforcible [enforceable] either in law or equity.

Penalty.

ART. 1466. And, in addition to all other penalties and forfeitures herein provided for, every person violating the provisions of this chapter shall be further punished by imprisonment in the penitentiary not less than two nor more than ten years.

Labor combinations not unlawful.

ARTICLES 1478, 1479. [See Arts. 5244–5246, p. 2079.]

Railroads—Hours of labor of telegraph, etc., operators.

Working overtime.

ARTICLE 1555. It shall be unlawful for any railroad telegraph or telephone operator to work more than eight hours in twenty-four consecutive hours at such occupation; and any such operator, violating this article, shall pay a fine in any sum not less than twenty-five dollars nor more than one hundred dollars: *Provided*, That, in case of an emergency, any operator may remain on duty for an additional two hours.

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Railroads—Cars, etc., to be repaired within the State.

Cars, etc., to be repaired within the State, when.

ARTICLE 1561. All railroad corporations operating in the State of Texas, and having their repair shops within the State, shall, and are hereby required to repair, renovate or rebuild, in the State of Texas, any and all defective or broken cars, coaches, locomotives or other equipment, owned or leased by said corporations in the State of Texas, when such rolling stock is within the State of Texas: *Provided*, That such railway shall have, or be under obligation to have, proper facilities in the State, to do such work: *And provided*, This chapter shall not be so construed as to require any railway corporation to violate the safety appliance law of the Congress of the United States: *And provided, further*, That no railway shall be required to haul such disabled equipment a greater distance for repairs at a point within the State of Texas than would be necessary to reach their repair shops in another State; *And provided, further*, That no such railway company shall haul, or be permitted to haul, for purposes of repair, any disabled equipment by or past any shop owned or operated by any such company, where said disabled equipment can be repaired, in order to reach some other repair shop at a greater distance, for purposes of repairing said disabled equipment: *Provided*, That the provisions of this act shall not apply to companies having less than sixty continuous miles of railroad in operation in this State.

Sending defective cars out of State.

ART. 1562. All railroad corporations operating in the State of Texas, and having their repair shops within the State, shall be prohibited from sending or removing any of their cars, coaches, locomotives or other equipment out of the State of Texas to be repaired, renovated or rebuilt, when the same is in a defective or broken condition, and within the State.

Exemptions.

ART. 1563. The provisions of this chapter shall not apply in cases of strikes, fires, or other unforeseen casualties and emergencies.

Violations.

ART. 1564. Any railway corporation, lessee, receiver, superintendent, or agent, who shall violate any of the provisions of this chapter, shall, after conviction by any court of competent jurisdiction, be liable to a fine of not less than one hundred dollars nor more than five hundred dollars.

Bureau of labor statistics.

ARTICLES 1585, 1586. [See Arts. 5237, 5239, pp. 2077, 2078.]

Reports of employers.

ART. 1587. It shall be the duty of every owner, manager and superintendent of every factory, mill, workshop, mine, store, business house, public or private work, or any other establishment or place, where five or more persons are employed at work, to make to the bureau of labor statistics, upon blanks to be furnished by such bureau, such reports and returns as said bureau may require for the purpose of securing such labor statistics as are contemplated by this chapter; and such reports and returns shall be made within not to exceed sixty days from the receipt of the blanks furnished by the commissioner or by the bureau; and the same shall be verified under oath. Any owner, manager, superintendent or other person in charge or control of any factory, mill, workshop, mine, store, business house, public or private work, or other establishment or place, where five or more persons are employed at work, who shall neglect or refuse to make such reports and returns as are required by the provisions of this chapter, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days.

Names not to be disclosed.

ART. 1588. In the reports made by the commissioner of labor statistics to the governor, the names of individuals, firms or corporations, supplying information under the provisions of this chapter, shall not be disclosed; nor shall the name of any such

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individual, firm or corporation be communicated to any person or persons, except such as are employed in the bureau of labor statistics; and any officer or employee of such bureau violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed five hundred dollars, or by imprisonment in the county jail for not more than ninety days.

ARTS. 1589, 1590. [See Arts. 5241, 5242, pp. 2078, 2079.]

Hindering commissioner.

ART. 1591. Any owner, manager, superintendent or other person in charge or control of any factory, mill, workshop, mine, store, business house, public or private work, or other establishment or place, where five or more persons are employed at work, who shall refuse to allow any officer or employee of the said bureau of labor statistics to enter the same, or to remain therein for such time as is reasonably necessary, or who shall hinder any such officer or employee, or in any way prevent or deter him from collecting information, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not to exceed one hundred dollars, or imprisonment in the county jail for not to exceed sixty days.

[See also Arts. 5235–5243, pp. 2077–2079.]

Mine regulations.

Two outlets required, when.

ARTICLE 1592. It shall be unlawful for the owner, agent, lessee, receiver or operator of any mine in this State to employ any person or persons in said mine for the purpose of working therein, unless there are in connection with every seam or stratum of coal or ore worked in such mine not less than two openings or outlets, separated by a stratum of not less than one hundred and fifty feet at surface and not less than thirty feet at any place, at which openings or outlets, safe and distinct means of ingress and egress, shall, at all times, be available for the persons employed in such mine. The escapement shafts or slopes shall be fitted with safe and available appliances, by which the employees of the mine may readily escape in case of accident. In slopes used as haulage roads, where the dip or incline is ten degrees or more, there must be provided a separate traveling way, which shall be maintained in a safe condition for travel, and kept free from dangerous gases.

Time for making changes.

ART. 1593. The time which shall be allowed for completing such escapement shaft or opening as is required by the terms of this chapter, shall be: For mines already opened, one year for sinking any shaft or slope two hundred feet or less in depth, and one additional year, or pro rata portion thereof, for every additional two hundred feet or fraction thereof; but, for mines which shall be opened after the taking effect of this chapter, the time allowed shall be two years for all shafts or slopes more than two hundred feet in depth, and one year for all shafts two hundred feet in depth or less; and the time shall be reckoned in all cases from the date on which coal or ore is first hoisted from the original shaft or slope, for sale or use.

ART. 1594. [See Arts. 5933–5935, pp. 2081, 2082.]

ART. 1595. [See Art. 5936, p. 2082.]

ARTS. 1596–1598. [See Arts. 5938–5940, pp. 2082, 2083.]

ART. 1599. [See Art. 5937, p. 2082.]

ARTS. 1600–1605. [See Arts. 5941–5946, p. 2083.]

Violations.

ART. 1606. Any person who shall willfully violate any of the provisions of this act [Arts. 1594–1606] shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail for a period not exceeding six months.

ACTS OF 1911.

CHAPTER 46.—*Employment of children—Age limit.*

Age limit.

SECTION 1. Any person, or any agent, or any employee of any person, firm or corporation who shall hereafter employ any child

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under the age of fifteen years to labor in or about any manufacturing or other establishment using dangerous machinery, or about the machinery in any mill or factory, or in any distillery, brewery, or to labor in any capacity in the manufacture of goods for immoral purposes, or where their health may be impaired or morals debased, or shall send any such child to any disorderly house, bawdyhouse, or assignation house, or having the control of such child, shall permit him or her to go to any such house, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars nor more than two hundred dollars, and each day the provisions of this act are violated shall constitute a separate offense.

Dangerous or immoral employments.

Inspection.

SEC. 1a. Such person, firm or corporation, or any agent thereof, shall give free access at all times to the commissioner of labor statistics of the State of Texas, and his deputies, for the inspection of their premises and of the methods employed, to insure compliance with the provisions of the foregoing section.

Age limit in mines.

SEC. 2. Any person, agent, or any employee of any person, firm or corporation, who shall hereafter employ any child under the age of 17 years to labor in or about any quarry or mine shall be punished as provided for in section 1 of this act.

Inspection to be allowed.

SEC. 2a. Such person, firm or corporation, or any agent thereof, shall give, free access at all time to the commissioner of labor statistics of the State of Texas, and his deputies, for the inspection of their premises and of the methods employed, to insure compliance with the provisions of the foregoing section.

CHAPTER 63.—*Railroads—Safety appliances—Inspector.*

Inspection required.

SECTION 1. It shall be unlawful for any person, corporation or receiver to operate or cause to be operated any train, on any line of railroad in this State, without first having the air brakes and air-brake attachments inspected and tested before leaving the division terminals for such trains, by a competent inspector, who shall have had at least three years' experience as a car inspector or car repairer: *Provided*, That this act shall not apply to tramroads engaged in hauling logs to any saw mill.

Emergencies, etc.

SEC. 2. The provisions of this act shall not apply in case of emergency where such companies can not obtain the employees mentioned in this act who have the qualifications prescribed by the provisions thereof; then such companies may employ temporary inspectors: *Provided*, The provisions of this act do not apply to railroads under forty miles in length.

Violations.

SEC. 3. Any person, corporation or receiver violating any of the provisions of this act shall be fined not less than fifty dollars ($50) nor more than one hundred dollars ($100), and each operation of any such train without such inspection first having been made, as provided herein, shall constitute a separate offense.

CHAPTER 97.—*Mine regulations—Electric wires—Maps.*

Installation of wires, etc.

SECTION 1. * * * in all mines in this State where electricity is or hereafter shall be used as a part of the system, power or means of mining and procuring the coal or other mineral from any of said mines, that the owners or operators of every such mine shall cause all wires conducting electricity in and about said mine to be carefully and thoroughly insulated or protected in a safe manner, so that the person or animals coming in contact therewith shall not be injured thereby; all wires as aforesaid shall either be thoroughly insulated or placed where persons employed in and 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: *Provided, however*, It shall not be necessary to insulate or cover trolley wires, but they shall all be hung and kept not less than five feet and six inches above the rail, and shall be securely fastened, and not permitted to sag less than said

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height. Where there is sufficient height in existing entries to permit this, but where sufficient height is not available in existing entries, then the trolley wires shall be placed to one side of the entry, six inches outside the rail; and in all such cases the trolley wire shall be placed on the side of the entry opposite from the working rooms, except where there are rooms on both sides of the entry in which event, the trolley wires may be placed over the opening of said rooms, said trolley wires to be safely shielded: *Provided*, Where it is impracticable in existing entries to place trolley wires six inches outside of the rail, or five feet, six inches high, and where separate travel way is not provided, then the trolley wire shall be safely shielded: *And it is further provided*, That this act shall not apply to entries that are not used as travel ways for workmen or work animals: *Provided, however*, That this section shall not apply to mines in operation in this State on January 1, 1902, and prior thereto, and which have developed until there is at least two thousand (2,000) feet distance from the shaft to the face of the coal being operated, except as to extensions of trolley wires made and to be made after January 1, 1910, in such mines.

Violations.

SEC. 2a. Each and every person, company, corporation or receiver, who shall in any manner violate any of the provisions of this act, shall for each and every offense committed forfeit and pay to the State a penalty of not less than one hundred ($100) dollars nor more than five hundred ($500) dollars, and it shall be the duty of the district or county attorney to institute suit in the name of the State for the recovery of same.

Same.

SEC. 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred ($500) dollars, or imprisonment in the county jail for a period not exceeding six months.

Enforcement.

SEC. 3. It shall be the duty of the State mining inspector to see that the provisions of this act are complied with, and shall report all violations hereof to the State mining board and to the district or county attorney of the county where the offense is committed.

Map of mine.

SEC. 4. It shall be the duty of every operator of a coal mine in the State of Texas to make a map of the underground workings of every mine in his charge, under operation on the first day of January, 1912, or that may be opened thereafter; said map shall be drawn on a scale of one inch to one hundred feet, and shall indicate the surface land lines as well as the rooms, entries or openings underground. It shall be brought up to date at least once each month, covering operations for the preceding month. The original of said map shall be on file at the office of the operator at or near said mine. Said map shall be extended or brought up to date at any time requested by the State mine inspector, at least every three months, if, for any reason, a mine should be closed, then a final map shall be made and filed: *Provided, however*, That maps existing on the date of the passage of this act may be continued on the same scale as begun, if not smaller than one-half inch to one hundred feet.

Violations.

SEC. 5. The penalty for noncompliance with section 4 hereof shall be by a fine of not less than twenty-five ($25) dollars nor more than fifty ($50) dollars for each offense.

CHAPTER 102.—*Mine regulations—Storage of food for animals.*

Feeding animals in mines.

SECTION 1. It shall be unlawful for any person, association of persons, corporation or receiver, owning, operating or managing any mine in this State, to feed or permit to be fed any work animal in said mines, or to store or keep any feed for such animals in said mines.

Keeping animals in mines.

SEC. 2. It shall be unlawful for any person, association of persons, corporation or receiver, owning, operating or managing any

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mine in this State, to permit any work animal to remain in any mine longer than ten consecutive hours.

Law does not apply, where.

SEC. 2a. It is further provided that sections 1 and 2 shall not apply to mines complying with the following provisions:

All stables in mines in which work animals are kept shall be equipped with fireproof doors at each opening, with a door frame of concrete, stone or brick, laid in mortar, and such stable door shall be kept closed during working hours of mines.

All feed, hay, grass, cane, etc., except corn, corn chops, bran and shelled oats, shall not be taken down the hoisting shaft until after the regular day shift is out of the mine.

It is further provided that no open light shall be taken into any underground stable by any person.

It is further provided that not over twenty-four (24) hours' supply of hay, grass or cane, or any other kind of inflammable stock food, except corn, corn chops, bran and shelled oats, shall be taken down in any one day.

Violations.

SEC. 3. Each and every person, company, corporation or receiver who shall in any manner violate any of the provisions of this act shall for each and every offense committed forfeit and pay to the State a penalty of not less than one hundred dollars nor more than five hundred dollars, and it shall be the duty of the district or county attorney to institute suit in the name of the State for the recovery of same.

Added penalty.

SEC. 4. In addition to the penalties provided in section 3 of this act, every person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not less than one month nor more than one year.

Enforcement.

SEC. 5. It shall be the duty of the State mining inspector to see that the provisions of this act are complied with, and he shall report all violations thereof to the State mining board and to the district or county attorney of the county where the offense is committed.

ACTS OF 1913.

CHAPTER 56.—*Bureau of child and animal protection.*

Appointment.

SECTION 1. The governor of the State of Texas shall appoint a State bureau of child and animal protection from and among the members of the directorate of the Texas State Humane Society, which shall be composed of not less than nine, nor more than twenty-one members.

Members ex officio.

SEC. 2. The governor, the superintendent of public instruction and the attorney general shall be ex officio members of the board of directors of said State bureau.

Duties.

SEC. 3. It shall be the duty of the said bureau to secure the enforcement of the laws for the prevention of wrongs to children and dumb animals as now defined and as hereafter may be defined by law; to appoint local and State agents to assist in this work; to assist the organization of district and county societies, and to give them representation in the State bureau; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to children and dumb animals as prescribed by law now existing, or which may hereafter exist; and to promote the growth of education and sentiment favorable to the protection of children and dumb animals.

Meetings.

SEC. 4. Said bureau shall hold its annual meeting on the second Monday in November in each year, at the capitol of the State, for the transaction of its business and the election of officers, at which meeting all questions relating to child and animal protection in the State may be considered.

Report.

SEC. 5. The said bureau shall make an annual report before the first day of January of each year to the secretary of state, embracing the proceedings of the bureau for the preceding year, and statistics showing the work of the bureau and its agents and

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county and districts societies throughout the State, together with such papers, facts and recommendations as they may deem useful to the interests of children and dumb animals in the State, said report to be fully prepared for publication. The secretary of state shall cause the same to be published in pamphlet or book form by the State, under the supervision of the bureau.

CHAPTER 68.—*Hours of labor on public works.*

Eight hours a day's work.

SECTION 1. Eight hours shall constitute a day's work for all laborers, workmen or mechanics now employed or who may hereafter be employed by or on behalf of the State of Texas, or by or on behalf of any county, municipality, or political subdivision of the State, county or municipality in any one calendar day, where such employment, contract or work is for the purpose of constructing, repairing or improving buildings, bridges, roads, highways, streams, levees, or other work of a similar character, requiring the service of laborers, workmen or mechanics.

Contracts.

SEC. 2. All contracts hereafter made by or on behalf of the State of Texas, or by or on behalf of any county, municipality or other legal or political subdivision of the State, with any corporation, persons or association of persons for the performance of any work, shall be deemed and considered as made upon the basis of eight hours constituting a day's work. It shall be unlawful for any corporation, person or association of persons having a contract with the State or any political subdivision thereof, to require or permit any such laborers, workmen, mechanics or other persons to work more than eight hours per calendar day in doing such work, except in case of emergency, which may arise in times of war, or in cases where it may become necessary to work more than eight hours per calendar day for the protection of property, human life or the necessity of housing inmates of public institutions in case of fire or destruction by the elements. In such emergencies 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*, That not less than the current rate of per diem wages in the locality where the work is being performed shall be paid to the laborers, workmen, mechanics or other persons so employed by or on behalf of the State of Texas, or for any county, municipality or other legal or political subdivision of the State, county or municipality, and every contract hereafter made for the performance of work for the State of Texas, or for any county, municipality or other legal or political subdivision of the State, county or municipality, must comply with the requirements of this section: *Provided*, That nothing in this act shall affect contracts in existence at the time of the taking effect of this act: *Provided, further*, That nothing in this act shall be construed to affect the present law governing State and county convict labor while serving their sentences as such.

Violations.

SEC. 3. Any person, or any officer, agent or employee of any person, corporation or association of persons, or any officer, agent or employee of the State, county, municipality or any legal or political subdivision of the State, county or municipality, who shall fail or refuse to comply with the provisions of this act or who shall violate any of the provisions of this act, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars ($50) nor more than one thousand ($1,000), or by imprisonment not to exceed six months or by both such fine and imprisonment and each and every day of such violation shall constitute a separate offense.

CHAPTER 82.—*Stevedores to be licensed.*

Definition.

SECTION 1. A contracting stevedore, within the meaning of this act, is any person, firm, association of persons, or corporation that contracts with any ship, agent, owners, masters, managers or captains of vessels, or with any other person or corporation, for

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the purpose of loading or unloading, or of having loaded or unloaded any vessel, ship or water craft; a stevedore within the meaning of this act is any laborer who performs any of the actual labor in loading and unloading any ship, vessel or water craft whatsoever while in the service or employ of a contracting stevedore as above mentioned.

Operating without license unlawful.

SEC. 2. It shall hereafter be unlawful for any contracting stevedore to engage in the business or pursue the occupation of loading and unloading or having loaded or unloaded by the employment of labor therefor any ship, vessel or water craft in this State without first obtaining the license and executing the bond as hereinafter provided, and any such person who pursues said occupation without first qualifying as provided by this act shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one hundred nor more than five hundred dollars for each day he shall pursue such occupation or business without thus qualifying and any member of a firm or association or any manager of a corporation who come within the meaning of a contracting stevedore who shall thus offend shall be amendable [amenable] to prosecution hereunder.

Bond.

SEC. 3. Each contracting stevedore as contemplated by this act is hereby required to make bond in the sum of five thousand dollars, entered into with two or more good and sufficient sureties, who are residents of this State, or with any good and sufficient surety bonding company authorized to transact business in this State, payable to the county judge of the county in which such stevedore pursues his occupation and to his successor in office, as trustee for all persons who may become entitled to the benefits of this act, said bond to be conditioned that said contracting stevedore will promptly on Saturday of each week pay each laborer his wages for labor performed in loading and unloading any such ship, vessel or water craft according to the scale of wages agreed upon, and that all agreements entered into with said laborers and each of them in respect to the loading and unloading of said water craft, as above mentioned, will be faithfully and truly performed, which bond shall be approved by the county clerk of the county in which said contracting stevedore is pursuing said business or occupation and by him shall be filed and recorded.

Regulations.

SEC. 4. The bond and license hereinafter provided for shall be made in each county in which said contracting stevedore pursues said occupation, in which county suits may be maintained upon such bond by any person to whom wages are due and unpaid for such labor as is hereinbefore mentioned: *Provided*, That the same shall not become free upon the first recovery, but may be sued upon until the full amount thereof is exhausted, or suits sufficient to exhaust the bond or [are] pending, and when so exhausted said contracting stevedore shall make and file a new bond in amount and conditioned as provided for the first, and his failure so to do shall render him amendable [amenable] to prosecution as if no bond had ever been given in the first instance.

License.

SEC. 5. Said contracting stevedore shall, before beginning business as before stated, file his application in writing for a license to pursue the occupation of a contracting stevedore for the county mentioned, and on approval of the bond hereinbefore provided for by the county clerk and payment of a license fee of five dollars the clerk shall grant to him a license to pursue said occupation upon such form as the county commissioners court may designate, the said license fee to be paid into the general fund of the county.

Renewal of license.

SEC. 6. Said contracting stevedore shall be and he is hereby required to execute a new bond and to obtain the issuance of a new license at the expiration of each year from the former, every two years from the issuance of the former license, [sic] and all contracting stevedores who may be engaged in the occupation herein defined at any port, subport or other place where ships, vessels or water crafts are loaded or unloaded, at the time this law becomes effective, shall have thirty days from and after the

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going into effect of this law to qualify thereunder by executing the bond and obtaining the license as required herein.

CHAPTER 158.—*Railroads—Safety appliances.*

Derailing devices.

SECTION 1. It shall be unlawful for any person, firm, corporation or receiver operating any railroad, machine shop or other concern engaged in repairing or manufacturing cars within this State to use any tracks not equipped with derailing devices upon which to repair or manufacture cars; such derailing devices to be provided with private locks, to be kept locked at all times when tracks are in use: *Provided*, That nothing in this act shall be construed as prohibiting temporary repairs to cars on tracks other than where cars are regularly repaired or manufactured.

Violations.

SEC. 2. Any person, firm, corporation or receiver, operating any railroad, machine shop or other concern engaged in the repairing or manufacture of cars in this State, who shall violate the provisions of section on[e] [1] of this act, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in a sum not less than fifty ($50) dollars nor more than two hundred ($200) dollars and each day such violation shall exist shall constitute a separate offense.

CHAPTER 175.—*Employment of women.*

Hours of labor.

SECTION 1. No female shall be employed in any manufacturing or mercantile institution engaged in the manufacture of clothing, shirts, overalls, jumpers or ladies garments or any mercantile establishment or work shop or printing office, dressmaking or millinery establishment, hotel restaurant or theater or telegraph or telephone office or establishment for more than fifty-four (54) hours during any one week, the hours of such employment to be so arranged as to permit the employment of such females at any time so that she shall not work more than a maximum of ten (10) hours, during the twenty-four (24) hour period for one day: *Provided, however*, That at the time of great disaster, calamity or epidemic, telephone establishments may work their operators with their consent a greater number of hours in any one day, than above stated, said operators to be paid not less than double their regular compensation for such extra time: *Provided*, This act shall not apply to females who are registered pharmacists: *Provided*, This act does not apply to cities containing a population of 5000 or less as shown by the last Federal census.

Laundries.

SEC. 1a. No female shall be employed in any laundry for more than fifty-four hours in any one week; the hours of such employment to be so arranged as to permit the employment of such female at any time so that she shall not work more than a maximum of eleven hours during the twenty-four-hour period of one day, provided that if such female is employed for more than ten hours in any one day she shall receive pay at the rate of one and one-half times her regular pay for such time as she is so employed for more than ten hours per day.

Seats to be provided.

SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, or workshop, laundry, printing office, dressmaking or millinery establishment, hotel, restaurant or theater, or telegraph or telephone establishment and office or any other establishment employing any female shall provide suitable seats for all female employees and permit them to use such seats when not engaged in the active performance of the duties of their employment.

Exception.

SEC. 2a. *Provided*, That this act shall not apply to stenographers.

Violation.

SEC. 3. Any employer, overseer, superintendent, foreman or other agent of any such employer who shall require any female to work in any of the places mentioned in section 1 more than the numbers of hours provided for in this act, during any day of

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twenty-four hours, or who shall fail, neglect or refuse to so arrange the work of females employed in said places mentioned in section 1 so that they shall work more than the number of hours provided for in this act, during any day of twenty-four (24) hours or the number of hours prescribed by this act in any one week, or who shall fail, neglect or refuse to provide suitable seats as provided in section 2 of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than fifty ($50) dollars nor more than two hundred ($200) dollars or imprisonment in the county jail not less than five (5) nor more than thirty (30) days, or by both such fine and imprisonment.

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UTAH.

CONSTITUTION.

ARTICLE 12.—*Interference with employment.*

SECTION 19. Every person in this State shall be free to obtain employment whenever possible, and any person, corporation, or agent, servant or employee thereof, maliciously interfering or hindering in any way, any person from obtaining, or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a crime. The legislature shall provide by law for the enforcement of this section. Hindering employment.

ARTICLE 16.—*Employment of labor.*

SECTION 1. The rights of labor shall have just protection through laws calculated to promote the industrial welfare of the State. Rights of labor to be protected.

SEC. 2. The legislature shall provide by law, for a board of labor, conciliation and arbitration, which shall fairly represent the interests of both capital and labor. The board shall perform duties, and receive compensation as prescribed by law. Board of labor, etc.

SEC. 3. The legislature shall prohibit: Certain employments, etc., prohibited.

(1) The employment of women, or of children under the age of fourteen years, in underground mines.

(2) The contracting of convict labor.

(3) The labor of convicts outside prison grounds, except on public works under the direct control of the State.

(4) The political and commercial control of employees.

SEC. 4. The exchange of black lists by railroad companies, or other corporations, associations or persons is prohibited. Exchange of black lists.

SEC. 5. The right of action to recover damages for injuries resulting in death, shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation. Injuries causing death.

SEC. 6. Eight hours shall constitute a day's work on all works or undertakings carried on or aided by the State, county or municipal governments; and the legislature shall pass laws to provide for the health and safety of employees in factories, smelters and mines. Hours of labor. Inspection of factories, etc.

SEC. 7. The legislature, by appropriate legislation, shall provide for the enforcement of the provisions of this article. Enforcement.

COMPILED LAWS—1907.

Wages as preferred claims—In assignments.

SECTION 85 (as amended by chapter 23, Acts of 1913). In all assignments for the benefits of creditors, statutory or otherwise, or trusteeship agreements, wages not to exceed $400 to each claimant owing to workmen, clerks, traveling or city salesmen or servants of the assignor for services or labor rendered or performed within five months next previous to the assignment are preferred claims and must be paid before any other creditor of the assignor and shall be paid in full in all cases where there is sufficient property therefor, otherwise they alone shall be paid pro rata: *Provided, however*, That no officer or general manages of a corporation nor any member in an association or partnership making an assignment or trusteeship agreement shall be entitled to the preference herein provided. Wages to be paid first.

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Protection of employees as voters.

Attempting to influence vote.

SECTION 898. * * * It shall be unlawful for any employer, either corporation, association, company, firm, or person in paying its, their, or his employees the salary or wages due them, to inclose their pay in "pay envelopes" on which there is [are] written or printed any political mottoes, devices, or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of such employees. Nor shall it be lawful for any employer, either corporation, association, company, firm, or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment or place where its, their, or his employees may be working or be present in the course of such employment, any handbill, notice, or placard, containing any threat, notice, or information, that in case any particular ticket or candidate shall or shall not be elected, work in its, their, or his establishment shall cease in whole or in part, or its, their, or his establishment be closed, or the wages of its, their, or his workmen be reduced; or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of its, their, or his employees. Any person or persons, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and any person, whether acting in his individual capacity or as an officer or agent of any corporation, so guilty of such misdemeanor shall be punished as hereinafter prescribed.

Same subject.

SEC. 899. It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence, by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or otherwise in any manner whatever to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons, measure or measures, at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

Forfeiture of charter.

Two hours allowed for voting.

SEC. 910. Any person entitled to a vote at a general election held within this State shall, on the day of such election, be entitled to absent himself from any employment in which he is then engaged or employed for a period of two hours between the time of opening and the time of closing the polls, and any such absence shall not be sufficient reason for the discharge of any such person from such service or employment, 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 except when such employee is employed and paid by the hour: *Provided*, That application shall be made for such leave of absence prior to the day of election. The employer may specify the hours during which such employee may absent himself as aforesaid. Any person or corporation who shall refuse to his or its employees the privilege hereby conferred, or who shall subject an employee to a penalty or reduction of wages because of the exercise of such privilege, or who shall, directly or indirectly, violate the provisions of this title shall be deemed guilty of a misdemeanor.

Proviso.

Arbitration of labor disputes—State board.

Appointment of board.

SECTION 1324. * * * The governor, by and with the consent of the senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State board of labor, conciliation, and arbitration. One

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shall be an employer of labor; another shall be an employee and be selected from some labor organization; and the third shall be some person who is neither an employee nor an employer of manual labor, and shall be chairman of the board. One shall serve for one year, one for three years, and one for five years, as may be designated by the governor at the time of their appointment. At the expiration of their terms their successors shall be appointed in like manner for the term of four years. Should a vacancy occur at any time, the governor shall, in the same manner, appoint some one to serve the unexpired term, and until the appointment and qualification of his successor. Each member of said board shall, before entering upon his duties, take the constitutional oath of office.

Secretary.

SEC. 1325. The board shall select from its members a secretary and shall establish suitable rules of procedure.

Mediation.

SEC. 1326. Whenever it shall come to the knowledge of the said board that a strike or lockout is seriously threatened in the State, involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the said board to put itself into communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement. Said board shall also request each of the parties to forward to its secretary an application for arbitration.

Applications for arbitration.

SEC. 1327. As soon as practicable after receiving such applications, the board shall request each of the parties to the dispute to agree upon a written statement of facts relating to the controversy, and to submit the same to the board: *Provided*, That, when such agreement and statement can not be reached, each of said parties may separately submit to the board a written statement of grievances. Applications to the said board for arbitration on the part of employers must precede any lockout, and, on the part of the employees, any strike: *Provided*, That, in case a lockout or strike already exists, the board shall accord arbitration if the parties shall resume their relations with each other, as employers and employees. Said applications shall include a promise to abide by the decision of the board and shall be signed by the employer or employers, or his or their authorized agent, on the one side, and by a majority of his or their employees on the other.

Duty of board.

SEC. 1328. As soon as practicable after receiving said applications, the board shall proceed to arbitrate. When it shall be necessary, in the judgment of said board, it may engage the services of a stenographer to take and transcribe an account of any arbitration proceedings.

Power to summon witnesses, etc.

SEC. 1329. The board shall have power to summon as witnesses by subpœna any operative or expert in the departments of business affected, and any person who keeps the record of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses, and to require the production of books, papers, and records. In case of disobedience to a subpœna the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses, and the production of books, papers, and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy, or refusal to obey a subpœna issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof.

Duty of mayors and sheriffs.

SEC. 1330. It shall be the duty of mayors of cities and sheriffs of counties, when any condition likely to lead to a strike or lockout exists in the cities or districts where they have jurisdiction, to immediately forward information of the same to the secretary of the State board of conciliation and arbitration. Such informa-

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tion shall include the names and addresses of persons who should be communicated with by the board.

Service of process.

SEC. 1331. Any notice or process issued by the State board of labor, conciliation, and arbitration shall be served by any sheriff to whom the same may be directed, or in whose hands the same may be placed for service, without charge.

Decision.

SEC. 1332. As soon as practicable, after the board has investigated the differences existing between employer and employees, it shall make an equitable decision, which shall state what, if anything, should be done by either or both parties to the dispute, in order to amicably settle and adjust the differences existing between them. The findings of a majority of the board shall constitute its decision.

Publication, etc.

SEC. 1333. This decision shall at once be made public; shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in an annual report to be made to the governor before the 1st day of March, of each year.

Compensation of board.

SEC. 1334. The members of the board shall each receive a compensation of $4 for each day's service while engaged in arbitration, said compensation to be paid by the parties to the controversy in such proportion as the board may decide; they shall also receive the actual and necessary expenses incurred in the performance of their official duties, which expenses shall be paid out of the State treasury.

Hours of labor.

Eight hours a day's labor on public works, etc.

SECTION 1336. Eight hours shall constitute a day's work in all penal institutions in this State, whether State, county, or municipal, and on all works and undertakings carried on or aided by the State, county, or municipal governments. Any officer of the State or of any county or municipal government, or any person, corporation, firm, contractor, agent, manager, or foreman, who shall require or contract with any person to work in any penal institution or upon such works or undertakings longer than eight hours in one calendar day, except in cases of emergency, where life or property is in imminent danger, shall be guilty of a misdemeanor.

In mines and smelters.

SEC. 1337. The period of employment of working men in all underground mines or workings, and in smelters and 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. Any person, body corporate, agent, manager, or employer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

Held to be constitutional. 14 U. Rep. 71, 96; 18 Sup. Ct. Rep. 383.

An employee working more than eight hours is a violator of the law equally with his employer. The law will not be construed so as to require an employer to pay for the excess of eight hours' services rendered by an employee. 57 Pac. Rep. 720.

Employment of women and children.

Employment in mines and smelters.

SECTION 1338. It shall be unlawful for any person, firm, or corporation to employ any child under fourteen years of age, or any female, to work in any mine or smelter in the State of Utah. Any person, firm, or corporation who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

Seats for female employees in stores, etc.

SEC. 1339. The proprietor, manager, or person having charge of any store, shop, hotel, restaurant, or other place where women or girls are employed as clerks or help therein, shall provide chairs, stools, or other contrivances where such clerks or help may rest when not employed in the discharge of their respective duties. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

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Blacklisting.

Blacklisting forbidden.

SECTION 1340. No company, corporation, nor individual shall blacklist, or publish, or cause to be published or blacklisted, any employee, mechanic, or laborer, discharged 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.

Penalty.

SEC. 1341. If any person or any officer or agent of any company, corporation, or individual shall blacklist, or publish, or cause to be published, any employee, mechanic, or laborer, discharged by such corporation, company, 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, 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 felony and, upon conviction, shall be fined not less than $500, nor more than $1,000, and be imprisoned in the State prison not less than sixty days nor more than one year.

Liability of employers for injuries to employees—Fellow servants.

Vice principals defined.

SECTION 1342. All persons engaged in the service of any person, firm, or corporation, foreign or domestic, doing business in this State, who are intrusted by such person, firm, or corporation as employer with the authority of superintendence, control, or command of other persons in the employ or service of such employer, or with the authority to direct any other employee in the performance of any duties of such employee, are vice principals of such employer and are not fellow servants.

The conductor of a railway train is not a fellow servant with a brakeman. 6 U. Rep. 132.
Nor is a car inspector. 6 U. Rep. 357, 23 Pac. Rep. 762.
Nor a locomotive engineer. 7 U. Rep. 288, 26 Pac. Rep. 579.
A foreman in a mine is not a fellow servant with a miner working under him. 4 U. Rep. 468, 11 Pac. Rep. 612.

Fellow servants.

SEC. 1343. All persons who are engaged in the service of such employer, and who, while so engaged, are in the same grade of service and are working together at the same time and place and to a common purpose, neither of such persons being intrusted by such employer with any superintendence or control over his fellow employees, are fellow servants with each other: *Provided*, That nothing herein contained shall be so construed as to make the employees of such employer fellow servants with other employees engaged in any other department of service of such employer. Employees who do not come within the provisions of this section shall not be considered fellow servants.

Proviso.

The above definition of the term "fellow servants" is one that the legislature could constitutionally make. 18 U. Rep. 410, 55 Pac. 367.
A miner is not a fellow servant with a tool carrier, whose only duty is to supply sharp tools and remove dull ones; nor with a man who manages and operates the cage by which miners enter and leave the mine. 24 U. Rep. 513, 68 Pac. 845.
The manifest purpose of the statute is to abolish the common-law doctrine of fellow service. 99 Pac. 1067.

Wages as preferred claims—In receiverships, etc.

Wages to paid first.

SECTION 1344 (as amended by chapter 24, Acts of 1913). When any property of any company, corporation, firm, or person shall be seized upon by any process of any court, or when their business shall be suspended by the act of creditors, or be put into the hands of a receiver, assignee or trustee, either by voluntary or involuntary action, the wages, not to exceed $400 to each claimant, owing to workmen, clerks, traveling or city salesman, or servants

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for work or labor performed within five months next preceding the seizure or transfer of such property or merchandise, shall be considered and treated as preferred debts, and such workmen, clerks, traveling or city salesmen or servants shall be preferred creditors and shall first be paid in full; and if there be not sufficient to pay them in full then the same be paid to them pro rata, after paying costs: *Provided, however*, That no officer, director or general manager of such a corporation nor any member in such association or partnership shall be entitled to the preference herein provided.

Statement.

SEC. 1345. Any such employee, laborer, or servant desiring to enforce his claim for wages under this chapter [secs. 1344–1346] shall present a statement, under oath, showing the amount due after allowing all just credits and set-offs, the kind of work for which such wages are due, and when performed, to the officer, person, or court charged with such property, within ten days after the seizure thereof on any writ of attachment, or within thirty days after the same may have been placed in the hands of any receiver, assignee, or trustee; any person with whom any such claim shall have been filed shall give immediate notice thereof by mail to all persons interested; and it shall be the duty of the person or the court receiving such statement to pay the amount of such claim or claims to the person or persons entitled thereto, after first paying all costs occasioned by the seizure of such property, out of the proceeds of the sale of the property seized, if the claim be not contested as provided in the next succeeding section.

Contesting claims.

SEC. 1346. Any person interested may contest such claim or claims, or any part thereof, by filing exceptions thereto, supported by affidavit, with the officer having the custody of such property, within ten days after the notice of presentment of said statement, and thereupon the claimant shall be required to reduce his claim to judgment before some court having jurisdiction thereof, before any part thereof shall be paid, and the party contesting shall be made a party defendant in any such action and shall have the right to contest such claim, and the prevailing party shall recover proper costs.

The claims of operatives of a street railroad for work performed sixty days next preceding the appointment of a receiver are entitled to priority over a trust deed on the company's property. 8 U. Rep. 15.

Suits for wages—Attorneys' fees.

Attorneys' fees allowed, when.

SECTION 1347. Whenever a mechanic, artisan, miner, laborer, servant, or employee shall have cause to bring suit for wages earned and due according to the terms of his employment, and shall establish by the decision of the court or verdict of the jury that the amount for which he has brought suit is justly due, and that a demand had been made in writing, at least fifteen days before suit was brought, for a sum not to exceed the amount so found due, then it shall be the duty of the court before which the case shall be tried to allow to the plaintiff a reasonable attorney's fee in addition to the amount found due for wages, to be taxed as costs of suit. In a justice's court such attorney's fee shall not be more than $5, and in the district court, not more than $10, except in cases on appeal from the justice's court to the district court, when the plaintiff may recover an attorney's fee, not exceeding $25.

Interference with employment.

Interference prohibited.

SECTION 1347x. It shall be unlawful for any person, persons, association of persons, combination of persons, or body of persons to interfere with the rights of any individual engaged in labor, to exercise his full privileges under the Constitution of this State or of the United States, as to where he shall be employed, by whom he shall be employed and at what compensation he shall be employed. Anyone violating the provisions of this section shall be guilty of a misdemeanor.

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Mine regulations.

Inspector.

SECTION 1507 (as amended by chapter 78, Acts of 1913). For the purpose of securing an efficient and thorough inspection of all coal and hydrocarbon mines within the State of Utah, and to provide for an adequate enforcement thereof, the governor shall appoint, by and with the consent of the senate, one mine inspector for coal and hydrocarbon mines. The inspector so appointed shall hold his office for a term of four years from the date of his appointment, and until his successor is appointed and qualified: *Provided*, That such inspector may be removed for cause, by the governor. i[I]n case of resignation, death or removal, the vacancy shall be filled by appointment by the governor for the unexpired term.

Deputy.

The State mine inspector of coal and hydrocarbon mines shall have the power, with the consent of the governor and the approval of the State board of examiners to appoint one deputy mine inspector; the said deputy to possess all the qualifications required of the State mine inspector by section 1509, Compiled Laws of Utah, 1907, as amended by chapter 132, Laws of Utah, 1911. Said deputy mine inspector shall devote his entire time to the performance of his duties, under the direction of the State mine inspector, and shall receive a salary of fifteen hundred dollars per annum, to be paid each and every month from the unexpended funds of moneys in the State treasury, and necessary traveling expenses incurred in the proper discharge of his official duties, to be paid each and every month from the same fund. The State mine inspector may also, with the consent of the governor, employ one clerk to assist in his office at a salary not to exceed sixty dollars per month, the same to be paid out of the State mine inspector's contingent fund.

Salary.

SEC. 1508. The said inspector of coal and hydrocarbon mines shall receive a salary of $2,000 a year and actual necessary traveling expenses incurred in the proper discharge of his official duties, to be paid quarterly by the State treasurer out of any moneys appropriated for that purpose, on the certificate of said inspector of mines showing service rendered, and also on presentation of the certificate of said inspector of coal and hydrocarbon mines showing a statement of all moneys received by him for fees, and the actual amount necessarily expended for actual traveling expenses for the quarter; and on presentation of such certificates the State auditor shall issue his warrant for the amount thereof, to be paid out of any appropriation aforesaid. He is hereby authorized to procure such instruments and stationery from time to time as may be necessary to the proper discharge of his duties under this title, at the expense of the State, which shall be paid by the State treasurer upon accounts duly certified by him and audited by the proper department of [the] State.

Instruments, etc.

Bond.

SEC. 1509 (as amended by chapter 132, Acts of 1911). Before entering upon the discharge of his official duties, the inspector shall give a bond to the State in the sum of $5,000, to be approved by the proper officers, conditioned for the faithful performance of his duties. Said bond shall be deposited with the secretary of state. The person so appointed must be a citizen of Utah, and must have attained the age of thirty years. He must have a knowledge of different systems of working coal mines, and he must produce satisfactory evidence to the governor of having had at least five years' practical experience in the coal mines of Utah. He must have had experience in coal mines where noxious and explosive gases are evolved. He must hold the certificate of examination required by law to be held by mine foremen of the State.

Qualifications.

To give whole time to duties.

SEC. 1510. The said inspector shall not act as manager or agent or lessee for any mining or other corporation during his term of office, but shall give his whole time and attention to the duties of his office.

Access to mines.

SEC. 1511. Every owner, agent, manager, or lessee of any coal or hydrocarbon mine in this State shall freely admit the inspector

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or his assistants to such mine on the exhibition of his certificate of appointment, for the purpose of making the examination and inspection provided for in this title, whenever the mine is in active operation, and render any necessary assistance for such inspection; but said inspector or his assistants shall not unnecessarily obstruct the working of said mine. Upon the refusal of the owner, agent, manager, or lessee to admit the inspector or his assistants to such mine, such owner, agent, manager, or lessee shall be subject to a fine of not less than $50 nor more than $500 for each and every such offense.

Maps. SEC. 1512 (as amended by chapter 132, Acts of 1911). The owner, agent, manager or lessee of any coal or hydrocarbon mine in this State shall make, or cause to be made, an accurate map or plan of the workings of such mine, on a scale of one hundred feet to the inch, which said map shall show all the openings or excavations, shafts, tunnels, slopes, planes, entries, cross headings, rooms, etc., and show the directions of the air current and also the water system therein, and shall accurately show the boundary lines between said mine and adjoining mines. Such map or plan, or true copy thereof, shall be furnished to the inspector, and one copy shall be kept at such mine for the inspection of the inspector or employees thereof. The owner, agent, manager or lessee, at least once in every six months, shall place or cause to be placed on the map or plan, an accurate showing of all additional excavations which have been made in the mine during the said six months. The several maps or plans of mines in this State, which are furnished to the inspector shall be the property of the State, and shall remain in the care of the said inspector, and shall be transferred by him to his successor in office; and in no case shall any copy of any of them be made without the consent of the owner, agent, manager, or lessee. If the inspector shall find or have good reason to believe that any map or plan of any mine made or furnished him, in pursuance of the provisions of this title, is materially inaccurate or imperfect, he is authorized to cause a correct plan or map of said mine to be made at the expense of the owner, agent, manager or lessee thereof: *Provided*, That if the map or plan which was claimed to have been inaccurate, shall be found to be practically correct, then the State shall have to pay the expense of making the new map or plan of such mine. That all persons operating coal or hydrocarbon mines in this State, shall on or before the fifteenth day of December of each year furnish the State mine inspector a

Report of output, etc. statement of the output of each mine, distribution of such product, pounds of powder used, number and nationality of men employed, days work, number of fatal and nonfatal accidents, from the first day of December of the preceding year to November thirtieth of the present year.

Opening of new mine. That each owner, agent, or lessee shall, on opening a new mine in this State, and within thirty days thereafter, notify the State mine inspector of same, giving name and address of the person, company or corporation so opening said mine, together with the location and character of such mine and opening.

Escapeshafts. SEC. 1513. It shall be unlawful for the owner, operator, or superintendent of any mine to employ any person or persons in such mine for the purpose of working therein, unless there are in connection with every seam or stratum of coal, worked in such mine, not less than two openings or outlets, separated by a stratum of not less than 150 feet at surface and not less than thirty feet at any place, at which openings or outlets safe and distinct means of ingress and egress shall at all times be available for the persons employed in the said mine. The escapements, shafts, or slopes, shall be fitted with safe and available appliances, by which the employees of the mine may readily escape in case an accident occurs deranging the hoisting machinery at the outlets. In slopes used as haulage roads, where the dip or incline is ten degrees or more, there must be provided a separate traveling way, which shall be maintained in a safe condition for travel, and kept free

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from dangerous gases. No inflammable structure, other than a frame to sustain pulleys or sheaves, shall be erected over the entrance to any mine; and no inflammable structure for the purpose of storing coal shall be erected nearer than 200 feet to any such opening. But this title shall not be construed to prohibit the erection of a fan and its approaches for the purpose of ventilation, nor of a trestle for the transportation of cars from any slope or other opening. All entrances to any place, not in actual course of working, where explosive gas is known to exist, shall be properly fenced across the whole width, so as to prevent all persons from entering the same. Handrails and sufficient 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. The ropes, safety catches, links, and chains shall be carefully examined every day that they are used, by a competent person employed for that purpose by the mine owner, agent, manager, or lessee, and any defect therein found shall be immediately remedied.

Structures at entrance.

Cages.

SEC. 1514. It shall be the duty of every owner, agent, manager, or lessee to keep at the mouth of every mine, or at such other places as may be designated by the mine inspector, stretchers properly constructed for the purpose of carrying away any employee working in and around the mine, who may be injured in and about his employment.

Stretchers.

SEC. 1515 (as amended by chapter 132, Acts of 1911). Every owner, agent, manager, or lessee of coal or hydrocarbon mines shall provide and maintain a constant and adequate supply of pure air.

Ventilation.

1. It shall be unlawful to use a furnace for the purpose of ventilating any mine wherein explosive gases are generated;

2. The minimum quantity of air provided shall be not less than one hundred cubic feet per minute for each and every person [employed] in every mine, and 300 cubic feet for each and every animal employed therein, and as much more as the circumstances may require;

3. The ventilating current shall be conducted and circulated to the face of each and every working place through 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 condition for working and traveling therein;

4. All worked-out or abandoned parts of any mine in operation, so far as practicable, shall be kept free from dangerous bodies of gases or water; and if found impracticable to keep the entire mine free from dangerous accumulation of standing gases or water, the mine inspector shall be immediately notified;

5. Every mine wherein are employed more than seventy-five persons must be divided into two or more districts; such 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;

6. All crosscuts connecting the main inlet and outlet air passage, when it becomes necessary to close them permanently, shall be substantially closed with brick or other suitable material laid in mortar or cement, whenever practicable, but in no case shall said crosscut stopings be constructed of plank except for temporary purposes;

7. All doors used in assisting or in any way affecting the ventilation shall be so hung and adjusted that they will close automatically; main doors regulating the principal air currents of a mine shall be so placed, in all cases, where it is practicable, that when one door is open, another, which has the same effect upon the same current of air, shall be and remain closed;

8. All permanent air bridges shall be built of such material and of such strength as the circumstances may require;

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9. 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 other competent person, at least once every week; a report of these air measurements shall be forwarded to the mine inspector, together with the statement of the number of persons employed in each district, on or before the 12th day of each month, for the preceding month;

10. For the purpose of properly ventilating rooms and entries in coal mines, crosscuts in rooms shall be not more than one hundred nor less than fifty feet apart; and crosscuts in main entrance[s] shall not, except in cases of urgent necessity, according to the opinion of the State mining insepector, be less than seventy-five feet nor more than 200 feet apart.

Sprinkling. SEC. 1516. Every owner, agent, manager, or lessee of mines within the State of Utah shall provide and maintain a water system for the purpose of conducting water to the face of each and every working place, and throughout the entire open part of the mine, in sufficient quantities for sprinkling purposes to wet down the dust that shall arise and accumulate in and around the mine: *Provided*, That in mines or parts of mines where, by reason of the natural wet condition, or the moisture derived from the introduction of steam into the air currents, or both, such sprinkling may not be necessary. And it shall be the duty of the superintendent, mine foreman, and inspector to see to it that this is done.

Timbers. SEC. 1517 (as amended by chapter 132, Acts of 1911). It shall be the duty of every person, owner, operator, superintendent, or mine foreman to furnish to the miners all props, ties, rails and timbers necessary for the safe mining in coal and hydrocarbon mines, and for the protection of the lives of workmen. Such props, ties, rails and timbers shall be suitably prepared and shall be delivered within 100 feet of the face of the room, or entry, and other working place, free of charge. And whenever underhand stoping is used to extract hydrocarbon ore, an efficient system of timbering approved by the mine inspector shall be enforced.

Rules. SEC. 1518 (as amended by chapter 78, Acts of 1913). The following general rules shall be observed by every mine owner, operator, superintendent, mine foreman, and employee within the State of Utah:

Mine foreman. 1. Every owner or operator of every mine shall use every reasonable precaution to insure the safety of the workmen in all cases, and shall place the underground workings thereof under the charge and daily supervision of a person who shall be known as "mine foreman," and who must hold a mine foreman's certificate.

Abandoned portions. 2. All accessible parts of abandoned portions of mines in which explosive gases have been found or are known to exist shall be carefully examined by the mine foreman, or his assistants, at least once in each and every week, and all danger existing therein from such gases shall be removed as soon as possible. A report of each and every examination shall be recorded in a book kept for that purpose, signed by the person making the examination.

Examination for gases. 3. In all mines known to generate explosive gases, the mine foreman, or fire bosses, shall make a careful examination every morning of all working places and traveling ways, and all other places which might endanger the safety of the workmen, within three hours prior to the time at which the workman shall enter the mine. Such examination shall be made with the safety lamp. No person except those whose presence is necessary to prepare the mine for the entrance of the workmen shall enter the mine or any part thereof, until the mine foreman or fire boss of his district shall report to him that his place is in a safe condition. The mine foreman or fire boss making such examination shall record the result of his examination in a book kept for that purpose, which book shall be opened to the inspection of the mine inspector and all employes.

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Lamps.

4. In any working place approaching any place where there is likely to be an accumulation of explosive gases, no light or fire other than locked safety lamps shall be allowed or used. But, in all hydrocarbon mines only electric storage battery lamps shall be used for lighting purpose; the pattern of such lamps to be approved by the State mine inspector. Whenever such lamps are required in any mine they shall be the property of the owner or operator, and a competent person shall be appointed for the purpose of examining every such lamp, which examination shall be made immediately before it is taken into the mine for use. He shall clean, lock, and otherwise ascertain if it is safe for use: *Provided*, That all fire bosses, or those who inspect the mine for the presence of explosive gases, must also personally examine their own lamps, and be responsible for their safe condition. That any such owner, agent, lessee or operator of coal or hydrocarbon mines, when working the same in close proximity to an abandoned mine or part of a mine, containing water or fire damp, shall cause bore holes to be kept at least twenty-five feet in advance of the working face and sides of all working places in such mine, known to be approaching old, abandoned or other mines containing water or fire damp. Said holes not to be more than twenty-five feet apart, and to a like depth and at an angle of at least twenty-five degrees from the center hole.

Timbering.

5. Any miner or other person having charge of a working place in any mine shall for his own protection keep the roof and sides thereof properly secured by timbering or otherwise, so as to prevent such roof and sides from falling and injuring him or his fellow workmen; and he shall not do any work or permit any work to be done under loose rock or dangerous material, except for the purpose of securing the same.

Hoisting.

6. No more than ten persons shall be hoisted or lowered at any one time in any shaft or slope. This, however, shall not prohibit the hoisting or lowering of ten or more persons at any one time on slopes where five or more loaded cars are regularly hoisted.

Intoxication.

7. No person in a state of intoxication shall be allowed to go imto [into] or loiter about the mine.

Report of wrong conditions.

8. Any miner or other workman who shall discover anything wrong with the ventilating current or with the condition of the roof, sides, timbers, 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 the property of his employer, shall as soon as possible report the same to the mine foreman or other person being in charge of that portion of the mine.

Damaging apparatus, etc.

[9.] 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 any ventilating door and not leave the same closed, or enter a place in or about a mine against caution, or carry fire, open lights, or 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 property in or about the mine are endangered, shall be deemed guilty of a misdemeanor.

Explosives.

10. Gunpowder or any other explosive shall not be stored in a mine, and a workman shall not have at any time in any place more than one can or box containing six and one-quarter pounds of powder: *Provided*, That under special conditions a larger amount may be allowed in a mine for immediate use, when approval of such action is made in writing by the State inspector.

Storage.

11. 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 feet from the tracks in all cases where room at such a distance is available.

Charging for blast.

12. In charging holes for blasting in coal, slate, or rock in any coal or hydrocarbon mine, no iron or steel pointed needles shall be used, and a tight cartridge shall not be rammed into a

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hole in the coal, slate, or rock with an iron or steel tamping bar, unless the bar is tipped with copper or other soft metal, except where permissible powder is used.

Tamping. 13. The charge of powder or any other explosive in coal, slate, or rock which has missed fire, shall not be withdrawn or the hole reopened, except where such holes are tamped with wet wood pulp, and without exception it shall be unlawful to tamp shot holes for the purpose of blasting coal with drillings, coal dust, or small pieces of coal. But it shall be the duty of the superintendent, foreman or lessee to furnish clay or earth tamping, except when wood pulp is used.

Examination. 14. Before commencing work and also after firing of every blast, the miner working a room or other place in the mine shall enter such room or place to examine and ascertain its conditions, and his assistant shall not go to the face of such room or place until the miner has examined the same and found it to be safe.

Blasters. 15. No person shall be employed to blast coal or rock unless the mine foreman is satisfied that such person is qualified by experience to perform the work with ordinary safety, or unless he is placed at work with an experienced miner.

Passageways. 16. Every passageway equipped with mechanical haulage used by persons as a regular traveling way for travel, and also at the same time for transportation of coal or other material, shall be 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 ample dimensions, and not more than 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 the roof and sides of the same shall be made secure. Safety holes, when necessary shall also be made at the bottom of all slopes and planes, and kept free from obstruction to enable the footman to escape readily in case of danger.

Competence of miners. 17. It shall be unlawful for any owner, operator, superintendent, or mine foreman of any mine which generates explosive gases, to employ any person who is not competent to understand the regulations of any mine evolving explosive gases.

Lamps in certain mines. 18. No person or persons shall be permitted to enter any dry gilsonite or elaterite mine with any kind of light other than an electric or other safety lamp.

Rules to be posted. 19. For the purpose of making known the provisions of this title to all persons employed in and around mines, the owner and operator of each and every mine within the State to which this title applies shall post in a conspicuous place at or near the entrance of the mine, where they may be conveniently read by all persons employed therein, the foregoing rules, and keep the said rules posted at all times.

Time of blasting. 20. Whenever the mine inspector discovers, in any mine in which blasting of coal is allowed, during working hours, that the air is becoming vitiated by unnecessary blasting of the coal, he shall have the power to regulate the use of the same, and to designate at what hour of the day blasting may be permitted, except that where coal is shot off the solid without undermining at least two periods for shooting shall be allowed during each working day.

Removal of gases. 21. It shall be unlawful for any owner, operator, superintendent, mine foreman, or any employee of any mine which generates explosive gases to remove any accumulated body of gases by wafting or brushing. All such bodies of gases must be removed from the mine by approved methods of ventilation.

SEC. 1519. The duties of the mine inspector, other than those heretofore enumerated, shall be as follows:

Inspection, reports, etc. 1. It shall be the duty of the mine inspector to make a careful and thorough inspection of each coal and hydrocarbon mine operated within the State at least once every three months, and oftener if the condition of the mine requires his attention. He shall make an annual report to the governor, showing the condition of each and every coal and hydrocarbon mine in the State.

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He shall examine into the conditions as regards the safety of the workmen of such mine working, machinery, ventilation, drainage, and the method of lighting and using lights, and into all other matters connected with the working safety of persons in such mine, and give directions providing for the better health and safety of persons employed in or about the same. The owner or operator is hereby required to freely permit such entry, inspection, examination, inquiry, and exit, and to furnish a guide when necessary. The said inspector shall make a record of his visit, noting the time of the inspection and the material circumstances of the same, and shall also notify the owner or operator of the mine by a written report of the condition of the mine at the time of such inspection.

Notice of unsafe machinery.

2. If the inspector finds that a mine is not properly worked, or is not furnished with proper machinery or appliances for the safety of the miners and all other employees, it shall be his duty to give written notice to the owner or manager of such mine that it is unsafe, and such notice shall specify in what particulars the mine is unsafe, and shall direct the owner or manager thereof to make such improvements as are necessary within a reasonable period. If the improvements are not made as required in the notice, it shall be unlawful for the owner or manager to operate such mine until such improvements are completed.

Oil.

3. No explosive oil shall be used or taken into coal or hydrocarbon mines of Utah for lighting purposes, except when used in approved safety lamps, or when used by day men when diluted with a nonexplosive animal or vegetable oil. And oil for such purpose shall not be stored or taken into the mines in quantities exceeding five gallons, in tight cans approved by the State coal mine inspector. 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 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, and not more than one barrel of lubricating oil shall be permitted in the mine at any one time. Only a pure animal oil or pure cotton-seed oil, or oils as shall be as free from smoke as pure animal oil or pure cotton-seed oil, shall be used for illuminating purposes in any coal or hydrocarbon mine, except as above provided. Any person found using explosive or impure oil contrary to this section shall be prosecuted as provided for in section 1524.

Speaking tubes.

SEC. 1520. In shaft or slope mines where persons are lowered or hoisted by machinery, a metal speaking tube or other suitable appliance shall be provided in all cases so that conversation or signaling may be carried on through the same from the top to the bottom of the shaft or slope.

Accidents.

SEC. 1521. Whenever, by reason of an explosion or any other accident in any coal or hydrocarbon mine or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the person having charge of such mine or colliery to give notice thereof promptly to said mine inspector, and if any person is killed thereby, to the coroner of the county who shall give due notice of the inquest to be held. If the coroner shall determine to hold an inquest, the inspector shall be allowed to testify, and offer such testimony as he shall deem necessary to thoroughly inform the said inquest of the causes of death, and the said inspector shall have authority at any time to appear before such coroner and jury and question or cross-question any witness, and in choosing the jury for the purpose of holding such inquest, it shall be the duty of the coroner to impanel at least two men experienced in coal mines on such jury. It shall be the duty of such inspector, when possible, upon being notified as herein provided, to immediately repair to the scene of the acicdent and give such directions as may appear necessary to secure the future safety of the men, and he shall proceed to investigate and ascertain the causes of the explosion or accident, and make a record thereof, which he shall file; and to enable him to make the investi-

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gation, he shall have the power to compel the attendance of persons to testify, and to administer oaths and affirmations; the cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as the costs of coroners' inquests are paid by law.

Examining board.

SEC. 1522. On the petition of the mining inspector, the district court in any county in this State shall, at the first term after March 17, 1905, appoint an examining board for such county, consisting of the State inspector of coal mines, an operator of a coal mine, and a coal miner, who shall be citizens of the United States, and the latter two of which board shall have at least five years of experience in the mines of the State, whose duty it shall be to examine any person applying thereto as to his competency and qualifications to discharge the duties of mining boss; said board of examiners shall meet at the call of the inspector, and they shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mining boss, and such certificate shall be sufficient evidence for the competency and qualification of the holders for duties of said office: *Provided*, That any person who shall have been employed as a miner at least five years in the coal mines of Utah and as a mining boss continuously by the same person, or firm, or corporation, for the period of one year preceding the approval of this title, may be entitled, if in the judgment of the inspector he be qualified, to a certificate without undergoing such examination; but he shall not be employed by any other person, or firm, or corporation without having undergone such examination. The members of the examining board, other than the inspector, shall hold the office for the period of two years from the date of their appointment, and shall receive $4 per day for each day necessarily and actually employed, and actual and necessary traveling expenses, while employed in their official duties, to be paid by the State. Vacancies in the membership of the board shall be filled by the court of the proper county except the vacancy in the office of inspector. Sessions of the examining board shall not exceed three days in each quarter, and for any certificate granted the board shall receive the sum of $1, the same to be paid into the State treasury. No person shall act as fire boss unless granted a certificate of competency by the State inspector of coal mines. No owner, operator, contractor, lessee, or agent shall employ any mining boss or fire boss who does not have the certificate of competency required. Said certificate shall be posted up in the office of the mine, and if any accident shall occur in any mine in which a mining boss or a fire boss shall be employed who had no certificate of competency, as required by this chapter, by which any miner shall be killed or injured, he or his estate shall have a right of action against such operator, or owner, lessee, or agent, and shall recover the full damage sustained; in case of death such action to be brought by the administrator of his estate, within three years from the date of accident, the proceeds recovered to be divided among the heirs of the deceased according to law.

Examination of mining bosses.

Provisos.

Fire boss to have certificate.

Damages.

Penalty.

SEC. 1524. The neglect or refusal to perform the duties required to be performed by any section of this chapter, or the violation of any of the provisions hereof, shall be deemed a misdemeanor, and any person so neglecting or refusing to perform such duty or violating such provisions, shall, upon conviction, be punished by a fine of not less than $100, nor more than $500 for each and every such offense.

Scales to be provided.

SEC. 1529. The owners, agent, or operator of every coal mine in this State, at which the miners are paid by weight, shall provide at such mines suitable and accurate scales of standard manufacture for the weighing of all coal which shall be hoisted or delivered from such mines: *Provided*, That when coal is weighed in the miner's car, such car shall be brought to a standstill on the scales before the weight is taken.

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Weighmaster.

SEC. 1530. The owner, agent, or operator 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 correctly record the gross or screened weight to the nearest ten pounds 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 opened to his inspection at all reasonable hours, and also for the inspection of all other persons pecuniarily interested in such mine.

Checkweighman.

SEC. 1531. In all coal mines in this State the miners employed and working therein may furnish a competent checkweighman at their own expense, who shall at all proper times have full right of access and examination of such scales, machinery, or apparatus, and of seeing all measures, and weights of coal mined and accounts kept of the same: *Provided*, That not 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 persons 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.

Fraudulent weighing.

SEC. 1532. 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 chapter; or any weighman or checkweighman who shall fradulently weigh or record the weights of such coal, or connive at or consent to such fraudulent weighing, shall be deemed guilty of a misdemeanor.

Scales to be inspected.

SEC. 1534. It shall be the duty of the coal mine inspector, in addition to his other duties, to examine all scales used at any coal mine in the State for the purpose of weighing coal taken out of such mine; and on inspection, if found incorrect, he shall notify the owner or agent of any such mine that such scales are incorrect; and after such notice it shall be unlawful for any owner or agent to use or suffer the same to be used, until such scales are so fixed that the same will give the true and correct weight. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Fire protection required, when.

SEC. 1540x. All mines having but one exit, and the same covered with the building containing the mechanical plant, furnace room, or blacksmith shop, shall have fire protection. Where steam is used, hose of sufficient length to reach the farthest point of the plant shall be attached to feed pump or injector, and the same kept ready for immediate use. In mines where water is not available, chemical fire extinguishers or hand grenades shall be kept in convenient places for immediate use, and it shall be the duty of any owner or operator of a mine in the State of Utah to provide fire protection as mentioned in this section, * * * Any person or corporation who shall refuse or neglect to comply with the provisions of this section shall be guilty of a misdemeanor.

Safety cage required, when.

SEC. 1540x1. It is unlawful for any person or corporation to sink any vertical shaft, where mining cages are used, to a greater depth than 200 feet, unless the shaft is provided with an iron-bonneted safety cage to be used in lowering and hoisting employees, or any other person. The safety apparatus, whether consisting of eccentrics, springs, or other device, must be securely fastened to the cage, and of sufficient strength to hold the cage

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loaded at any depth to which the shaft may be sunk. The iron bonnet must be made of boiler sheet iron of good quality, at least three-sixteenths of an inch in thickness, and must cover the top of the cage in such manner as to afford the greatest protection to life and limb from any débris or anything falling down the shaft. Any violation of this section is punishable by a fine of not less than $200 nor more than $500, the same to be paid into the county treasury of the county in which the case is tried.

Supply for twenty-four hours.

SEC. 1540x2. It shall be unlawful for any mining company, corporation, or individual mine owner employing more than ten men at any one time, to have stored at any shaft house, or covering over any adit, incline, or tunnel, connected with a metalliferous mine or within the underground workings of any such mine, stopes, or drifts, at any one time, more than enough powder or other high explosives to do the work for each twenty-four hours. Any violation of this section shall be punished by a fine of not less than $100, nor more than $1,000.

Provisions for accidents.

SEC. 1540x3. At all mines in the State of Utah where ten or more men are employed, it shall be the duty of the operator or owners thereof to keep readily accessible a properly constructed stretcher, a woolen blanket, a waterproof blanket and a supply of linseed oil, antiseptic gauze, carbolated vaseline, sponges, soap, liniment, carbolic acid, rubber bandages, suitable towels and wash basins, all for the comfort and treatment of anyone injured in such mine.

Violations.

SEC. 1540x4. Any willful neglect, refusal, or failure to do the things required to be done by the preceding section, or any attempt to obstruct or interfere with the complying with the provisions of this chapter, shall be deemed a misdemeanor, punishable by a fine in any sum less than $300, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

Earnings of minors.

Payments to minors valid, when.

SECTION 1544. When a contract for the personal services of a minor has been made with him alone, and those services are afterward performed, payment made therefor to such minor in accordance with the terms of the contract is a full satisfaction for those services, and the parent or guardian cannot recover therefor a second time.

State Miners' Hospital.

Branch established.

SECTION 2207. There shall be established at Park City, Summit County, a branch of the State Miners' Hospital for the treatment of the sick and disabled miners of the State, to be known as the Branch of the State Miners' Hospital.

Board of commissioners.

SEC. 2208. The government and control of the branch of the State miners' hospital shall be vested in a board of commissioners to consist of the governor and two other members appointed by the governor, by and with the consent of the senate, who shall be known as the board of commissioners of the branch of the State miners' hospital.

Powers.

SEC. 2209. The board may contract and be contracted with, and may sue and be sued, in all matters concerning the hospital. It may take and hold by purchase, gift, bequest, or devise real and personal property required for its uses, and it may convert property and credits received by gift, bequest, or devise, and not suitable for its use, into money and property available for its uses.

Organization.

SEC. 2210. The board may appoint a secretary, a treasurer, a medical superintendent, and such other officers as it may deem necessary, and may make by-laws for its own government, and shall have general control and management of the affairs of the hospital. A majority of the members of the board shall constitute a quorum for the transaction of business.

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May remove officers.

SEC. 2211. The board may remove any officer or employee of the hospital by a majority vote of its number, for neglect of duty or for refusal to comply with the by-laws made for the establishment and government of the institution.

Report to auditor.

SEC. 2212. On or before the 1st day of January of each year, the board shall certify to the State auditor the number of indigent patients, the number of pay patients, and the number of patients who pay in part, and also the amount paid by each.

Applications.

SEC. 2213. Application for admission to the hospital must be made to the medical superintendent under such rules and regulations as the board may establish.

Costs of treatment.

SEC. 2214. In case a person received into the hospital shall be possessed of property sufficient to pay the costs of treatment, or any part of the same, he shall be admitted on such terms as the board may fix: *Provided*, That the hospital shall be free to any indigent miner.

Payment of costs.

SEC. 2215. The relatives or friends of any patient in the hopsital may pay any portion or all of his expenses therein. Patients who desire it, and shall be able to pay the expenses thereof, may be provided with a special attendant or have such other special care as the superintendent may deem expedient.

Infectious diseases.

SEC. 2216. No patient having an infectious or contagious disease shall be admitted into the hospital.

Site to be donated.

SEC. 2217. This chapter shall take effect only upon condition that there shall be donated and conveyed to the State a suitable site for such hospital, to be subject to the approval of the board of commissioners hereinbefore provided for, and on the further condition that there shall be donated and actually paid to the said board of commissioners the sum of $5,000 as a fund to assist in the building of the hospital herein provided for.

Building, maintenance, etc.

SEC. 2218. The sum of $5,000 is hereby appropriated, to be used under the direction and control of the said board of commissioners in the erection of a building for such hospital. The board of commissioners may expend in the maintenance of the hospital such sums as may be paid into the same by patients, and may also receive gifts, bequests, and devises of personal and real estate, and apply the same, or the proceeds thereof, according to the intention of the donors, for the use and benefit of the hospital. The board shall make semiannual reports to the governor of all its transactions.

Bureau of statistics.

Powers of commissioner.

SECTION 2427x2. The commissioner of the bureau of statistics shall have power to issue subpœnas, administer oaths, and take testimony in all matters relating to the duties herein required by said bureau, said testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpœnaed and testifying before the commissioner of the bureau shall be paid the same fees as witnesses before a justice's court, such payment to be made out of the contingent fund of the bureau in advance, but such expense for witnesses shall not exceed $100 annually. 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 deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding $50 and costs of prosecution, or by imprisonment in the county jail not exceeding thirty days: *Provided, however*, That no witness shall be compelled to go outside the county in which he resides to testify.

Particulars not to be disclosed.

SEC. 2427x4. In the reports of the commissioner no use shall be made of names of individuals, firms, or corporations supplying the information called for by this chapter, such information being deemed confidential and not for the purpose of disclosing personal affairs; and any officer or employee of the bureau of statistics violating this provision shall be deemed guilty of a misdemeanor

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and, upon conviction thereof, shall be fined in a sum not exceeding $500 and costs of prosecution, or by imprisonment in the county jail not exceeding one year.

Schedules to be preserved.

SEC. 2427x5. No report or return made to said bureau in accordance with the provisions of this chapter, and no schedule, record, or document gathered or returned by its officers or employees, shall be destroyed within two years of the collection or receipt thereof. At the expiration of two years all records, schedules, or papers accumulating in said bureau during said period, that may be considered of no value by the commissioner, may be destroyed: *Provided*, The authority of the State senate be first obtained for such destruction.

Collection of information.

SEC. 2427x6. Said bureau may collect the information called for by this chapter, or such information as the commissioner shall consider essential to perfect the work of the bureau, from the several State, county, city, town, precinct, and school district officers, and from officers of prisons, penal and reformatory institutions; and it shall be the duty of all such officers to furnish, upon the written or printed request of the commissioner, such information as shall be considered necessary for the purposes of this chapter, upon blanks furnished by said bureau. Each owner, operator, or manager of industrial, mining, or agricultural business, or other person having information necessary to the work of the bureau of statistics, shall, upon the request of the commissioner, furnish the same, upon blanks to be provided by the said bureau. Each owner, operator, or manager of any industrial, mining, or agricultural business, or any person having information necessary to the work of the bureau, who fails or refuses to furnish the information so requested, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than $10 nor more than $100, and costs of prosecution.

Statistics;

SEC. 2427x8. The commissioner of the bureau shall require each person, company, and corporation engaged in industrial or mining pursuits in the State to make statistical statements, as indicated on blanks furnished by the bureau, as follows:

Of manufactures;

Industries: Number of establishments; name and post-office address of corporation, company, or individual producing; name of business; kind of motive power; average number and sex of hands employed; capital invested; raw material used; product; number of flouring mills, woolen mills, saw mills, and factories of different classes; number of pounds of cheese and butter produced in factories; number and kind of cows used; number of mercantile establishments and average number of employees in each; amount of capital invested; number of workshops and average number of employees; minimum wages; maximum wages; average wages; number of hours per day employees are required to work.

Of mining.

Mining: Quantity of precious or other metals or minerals produced or handled; capital employed; approximate area of property; area of undeveloped property.

In addition, each person, company, and corporation engaged in industrial or mining business shall furnish such other information as shall be requested on the blanks provided by the bureau therefor.

Garnishment of wages of public employees.

Wages may be attached.

SECTION 3113x. The State of Utah, or any county, city, town, district, board of education, or other subdivision of the State, or any officer, board, or institution, or either of the same having in possession or under control any credits or other personal property of, or owing any debt to the defendant in any action, whether as salary or wages, as a public official or employee, or otherwise, shall be subject to attachment, garnishment, and execution under such rights, remedies, and procedure as are or may be made applicable by statute to attachment, garnishment, and

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execution, respectively, in other cases, except as hereinafter provided.

Process.

SEC. 3113x1. The process shall be served only upon the auditor of the legal subdivision garnisheed, and in case there is no auditor, then on the clerk of the county, city, town, district, board of education, or other subdivision of the State, or board, or institution, or either of the same, and the answer of such auditor or clerk shall be final and conclusive, and the truth of such answer shall not be subject to further examination or proceedings of any kind.

Exemption of wages from execution, etc.

Minors' earnings exempt.

SEC. 3243. The earnings of any minor child of any debtor within this State and the proceeds thereof are exempt from execution against such debtor by reason of any debts or liability of such debtor, not contracted for the special benefit of such minor child.

SEC. 3245. The following property is exempt from execution, except as herein otherwise specially provided:

* * * * * * *

Certain earnings of judgment debtor exempt.

7. One-half of the earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or levy of attachment by garnishment or otherwise, when it appears by the debtor's affidavit that he is a married man, or head of family, and that such earnings are necessary for the use of his family, residing in this State, supported wholly or in part by his labor: *Provided*, That when the earnings are $2 a day or less, such married man or head of family shall be entitled to an exemption of $30 per month: *Provided*, That in no case shall the judgment debtor be taxed with the costs of any proceeding to obtain, by levy of execution or otherwise, any part of the earnings of such judgment debtor, for personal services rendered within thirty days next preceding the levy of such execution;

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Wages as preferred claims—In administration.

Payment of funeral expenses, etc.

SECTION 3869. The executor or administrator, as soon as he has sufficient funds in his hands, must pay the funeral expenses and expenses of the last sickness and the allowance made to the family of the decedent. He may retain in his hands the necessary expenses of administration, but he is not obliged to pay any other debt or any legacy until the payment has been ordered by the court.

Wages a prior claim.

SEC. 3870. Other debts of the estate must be paid in the following order:

1. The wages of each employee of the decedent for services rendered within sixty days next preceding his death, not exceeding $100;

* * * * * * *

Misdemeanors—General penalty.

Penalty where none is prescribed.

SECTION 4065. Except in cases where a different punishment is prescribed by law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months, or by a fine in any sum less than $300, or by both. In all cases where a corporation is convicted of an offense for the commission of which a natural person would be punishable as for a misdemeanor, and there is no other punishment prescribed by law, such corporation is punishable by a fine not exceeding $1,000.

Sunday labor.

Sunday labor forbidden.

SECTION 4234. Every person who keeps open on Sunday any store, workshop, bar, saloon, banking house, or other place of busi-

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ness, for the purpose of transacting business therein, is punishable by fine not less than $5 nor more than $100.

Application of law.

SEC. 4235. The provisions of the preceding section do not apply to persons who, on Sunday, keep open hotels, boarding houses, baths, restaurants, taverns, livery stables, or retail drug stores, for the legitimate business of each, or such manufacturing establishments as are usually kept in continuous operation.

Penalty.

SEC. 4238. Every person who performs any unnecessary labor or does any unnecessary business on Sunday is guilty of a misdemeanor, and shall be fined in any sum not exceeding $25.

Exceptions.

SEC. 4239. Labor performed by employees of such works as are usually kept in constant operation, and in irrigating, is not included in the foregoing section.

Negligence of employees on steamboats, etc.

Negligence endangering life.

SECTION 4269. 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 or pressure of steam as to burst or break the boiler, or any apparatus or machinery connected therewith, by which bursting or breaking human life is endangered, is guilty of a misdemeanor.

Same subject.

SEC. 4270. Every engineer or other person having charge of any steam boiler, steam engine, or other apparatus for generating or employing steam 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.

Negligence causing death.

SEC. 4271. Every person having charge of any steam boiler or steam engine, or other apparatus for generating or employing steam, who willfully, or from ignorance or neglect, creates, or allows to be created, such an undue quantity or pressure 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 imprisonment in the State prison for not less than one nor more than ten years.

Collision on railroad causing death.

SEC. 4272. 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 permits or causes the same to collide with another car, locomotive, or train, or with any other object or thing, or any train dispatcher who willfully or negligently permits any such collision, 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, etc., of railroad employees.

Intoxication of engineer, etc.

SECTION 4292. Every person who is intoxicated while in charge of a locomotive engine, or while acting as conductor or driver upon any railroad train or car, or as motorman or as conductor of any street car, whether propelled by steam or electricity, or drawn by horses or otherwise, or while acting as train dispatcher or as telegraph operator, and receiving or transmitting dispatches in relation to the movement of trains, is guilty of a misdemeanor.

Violation of duty.

SEC. 4294. 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.

Protection of employees on street railways—Inclosed platforms.

Platforms to be inclosed, when.

SECTION 4487x7. 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

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charge or control of the management of the said line of railway or of the cars thereof, operating electric, cable or other cars propelled by steam, cable, or electricity, which require when in operation 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 1st day of November and the 1st day of April of each year, unless such person, partnership, or corporation, its officers or superintending or managing agents, have first provided * * * [the] cars so owned with a proper and sufficient inclosure, constructed of wood, iron, and glass, or similar suitable materials, sufficient to protect such employees from exposure to the inclemencies of the weather: *Provided*, That such inclosure shall be so constructed as not to obstruct the vision of the person operating such car. * * *

Proviso.

Unlawful to operate cars without inclosure.

SEC. 4487x8. It shall be unlawful for any such person, partnership, or corporation so owning or operating a street railway using steam, electric, or cable cars, or any superintending or managing officer or agent thereof, to cause or permit to be used upon such line of railway between said 1st day of November and said 1st day of April of each and every of said years, any car or cars upon which services of any employee such as specified in section 4487x7 is required, unless said car or cars shall be provided with the inclosure required by said section 4487x7.

Penalty.

SEC. 4487x9. Any person, partnership, or corporation owning, operating, 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 4487x7, 4487x8, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $50, nor more than $250. Each day any of said persons cause or permit any of their said employees to operate such car or cars in violation of the provisions of section 4487x7, or cause or permit cars to be run or operated in violation of sectin 4487x8, shall be deemed a separate offense: *Provided*, That the provisions of sections 4487x7–4487x9 shall not apply to cars used and known as trailing cars, or cars used solely in construction or repair work, or cars known as open or summer cars.

Proviso.

Interference with employment—Intimidation.

Threats.

SECTION 4487x11. Any person or persons in this State who shall threaten to destroy property or to do bodily harm, for the purpose of preventing any person or persons from entering or remaining in the employ of any company, corporation, or individual, shall be guilty of a misdemeanor.

Protection of employees as traders, etc.—Company stores and boarding houses.

Influencing employees in choice of boarding house, etc.

SECTION 4487x25. Every person, body corporate, agent, manager, or employer doing business in the State of Utah who, by coercion, intimidation, threats, or undue influence, compels his employees to board at a particular boarding house, or to trade with or at a particular store, shall be deemed guilty of a misdemeanor.

ACTS OF 1909.

CHAPTER 21.—*Private employment offices.*

License required.

SECTION 1. It shall be unlawful for any person, persons, firm, corporation or association to open and establish in any city, town, or elsewhere within the limits of the State of Utah, any intelligence or employment office, for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work, employment, or occupation for persons seek-

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ing the same, or to otherwise engage in the business, or in any way to act as a broker or go-between between employers and persons seeking work, without first having obtained a license so to do from the city, town, or, if not within any city or town, from the county where such intelligence or employment office is to be opened or such business is to be carried on. Any person, persons, firm, corporation or association performing any of the foregoing enumerated services as aforesaid, shall be deemed to be an employment agent within the meaning of this act.

Cities to make rules.

SEC. 2. Every city, town, or county in this State shall, by ordinance, provide for the issuing of licenses as contemplated by this act, and shall establish such rules and regulations as are not herein provided for the carrying on of the business or occupation for which such license may be issued.

Applications.

SEC. 3. Any person, persons, firm, corporation, or association applying for a license under the provisions of this act, shall make application to the city council, or board of trustees, or board of county commissioners for the same, and shall deposit with the city, town or county treasurer, in advance, the annual fee for such license, to be evidenced by the receipt of the city, town, or county treasurer endorsed on said application. If the city council, board of trustees, or board of county commissioners, refuses to order the issuance of such license to the party or parties applying for the same, the sum so deposited with the city, town or county treasurer shall be refunded to the applicant or applicants for license without any further action of the city council, board of trustees, or board of county commissioners.

Bond.

SEC. 4. Any person, persons, firm, corporation, or association licensed under the provisions of this act shall pay an annual license fee in such amount as may be determined by the city council, board of trustees, or board of county commissioners, and before such license shall be issued shall deposit with the city, town or county treasurer a bond in the penal sum of $1,000, with two or more sureties, to be approved by the officers designated by ordinance; such bonds shall be made payable to the city, town or county where such business is to be carried on, and shall be conditioned that the person, persons, firm, corporation or association applying for the license will comply with this act and shall pay all damages occasioned to any person by reason of any misstatement, or misrepresentation, or fraud, or deceit of any person or persons, their agents, or employees, or from any other violation of this act, in carrying on the business for which license is granted. If at any time, in the opinion of the officers designated by ordinance to approve said bond, as provided herein, the sureties, or any of them, shall become irresponsible, the person, firm, corporation, or association holding such license, shall, upon notice from the city or town treasurer, give a new bond, to be approved as hereinafter provided. Failure to give a new bond within ten days after such notice, shall operate as a revocation of such license, and the license shall be immediately returned to the city, town or county treasurer, who shall destroy the same. Licenses granted under this act may be transferred by order of the city council, board of trustees, or board of county commissioners, but before such transfer shall be authorized, the applicant or applicants for the same shall deposit with the city, town or county treasurer the sum of $5, which shall be endorsed upon the application, and the person, persons, firm, corporation, or association to whom such license is transferred shall also deposit such bond as is required by the applicant or applicants for an original license, as hereinbefore prescribed, and to be approved in the same manner.

Certificate to issue.

SEC. 5. Upon the granting of a license by the city council, board of trustees, or board of county commissioners, under this act, the city, town or county treasurer shall, within one week after payment of the license fee, issue to the applicant or applicants entitled to the same, a certificate of license setting forth the fact that such license has been granted, and it shall be the duty of all persons, firms, corporations, or associations, who may obtain such

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certificate of license, to keep the same publicly exposed to view in a conspicuous place in their office or place of business.

Sending females to immoral resorts.

SEC. 6. Any employment agent who shall knowingly send out any female help 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 liable to pay a fine of not less than one hundred dollars ($100), and shall be imprisoned not less than ninety days and on conviction thereof, in any court, shall have his, its or their license rescinded.

Prior order required.

SEC. 7. Any employment agent who shall send out any help, male or female, without having previously obtained a bona fide order, shall, upon conviction thereof, for each and every offense be subject to the penalties provided in section 16 of this act.

Fees not to be accepted, when.

SEC. 8. It shall be unlawful for any employment agent in the State of Utah to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment, for any information or assistance furnished or to be furnished by said agent to such person, enabling or tending to enable said person to secure such employment, prior to the time at which said information or assistance is actually thus furnished.

Fees to be returned, when.

SEC. 9. It shall be unlawful for an employment agent in the State of Utah to retain, directly or indirectly, any money or other valuable consideration received for any information or assistance such as is described in section 1 hereof, if the person for whom such information or assistance is furnished fails, through no neglect or laches of his own, to secure the employment regarding which such information or assistance is furnished; and said money or consideration shall be by said agent forthwith returned to the payer of the same, upon demand therefor by the latter or his agent.

Limit of fees.

SEC. 10. It shall be unlawful for any employment agent in the State of Utah to receive as commission, directly or indirectly, for information or assistance such as is described in section 1 of this act, any money or other consideration which is in value in excess of eight per cent of the amount earned, or prospectively to be earned, by the person to whom such information is furnished, through the medium of the employment regarding which such information or assistance is given, during the first month of such employment: *Provided*, That said value of said commission shall not be in excess of eight per cent of the amount actually prospectively to be earned in such employment when it is mutually understood by the agent and person in this section mentioned, at the time when said information or assistance is furnished, that said employment is to be for a period of less than one month.

Employers' register.

SEC. 11. Each employment agent duly licensed under this act shall enter upon a register to be kept for that purpose, and to be known as an "employers' register," every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual, for whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city, street and number, if any, where such work or employment is to be furnished, and the wages to be paid.

Applicants' register.

SEC. 12. Each employment agent in the State of Utah shall keep a register, to be known as "labor applicants' register," which shall show the name of each person to whom information or assistance is furnished, and as is described in section 1 hereof; and the amount of the commission received in each such case therefor; the name of each person who, having received and paid for, as herein contemplated, information or assistance such as is described in section 1 hereof, fails to secure the employment regarding which such information or assistance is furnished, together with the reason why said employment was not by said person secured, and the name of each person to whom return is made, in accordance with the provisions of section 9 hereof, of any money or other consideration such as is in said section

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named, together with the amount of said money, or the value of said consideration, thus returned. The registers required by section 11 of this act and by this section shall be open at all reasonable hours to the inspection of any peace official of any municipality or county in this State.

Contracts to be in duplicate.

SEC. 13. Every person securing information or intelligence from an employment agent in reference to hiring or engagment to work for others, as provided in section 1 of this act, shall be furnished a written copy in duplicate of the terms of such hire or engagement by said employment agent, showing amount of commissions or fees paid such employment agent, kind of service to be performed, rate of wages or compensation, length of time, if definite, and if indefinite, it should be so stated, of such service, with full name and address of the person or persons, firm or corporation authorizing the hire of such person; one of the aforesaid copies to be delivered to the person or persons, firm or corporation for whom the labor is to be performed, and the other to be retained by the person furnished with information or intelligence, as aforesaid; and the agent issuing the above described written copy of the conditions of service or employment shall make and keep, in a book provided for the purpose, a third copy of the same; and any person engaged in the business of keeping an employment office, such as is contemplated by this act, who shall fail to observe the provisions of this section shall be subject to the penalties provided in section 16 of this act: *Provided*, That it shall be lawful to keep the register required by section 12 of this act, and the receipt required by this section, in the same book and on one and the same form, if desired.

Dividing fees.

SEC. 14. Any emlpoyment [employment] agent sending out help to contractors or other employers of help, and dividing the fees herein allowed with subcontractors and employers of help, or their foreman or anyone in their employ, shall be subject to the penalties provided in section 16 of this act.

Office in saloons.

SEC. 15. It shall be unlawful for any employment agent in the State of Utah to conduct the business of an employment or intelligence office in, or in connection with, any place where intoxicating liquors are sold or dispensed.

Giving false information, etc.

SEC. 16. If any person, persons, firm, corporation, or association, or his, its, or their agent or employees engage in the business of employment or intelligence agent or broker, duly licensed, as provided in this act, shall give any false information or shall make any misstatement or shall make any false promises concerning any work or employment or occupation, or shall fail to keep the registers as are prescribed in sections 11 and 12 of this act, or shall willfully make any false entries in such register, or shall violate any other provisions of this act, for which violation penalties are not hereinbefore provided, shall, upon conviction thereof, for each and every offense, be fined in any sum not exceeding one hundred dollars ($100), and in the discretion of the trial judge, the license under which such person, persons, firm, corporation or association has or have been permitted to conduct the business of any employment or intelligence office, shall be forfeited.

Suits.

SEC. 17. All claims or suits brought in any court against any employment or intelligence agent, may be brought in the name of the party injured upon the bond deposited with the city, town or county treasurer by said employment or intelligence agent, as provided in section 4, and may be transferred, as other claims, for damage in civil suits; the amount of damages claimed by the plaintiff, not the penalty named in the bond, shall be the test of the jurisdiction of the court in which the action is brought.

Exemptions.

SEC. 18. Nothing herein shall be construed so as to require any religious or charitable association which may assist in procuring situations or employment for persons seeking the same, to obtain a license so to do under the provisions of this act.

Law to be posted.

SEC. 19. The keeper of an employment or intelligence office shall cause two copies of sections 7 to 10 inclusive and sections 13 to 16

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inclusive of this act, printed in type of sufficient size to be legible and easily read, to be conspicuously posted in each room used or occupied for the purpose of such employment or intelligence office.

CHAPTER 52.—*Employment of labor—Foremen, etc., accepting fees.*

SECTION 1. 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 any one else, shall be deemed guilty of a misdemeanor. Accepting fees prohibited.

CHAPTER 80.—*Alien labor—Preference of citizens for employment on public works.*

SECTION 1. In employing workmen in or on the construction of public works by the State, county or municipality or by persons contracting with the State, county, or municipality, preference shall be given citizens of the United States, or those having declared their intentions of becoming citizens. In each contract for the construction of public works the provisions shall be inserted to the effect that if the provisions of this section are not complied with the contract shall be void. Who to be preferred.

ACTS OF 1911.

CHAPTER 74.—*Coercion of workmen, etc.—Joining unions.*

SECTION 1. It shall be unlawful for any person to exact by threat, or coercion, any money, tribute or support whatsoever, from any person; or to induce him by threats, or coercion, to join any organization. Coercion, etc., forbidden.

SEC. 2. Any person violating any of the provisions in this act shall be guilty of a misdemeanor: *Provided*, That any person who commonly practices, or who follows the occupation of exacting money, tribute or support from any person by means of threats, or coercion, for any purpose whatsoever, shall be deemed a common vagrant and punished accordingly. Violations.

CHAPTER 106.—*Employment of women and children in barrooms, etc.—Sale of intoxicants near construction camps.*

SECTION 23. No holder of a license for the sale at retail of intoxicating liquors shall employ any person under the age of twenty-one years to serve such liquors to be drunk on the premises. Employment of minors.

SEC. 24. No person, partnership or corporation shall employ a minor under the age of twenty-one years in handling intoxicating liquors or packages containing such liquors in a brewery or bottling establishment, in which such liquors are prepared for sale or offered for sale. Employment in breweries, etc.

SEC. 28. The licensed premises shall be conducted in a quiet, orderly manner; * * * no female shall be employed in the place; * * * Employment of females.

SEC. 41. It shall be unlawful for the board of county commissioners of any county in this State to grant a license to any person to sell, barter, exchange, give away or otherwise furnish 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. Granting license unlawful.

CHAPTER 113.—*Bureau of immigration, labor, and statistics.*

SECTION 1. A State bureau of immigration, labor and statistics is hereby created and established and said bureau shall be under the control of a commissioner. Bureau created.

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Commissioner and deputies.

SEC. 2 (as amended by chapter 76, Acts of 1913). It shall be the duty of the governor, by and with the consent of the senate to appoint a competent person a commissioner of immigration, labor and statistics, who shall have charge of said bureau, and who shall hold office for a term of two years or until his successor shall have qualified. He shall receive a salary of eighteen hundred dollars per annum, and all necessary and traveling expenses not exceeding five hundred dollars per annum while traveling in the discharge of his official duties; the commissioner shall have power to appoint two deputy commissioners, one of whom shall be a woman, and they shall receive a salary each of eight hundred dollars per annum; the commissioner shall appoint one of said deputies as the chief clerk of said bureau; (,) who shall receive an additional salary of six hundred dollars per annum; the salaries of the commissioner and deputy commissioners shall be paid as are the salaries of and fees of other State officers; before entering upon the duties of his office the commissioner shall take oath for faithful discharge of the duties thereof, the same as other State officers.

Duties.

SEC. 3. It shall be, and is hereby made, the duty of said commissioner to collect and compile and present in annual reports to the governor all reliable data and information at his command, concerning * * * the wages and hours of labor, both skilled and common, and its relation to capital; * * *.

Enforcement of labor laws.

SEC. 4 (as amended by chapter 76, Acts of 1913). It shall be the duty of the commissioner and his deputies to investigate and report to the proper authorities all violations of law regarding the conditions surrounding the employment of children, minors and women and the laws established for the protection of all employees in factories, mines, mills, and other institutions where labor is employed, and to make such recommendation in relation thereto as they may deem proper for the protection of employees; in case any owner or occupant, or their agent, shall refuse to admit any officer of said bureau to their workshop or factory, mine or smelter, store or hotel, when open or in operation, or shall refuse to submit their payroll or register showing the number of hours each employee works, or shall willfully give false information concerning the same, they shall be deemed guilty of a misdemeanor for each and every offense, and upon conviction thereof shall be subject to a fine of not more than fifty dollars, nor less than ten dollars, or by imprisonment not to exceed fifteen days, or by both fine and imprisonment.

Investigations, etc.

SEC. 5. With the approval of the State board of examiners, said commissioner is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated and to that end to employ the necessary clerical assistance, and to provide the necessary office room, stationery, printing, blank forms and other incidental matters required to carry into effect the provisions of this act.

CHAPTER 133.—*Employment of women—Hours of labor.*

Fifty-four hours per week.

SECTION 1. No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment, hospital or office, or by any express or transportation company in this State, more than nine hours during any one day, or more than fifty-four hours in any one week, except in cases of emergency in hospitals and in cases of emergency or where life or property is in imminent danger or where materials are liable to spoil by the enforcement of this act.

Violations.

SEC. 2. Any person or persons, corporation or other association engaged in conducting or operating any of the business institutions or enterprises set forth in the foregoing section, requiring or employing any female to work longer than the period of nine hours constituting a day's labor, except as above provided, or more than

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fifty-four hours in any one week 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, and costs of prosecution.

CHAPTER 144.—*Employment of children—General provisions.*

Age limit.

SECTION 1. No child under the age of fourteen 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; manufacturing, packing or storing powder, dynamite, nitroglycerine compounds, fuses or other explosives; manufacture of goods for immoral purposes; nor in any quarry, any mine, coal breaker, laundry, tobacco warehouse, cigar factory, or other factory where tobacco is manufactured or prepared; distillery, brewery or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; theater, concert hall, nor saloon, nor in operating any automobile, motor car or truck; in the running or management of elevators, lifts or hoisting machines; nor in bowling alleys, nor in any other employment declared by the State board of health to be dangerous to lives or limbs, or injurious to the health or morals of children under the age of fourteen.

Dangerous, etc., employments.

Certificates.

SEC. 2. An employment certificate shall be issued only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school board: *Provided*, That no member of a school board or other person authorized as aforesaid shall have the 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: *Provided*, That no such certificate shall be issued until the person issuing the same shall have received, examined and approved the school record of such child.

Issue.

SEC. 3. No employment certificate shall be issued until the child in question has personally appeared before and been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in his office a statement that the child can read and legibly write simple sentences in the English language.

School records.

SEC. 4. 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 attended the public schools or parochial schools equivalent thereto for not less than one hundred days during the 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.

Power of inspectors.

SEC. 5. Any authorized inspector or the truant officer shall make demand on any employer in or about whose place or establishment a child apparently under the age of fourteen years is employed or permitted or suffered to work, and require such employer to furnish him within ten days satisfactory evidence that such child is in fact over fourteen years of age, or shall cease to employ or permit or suffer such child to work in such factory.

Employment of females in saloons, etc.

SEC. 6. No female under the age of twenty-one years shall be employed, permitted or suffered to work in, about or in connection with any restaurant, resort or place of amusement where alcoholic liquors are manufactured or dispensed.

Messengers.

SEC. 7. 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 a messenger company in the distribution, transmission or delivery of goods or messages before 5 o'clock in the morning or after 9 o'clock in the evening of the day.

Nightwork.

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Immoral resorts. And no person under the age of twenty-one years shall be permitted to deliver messages or goods to, or required to visit, in the course of any employment, any house of ill repute, or saloon, or gambling house, or other places of objectionable character which have been disapproved by the juvenile court.

Hours of labor for children. SEC. 8. No boy under the age of fourteen years and no girl under the age of sixteen years shall be employed, permitted or suffered to work at any gainful occupation other than domestic service, fruit or vegetable packing or work on a farm more than fifty-four hours in any one week.

Street trades. SEC. 9. No male child under twelve and no girl under sixteen years of age shall, in any city of the first or second class, sell or expose or offer for sale newspapers, magazines, periodicals or other merchandise in any street or public place. No child shall work as a bootblack in any street or public place unless he is over twelve years of age.

Permits for street trades. SEC. 10. No male child under sixteen years of age shall sell or expose or offer for sale in any street or public place any of the articles mentioned in section 9 or work as a bootblack therein, unless a permit as hereinafter provided shall have been issued to him by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school board on the application of the parent, guardian or other person having the custody of the child desiring such permit or in case said child has no parent, guardian or custodian, then on the application of his next friend, being an adult. Such permit 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 the 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 to such child.

Contents of permit. SEC. 11. Such permit shall state the name and address of its parent, guardian, custodian or next friend, as the case may be, and shall describe the color of the hair and eyes, the height and weight and any distinguishing facial mark of such child.

Nightwork. SEC. 12. No child to whom a permit is issued as provided for in section 10 of this act shall work as a bootblack, sell or expose or offer for sale any newspapers, magazines, periodicals or other merchandise in any street or public place after 9 o'clock in the evening.

Evidence. SEC. 13. In case any employer shall fail to produce and deliver to an authorized inspector or truant officer, within ten days after demand made pursuant to section 2 of this act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.

Violations. SEC. 14. Whoever employs any child, and whoever having under his control as a parent, guardian or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall for such offense be fined not less than twenty-five dollars nor more than two hundred dollars, or be imprisoned for not less than ten days nor more than thirty days, or both, in the discretion of the court.

Jurisdiction of courts. SEC. 15. The juvenile court or courts of like jurisdiction of the State of Utah is [are] hereby given jurisdiction in all cases arising under this act.

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ACTS OF 1913.

CHAPTER 63.—*Employment of females—Minimum wages.*

Minimum wage.

SECTION 1. It shall be unlawful for any regular employer of female workers in the State of Utah to pay any woman [female] less than the wage in this section specified, to wit:

Schedule.

For minors, under the age of eighteen years, not less than seventy-five cents per day; for adult learners and apprentices not less than ninety cents per day: *Provided*, That the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than one dollar and twenty-five cents per day.

Certificate of apprenticeship.

SEC. 2. All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

Violations.

SEC. 3. Any regular employer of female workers who shall pay to any woman [female] less than the wage specified in section 1 of this act shall be guilty of a misdemeanor.

Enforcement.

SEC. 4. The commissioner of immigration, labor and statistics shall have general charge of the enforcement of this act, but violations of the same shall be prosecuted by all the city, State and county prosecuting officers in the same manner as in other cases of misdemeanor.

CHAPTER 90.—*Mothers' pensions—Aid for dependent children.*

Funds.

SECTION 1. It shall be the duty of the county commissioners of each county in this State, and they are hereby authorized and empowered to provide funds in an amount sufficient to meet the purposes of this law, but not exceeding in any one year the sum of ten thousand dollars, such funds to be expended for the partial support of mothers who are dependent upon their own efforts for the maintenance of their children.

Amount of allowance.

SEC. 2. The allowance to each of such mothers shall not exceed ten dollars a month when she has but one child under the age of fifteen years and if she has more than one child under the age of fifteen years, it shall not exceed the sum of ten dollars a month for the first child and five dollars a month for each of the other children under the age of fifteen years.

Administration.

SEC. 3. Such allowance shall be made by the county commissioners, except in counties having a population of one hundred and twenty-five thousand or more, the authority, power and duty of determining upon allowance to be made under the provisions of this act shall devolve upon and be exercised by the juvenile judge of the district in and for such counties. Such allowance shall be made only upon the following conditions:

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 a 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 judgement [judgment] of the county commissioners or juvenile court, be a proper person morally, physically and mentally, for the bringing up of her children. [;]

(4) Such allowance shall, in the judgement [judgment] of the county commissioners or juvenile court be necessary to save the child or children from neglect;

(5) No persons [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 applica- [sic] need of such allowance.

Discontinuance.

SEC. 4. Whenever any child shall reach the age of fifteen years, any allowance made the mother of such child for the benefit of such child shall cease. The county commissioners or juvenile

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court may, in their discretion, at any time before such child reaches the age of fifteen years, discontinue or modify the allowance to any mother and for any child.

Selection.

SEC. 5. Should the fund herein authorized be sufficient to permit an allowance to only a part of the persons coming within the provisions of this law, the county commissioners or juvenile court shall select those cases in most urgent need of such allowance.

Law applies, when.

SEC. 6. The provisions of this law shall not apply to any mother who is not dependent upon her own efforts for the maintenance of her children.

False representations.

SEC. 7. Any person procuring, or attempting to procure, an allowance for a person not entitled thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as now provided by law for punishment in case of misdemeanors.

Review.

SEC. 8. In each case where an allowance is made to any mother under the provisions of this act, an entry to that effect shall be entered upon the records of the county commissioners or the juvenile court making such allowance, and it shall be the right of any taxpaying citizen at any time to file a motion to set aside such allowance; and on such motion the county commissioners or juvenile court shall hear evidence, and may make a new order granting or refusing such allowance.

Appeal.

SEC. 9. In each case where an allowance is made or refused to any mother, under the provisions of this act, by the county commissioners or juvenile court, an appeal may be taken from such decision by any taxpaying citizen, or by the applicant for an allowance; such appeal shall be subject to the same provisions of law as in case of appeal from justices courts.

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VERMONT.

PUBLIC STATUTES—1906.

Employment of children—General provisions.

SECTION 1044 (as amended by act No. 75, Acts of 1912). A child under sixteen years of age, who has not completed the course of study prepared for the elementary schools by the superintendent of education, shall not be employed in work connected with railroading, mining, manufacturing, or quarrying, or be employed in a hotel or bowling alley, or in delivering messages, except during vacation and before and after school. No child shall be employed in any of the occupations or industries herein enumerated unless such child deposits with his employer a certificate from the town or union superintendent to the effect that he is eligible to employment in accordance with the provisions of this chapter; and no child under sixteen years of age shall be employed for more than nine hours each day, or more than fifty hours in any one week or earlier than seven o'clock in the morning, or after eight o'clock at night in any of the occupations or industries herein enumerated. In case such child has been in attendance upon a private or parochial school, said superintendent may examine such child for the purpose of determining his eligibility to employment in accordance with this section.

Employment prohibited, when.

Employment certificate.

Hours of labor.

Nightwork.

SEC. 1045 (as amended by act No. 75, Acts of 1912). The town or union superintendent or truant officer may inquire of the owner or superintendent of a mill, factory, quarry, workshop, hotel, bowling alley, or railroad office, shop or yards, as to the employment of children therein, may call for the production of certificates deposited with such owner or superintendent, and satisfy himself that the requirements of law have been complied with. Said superintendent shall at least three times, during any school year, inquire and investigate concerning the employment of children in any of the occupations enumerated in this act [sections 1044–1048] and shall require the provisions of the law to be carried into effect.

Enforcement.

SEC. 1046 (as amended by act No. 75, Acts of 1912). No child under fourteen years of age shall be employed, permitted or suffered to work for or in or about or in connection with any mill, factory, quarry or workshop, wherein are employed more than ten persons.

Employments prohibited.

SEC. 1047. No person having a child under his control shall allow him to be employed contrary to the provisions of this chapter.

Acts of parents, etc.

SEC. 1048 (as amended by act No. 70, Acts of 1910). A person who violates a provision of chapter 50 [sections 1044–1050] of the Public Statutes or of this act shall be fined not less than five dollars nor more than two hundred dollars for each offense, and upon a second conviction, may be so fined or imprisoned for not more than six months.

Violations.

Exemption of wages from garnishment—Assignments.

SECTION 1666. * * * Nor shall a person be adjudged a trustee by reason of wages or compensation due the principal debtor, for work and labor performed by him in person after the service of the trustee process upon the trustee; and no earnings of a minor or married woman shall be subject to the trustee process in a suit against the parent of such minor or husband of such married woman; nor shall a corporation be adjudged a

What wages are exempt.

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trustee by reason of any money due from it to a person residing without the State, for services rendered without the State, provided a like sum of money so due would be exempt from attachment by trustee process in the State where such person resides.

Wage debts exempt.

SEC. 1667. In all cases where a principal defendant is indebted to other persons for work done in the performance of a contract out of which the trustee's indebtedness arises, there shall be exempt from the trustee process, on suit brought for the recovery of debts not incurred as above stated, such sum or sums as may be due from said principal defendant to such other persons for work done in the prosecution of such contract; and said principal defendant shall cause to be summoned as claimants before the court in which a suit so brought is pending, all such other persons to whom he is indebted for work so done.

Assignments to be recorded.

SEC. 1668. No assignment of future earnings shall be valid against trustee process unless executed in writing, or unless made to secure a debt of an amount stated in the assignment contracted prior to or simultaneously with the execution of the assignment, or a debt for necessaries thereafter to be furnished to the debtor to an amount stated in the assignment, or unless such assignment is recorded in the office of the clerk of the town in which the assignor resides before the service of the writ upon the alleged trustee.

Wages as preferred claims—In insolvency.

Order of payment of demands.

SECTION 2513. * * * In the order for dividends under this chapter, the following claims shall be entitled to priority, and be paid in the following order:

I. The fees, costs and expenses of suits, and the several proceedings in insolvency under this chapter, and for the care and custody of property as herein provided.

II. Debts due the United States, and taxes and assessments under the laws thereof.

III. Debts due the State, and taxes and assessments under the laws thereof.

IV. Wages due an employee, clerk or house servant, to an amount not exceeding fifty dollars, for labor performed within six months preceding the date of the adjudication.

Payment of wages.

Definition.

SECTION 2699. The word "employee," as used in the four following sections, shall mean a mechanic, workingman or laborer who works for hire.

Weekly pay day.

SEC. 2700. A mining, quarrying, manufacturing, mercantile, telegraph, telephone, railroad or other transportation corporation, and an incorporated express, water, electric light or power company, doing and transacting business within the State, shall pay each week, in lawful money, each employee engaged in the business, the wages earned by such employee to a day not more than six days prior to the date of such payment: *Provided*, That, if at any time of payment an employee is absent from his regular place of labor, he shall be entitled to such payment upon demand.

Scrip, etc.

SEC. 2701. No such corporation shall pay its employees in script [scrip], vouchers, duebills, or store orders, except it be a cooperative corporation in which the employee is a stockholder; but such cooperative corporation shall, upon request of any such shareholding employee pay him as provided in the preceding section.

Assignments void.

SEC. 2702. No assignment of future wages payable under the provisions of the second preceding section shall be valid, if made to the corporation from whom such wages are to become due, or to anyone in behalf of such corporation, or if made or procured to be made to anyone for the purpose of relieving such corporation from the obligation to pay under the provisions of the second preceding section. No such corporation shall require an agreement from an

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employee to accept wages at any other period as a condition of employment.

Violations.

SEC. 2703. Such a corporation, its lessee, or other person carrying on the business thereof, that fails to pay the wages of an employee as provided by the second and third preceding sections shall forfeit to the State fifty dollars for each such failure, to be recovered in an action on this statute by the State's attorney of the county in which such violation occurs, and in his name; but an action shall not be maintained therefor, until the State's attorney has given the employer ten days' notice in writing that such action will be brought if the wages are not paid as provided by such sections.

The above sections were held to be constitutional in an action against a railroad company. 67 Atl. Rep. 1091.

Checks to be redeemed.

SEC. 2704. A person, partnership or corporation using checks, other than bank checks, slips, duebills, or other device to represent money in the payment of wages or other debt or obligation due an employee or servant of such person, partnership or corporation, shall pay the face value thereof to the holder in money of account, on the regular pay day of such person, partnership or corporation; and such obligations shall be redeemable at intervals of not more than one month. If such employee or servant is discharged during the month, such checks, slips, duebills or other device shall be redeemed at their face value in money of account on the day of his discharge.

Refusal.

SEC. 2705. A person, partnership or corporation refusing to redeem such obligations, as provided in the preceding section, shall forfeit to the person injured twice the value thereof, to be recovered in an action on this statute.

Railroads—Safety appliances.

Height, etc., of bridges.

SECTION 4462. All single track railroad bridges in this State * * * shall, when built or rebuilt, be hereafter so constructed as to leave a clear space of not less than fifteen feet between the inner sides of such bridges, and also a clear space of not less than twenty-two feet from the lowest timbers, boards or irons in the covering of such bridges, and the top of the rails under the same; and, in all double track bridges, the clear space of inside width shall not be less than twenty-seven feet. All overhead highway bridges, wires, ropes or other obstructions shall be not less than twenty-two feet above the top of the rails under the same.

Telltales.

SEC. 4463. A person or corporation operating a railroad or a part of a railroad in this State shall place at the approaches of all its bridges, the highway bridges and all other structures of whatever kind or nature which cover or extend over its tracks that do not leave a clear height of twenty-two feet from the top of the rails and lowest parts of such bridges or other structures directly over such rails, such telltale warnings, or other safety devices of uniform pattern for warning trainmen of their approach thereto, as shall be recommended by the board of railroad commissioners.

Blocking frogs, etc.

SEC. 4464. A person or corporation operating a railroad or a part of a railroad in this State shall, at all times, keep the frogs, switches and guard rails on its tracks, with the exception of guard rails upon bridges, filled or blocked with a wooden block or wedge, so as to prevent the feet of its employees from being caught therein.

Ladders on cars.

SEC. 4465. No person or corporation operating a railroad or a part of a railroad in this State shall run cars of their own with ladders or steps to the top of the same, on the sides of such cars, but such ladders or steps shall be on the end or inside of the cars.

Penalty.

SEC. 4466. If a person or corporation fails to comply with a provision of the four preceding sections, such person or corporation shall forfeit fifty dollars for every day's neglect, and be liable for

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the damages and injuries to passengers and employees on its roads, resulting from such neglect.

Enforcement. SEC. 4467. Such penalty may be enforced by an action on the case in the name of the State, and the State's attorney of the county where the offense is committed shall prosecute the same, upon notice thereof from the board of railroad commissioners.

An injured employee can not recover under this statute if his injuries resulted from negligence of his own combined with failure of the railroad company to comply with the law. 47 Atl. Rep. 827.

A contract with an employee or with his next of kin waiving the right of action for damages which may arise from injuries received while in the service of a railroad company will not protect a company that fails to comply with the provisions of this law. 51 Atl. Rep. 6.

Power brakes. SEC. 4495 (as amended by act No. 104, Acts of 1908). All railroad passenger trains shall be provided with brakes operated from the engine by the engineer.

Penalty. SEC. 4496. A person or corporation not complying with the provisions of * * * [section 4495] shall be fined fifty dollars for every violation thereof, and shall be liable for the damages and injuries to passengers and employees on its road resulting from such neglect.

Railroads—Use of intoxicants by employees—Negligence.

Persons who use intoxicants not to be employed. SECTION 4506. If a railroad corporation employs or retains in its service a conductor, engineer, brakeman, switchman, semaphore or other signalman, train dispatcher, telegraph operator who receives train orders, motorman, or operator of an electric car, who uses intoxicating liquors as a beverage, such fact being known to the president, superintendent or any of the directors of such road, such corporation shall be fined not more than three thousand dollars nor less than three hundred dollars, and shall also be liable for the damages which a person sustains by the employment or retention of such employee.

Penalty. SEC. 4507. A person named in the preceding section who, while in control of the movement of an engine, train, electric car or semaphore, or while engaged in the discharge of any duty relating to his employment, is intoxicated, shall be imprisoned in the State prison not more than one year or fined not more than five hundred dollars.

Negligence causing injury. SEC. 4508. An engineer, fireman or other agent of a railroad who is guilty of negligence or carelessness, whereby an injury is done to a person or corporation, shall be imprisoned not more than one year or fined not more than one thousand dollars. This section shall not exempt a person or corporation from an action for damages.

Railroads—Inspection—Accidents.

Inspection. SECTION 4602. Said board [of railroad commissioners][1] shall have general supervision of all railroads within this State, whether operated by steam, electricity or any other power, and of the corporations, receivers, trustees, directors, lessees and other persons owning or operating the same, so far as may be necessary to enable it to perform the duties and exercise the powers conferred upon it. It shall, at least once annually, examine the roadbed, bridges, depots, rolling stock and equipment of every railroad in the State, and shall, by examinations and investigations, keep itself informed as to the condition, manner of operation and safety of all railroads, and shall see that they comply with the provisions of their charters and the laws of this State.

Accidents to be reported. SEC. 4608. The general superintendent or manager of a railroad doing business in this State shall inform said board in writing of every accident upon his road, resulting in loss of life or injury to any person, and of every collision and derailment of trains on the

[1] The name of the board of railroad commissioners was changed by act No. 116, Acts of 1908, to public service commission.

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same, immediately after its occurrence. If such accident results in loss of life or serious injury to the person of a passenger, such information shall be given by telegraph.

Inquiries.

SEC. 4609. Said board shall inquire into the cause of every accident on a railroad resulting in loss of life, and, in its judgment, into any accident, collision or derailment of trains not so resulting. If, in its judgment, a public investigation is necessary in the interests of public safety, it shall fix a time and place of holding the same and shall summon the person or corporation operating such railroad, the parties known to have been injured in the accident, and, if known, a representative or friend of a person killed thereby, to appear and give evidence regarding the cause of such accident. Said board shall also notify the State's attorney of the county in which the accident occurred, who shall investigate the cause of such accident, produce witnesses who can give evidence in regard to the same, and attend and represent the State at such hearing. All parties summoned, and other persons interested, may appear and be made parties thereto, may produce witnesses or other evidence, and be represented by counsel. The person or corporation operating the railroad shall produce, on notice from said board, all trainmen and other employees who can give pertinent evidence in regard to the cause of the accident, free of expense to the State. Said board shall make public its determination in regard to the cause of the accident so investigated, and cause a permanent record thereof to be made.

Power of board.

SEC. 4611. * * * Said board shall have jurisdiction on due notice to hear, determine, render judgment, and make orders and decrees in all matters provided for in the charter of any railroad corporation, or in the statutes of this State relating to railroads, and shall have like jurisdiction in all matters respecting:

* * * * *

V. The maintenance of the tracks, frogs, switches, gates, signals, culverts, bridges and other structures of wood or iron over openings, and rolling stock and equipment so as to accommodate the public and be operated with safety and in compliance with law.

* * * * *

Employment of women and children in barrooms.

Employment forbidden.

SECTION 5130. Licenses shall be subject to the following conditions:

* * * * *

That no female, or person under the age of twenty-one, shall be employed in such barroom.

* * * * *

Sale of intoxicants to employees, etc.—Actions for damages.

Employers may sue, when.

SECTION 5219. * * * [An] employer or other person who is injured in person, property or means of support by an intoxicated person, or in consequence of the intoxication of any person, shall have a right of action in his or her own name, jointly or severally, against a person or persons, who, by selling or furnishing intoxicating liquor, have caused in whole or in part such intoxication. If such intoxicating liquor was sold or furnished to such person in a rented building, and the owner of such building, or his agent in charge thereof, knew or had reason to know that intoxicating liquor was sold or kept for sale by his tenant in such building contrary to law, said owner may be joined as defendant in such action, and judgment therein may be rendered against him. Upon the death of either party, the action and right of action shall survive to or against his executor or administrator. The party injured or his legal representatives may bring either a joint action against the person intoxicated and the person or per-

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sons who furnished the liquor and the owner of the building, or a separate action against either or any of them.

May give notice. SEC. 5225. The * * * employer of a person may, in writing, notify a board of license commissioners to forbid the sale or furnishing of intoxicating liquors to such person.

Fire escapes on factories, etc.

Fire escapes required. SECTION 5512. The owner or lessee of a building, factory, mill or workshop more than two stories high, in which persons are employed above the second story, shall provide suitable ladders or other safe fire escapes for the safety of patrons and occupants of such buildings.

Penalty. SEC. 5513. An owner, keeper or lessee of a place mentioned * * * who fails to comply with a provision thereof [in this act] shall be fined not more than four hundred dollars nor less than twenty-five dollars.

Smoking in factories, etc.

Smoking an offense, when. SECTION 5515. A person who smokes a pipe, cigar or cigarette in a mill, factory, barn, stable or other outbuilding belonging to or occupied by another person, in which a notice containing this section, prohibiting such smoking, signed by the owner, agent or occupant of the same is posted conspicuously near the main entrance thereof, shall be fined not more than five dollars.

Intimidation of employees.

Preventing employment. SECTION 5868. A person who threatens violence or injury to another person with intent to prevent his employment in a mill, manufactory, shop, quarry, mine, railroad or other occupation shall be imprisoned not more than three months or fined not more than one hundred dollars.

Stopping work. SEC. 5869. A person who, by threats, intimidation or by force, alone or in combination with others, affrights, drives away or prevents another person from accepting, undertaking or prosecuting such employment, with intent to prevent the prosecution of work in such mill, shop, manufactory, mine, quarry, railroad or other occupation, shall be imprisoned in the State prison not more than five years or fined not more than five hundred dollars.

A count charged conspiracy to hinder and prevent by violence, threats, and intimidation the employment and detention by a company of certain employees; also conspiracy to terrify and drive away workmen by threats, with malicious intent to injure said company; also threats to publish the names of employees in the "scab" list of a trade journal, thus putting them in fear and driving them away. *Held*, that these counts sufficiently charged an offense under the above sections. 59 Vt. 273.

Sunday labor.

Sunday labor forbidden. SECTION 5955. A person who, between twelve o'clock Saturday night and twelve o'clock the following Sunday night, exercises any business or employment, except works of necessity and charity, * * * shall be fined not more than two dollars.

Working on Sunday in violation of this statute is not contributory negligence, and the liability of an employer is not modified by the fact that an injured employee was so working at the time he received his injury. 47 Atl. Rep. 169.

Running of trains. SEC. 5956. The board of railroad commissioners may authorize the running upon any railroad of such through trains on Sunday as, in the opinion of said board, the public necessity and convenience may require, having regard to the due observance of the day.

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ACTS OF 1908.

ACT No. 116.—*Accidents on railroads, etc.—Reports and investigations.*

SECTION 7. The superintendent or manager of any line or plant, subject to supervision under this act, [relative to public service corporations, etc.,] shall immediately after its occurrence notify said [public service] commission in writing of any accident within this State upon such line or plant resulting in loss of life, or injury to any person which shall incapacitate him from engaging in his usual vocations. Said commission shall inquire into the cause of every such accident, and if, in its judgment, a public investigation is necessary, it shall fix a time and place of holding the same, and thereupon proceed as provided in section 4609 of the Public Statutes relating to investigation of accidents upon railroads. Reports to be required.

ACTS OF 1910.

No. 69.—*Employment of children—Certificate.*

SECTION 4 (as amended by act No. 75, Acts of 1912). A person having control of a child and * * * seeking an employment certificate for such child, shall, when required by the town or union superintendent, or by an employer, furnish evidence of the age of such child. Evidence of age.

No. 70.—*Employment of children.*

SECTION 2. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions: sewing machine belts in any workshop or factory, or assisting therein in any capacity whatever; adjusting any belt to any machinery; oiling, wiping or cleaning machinery or assisting therein; operating circular or band saws, wood shapers, wood joiners, planers, sandpaper or wood-polishing machinery, picker machines, machines used in picking wool, machines used in picking cotton, machines used in picking hair, machines used in picking any upholstering material, paper-lacing machines, leather-burnishing machines, burnishing machines in any tannery or leather manufactory, job or cylinder printing presses operated by power other than foot power, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines used in sheet-metal and tinware manufacturing, stamping machines used in washer and nut factories, corrugating rolls, such as are used in roofing and washboard factories, steam boilers, steam machinery, or other steam generating apparatus, dough brakes, or cracker machinery of any description, wood or iron straightening machinery, rolling mill machinery, punches or shears, washing, grinding or mixing mills, calender rolls in rubber manufacturing, or laundering machinery; preparing any composition in which dangerous or poisonous acids are used; manufacture of paints, colors or white lead; cigar factory, or other factory where tobacco is manufactured or prepared. Occupations forbidden.

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

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Statement by parents, etc.

SEC. 4. An employer may and upon written request of the town or city grand juror, the State's attorney or the attorney general, shall require the parent, guardian or custodian of any minor in his employ to sign and furnish a certificate showing when and where such minor was born.

Employment without certificate forbidden.

SEC. 5. No person having a minor under his control shall allow him to be employed after the certificate required by the preceding section has been requested by the employer, until the same has been furnished; and no employer shall after such certificate has been requested by any of the officers named in the preceding section, further employ such minor until the certificate has been furnished and not afterward if it shall appear from such certificate that the further employment is in violation of this act or of chapter 50 [sections 1044–1050] of the Public Statutes.

Noncompliance.

SEC. 6. An employer who shall fail to comply forthwith with the request of any officer, as provided in the second preceding section, so far as he is able, or who shall further employ a minor child in violation of the last preceding section, shall be subject to the penalties provided by section 1048 of the Public Statutes, as amended by this act.

False statements.

SEC. 7. A parent, guardian or custodian of a minor child who shall make any false statement in any certificate required by the third preceding section shall be punished as provided in section 1048 of the Public Statutes as amended by this act.

No. 97.—*Liability of employers for injuries to employees.*

Injuries caused by—

SECTION 1. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care, by reason of:

Defects;

First, a defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or,

Acts of superintendents;

Second, the negligence of a person in the service of the employer who was entrusted with and was exercising any superintendence, and whose sole or principal duty was that of superintendence or in the absence of such superintendent, of a person acting as superintendent or foreman with the authority, consent or knowledge of such employer; or,

Persons in charge of signals, etc.

Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine or train upon a railroad:

Rights of employees.

The employee or his legal representatives, shall, subject to the provisions of the nine following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.

Cars.

A car which is in use by, or which is in possession of, a railroad corporation shall be considered as a part of the ways, works or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person.

Trains.

One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine or train within the meaning of said clause.

Death.

SEC. 2. If the injury described in the preceding section results in the death of the employee, and such death is not instantaneous or preceded by conscious suffering, and if there is any person who would have been entitled to bring an action under the provisions of the following section, the legal representatives of said

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employee may, in the action brought under the provisions of the preceding section, recover damages for the death in addition to those for the injury.

Action for damages.

SEC. 3. If, as the result of the negligence of an employer himself, or of a person for whose negligence an employer is liable under the provisions of section one, an employee is instantly killed, or dies without conscious suffering, his widow, or, if he leaves no widow, his next of kin, who, at the time of his death, were dependent upon his wages for support, shall have a right of action for damages against the employer.

Suit under wrong provision.

SEC. 4. If an action is brought under the provisions of the preceding section by the widow of the employee, or by the next of kin, who may have such right of action, or if the action is brought under the provisions of section two by the legal representatives, such action shall not fail by reason of the fact that it should have been brought under the other section, but may be so amended as to provide against such failure at any time prior to final judgment.

Measure of damages.

SEC. 5. If, under the provisions of either section two or section three, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.

The amount of damages which may be awarded in an action under the provisions of section one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section two, shall not exceed four thousand dollars.

The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section two, shall not exceed five thousand dollars for both the injury and the death, and shall be apportioned by the jury between the legal representatives of the employee and the persons who would have been entitled, under the provisions of section three, to bring an action for his death, if it had been instantaneous or without conscious suffering.

The amount of damages which may be awarded in an action brought under the provisions of section three shall not be less than five hundred nor more than five thousand dollars.

Notice.

Limitation.

SEC. 6. No action for the recovery of damages for injury or death under the provisions of sections one to five, inclusive, shall be maintained unless notice of the time, place and cause of the injury is given to the employer within sixty days and the action is commenced within two years after the accident which caused the injury or death. Such notice shall be in writing, signed by the person injured, or by a person in his behalf; but if, from physical or mental incapacity, it is impossible for the person injured to give the notice within the time provided in this section, he may give it within thirty days after such incapacity has been removed, and, if he dies without having given the notice and without having been for thirty days at any time after his injury of sufficient capacity to give it, his executor or administrator may give such notice within sixty days after his appointment. A notice given under the provisions of this section shall not be held invalid or insufficient 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 employer was not in fact misled thereby.

If a notice given under this section is claimed by the employer to be insufficient for any reason, he shall so notify in writing the person giving it within thirty days, stating the insufficiency claimed to exist, and, thereupon, the person whose duty is to give the notice, may, within thirty days, give a new notice with the same effect as if originally given.

Employees of contractors.

SEC. 7. If an employer enters into a contract, written or verbal, with an independent 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 sub-

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contract shall not bar the liability of the employer for 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 entrusted by him with the duty of seeing that they were in proper condition.

Knowledge of defects.

SEC. 8. An employee or his legal representatives shall not be entitled under the provisions of sections one to five, inclusive, to any right of action for damages against his employer if 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 was entrusted with any superintendence.

Common law rights.

SEC. 9. Nothing in this act shall be construed to abridge any common law rights or remedies which the employee may have against his employer, but a judgment recovered under the provisions of this act, or a settlement of any action commenced, or claim made, for death or injury, under the provisions of this act, shall be a bar to any claim made or action begun to recover for the same injury or the same death, under the provisions of the common law or under the provisions of any other statute.

Inspection of place of accident.

SEC. 10. Any superior judge may, upon petition setting forth in ordinary language that the servant or employee of a certain firm, person, corporation or association has been injured in the course of his employment through some defect in the ways, works or machinery owned or used by the employer, and that it is necessary, in order to protect the interests of the injured person, that an examination should be made of the ways, works or machinery through a defect in which the injury occurred, and after such notice to the employer as any such judge may direct or approve, and a hearing, grant an order directing the employer or person in control of such ways, works or machinery to permit the person named in said order to make such examination under such conditions as shall be set forth in the order.

Exemptions.

SEC. 11. The provisions of this act shall not apply to injuries caused to domestic servants or farm laborers by fellow employees or to those engaged in cutting, hauling or driving logs.

No. 143.—*Wages as preferred claims—Employees of corporations.*

Wages a lien.

SECTION 9. The liability of any corporation organized under the provisions of chapter 187 of the Public Statutes to laborers for any unpaid wages earned and accruing for the three months next prior to the filing of any mortgage or other lien upon the property and franchises of such corporation shall in all cases be a first lien thereon, notwithstanding any mortgage or other lien thereon recorded after such wages have accrued.

No. 149.—*Railroads—Inspection of locomotive boilers.*

Commission may draft rules.

SECTION 1. The public service commission may make and revise regulations for testing boilers of locomotives used by railroad corporations, by other corporations, and by persons, firms or associations upon any railroad or railway within the State, and every person, firm, association and corporation other than a railroad corporation so using a locomotive shall inform said commission in writing on or before June thirtieth of each year of the number of locomotives so used by him or it, together with the length of track of such railroad or railway, its location and uses, and such other information as the commission may require. Tests under regulations made as aforesaid shall, if possible, be made by the master mechanic of the corporation, association, person or firm which constructs, repairs or uses the boiler of the locomotive,

Who to make tests.

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and the report of such tests shall be in form satisfactory to the commission. A corporation, association, firm or person using a locomotive in this State the boiler of which has not been tested in accordance with the provisions of this section shall be punished by a fine of twenty dollars for every day after notice by the board during which such use continues.

ACTS OF 1912.

ACT No. 85.—*Employment of women and children—Hours of labor—Childbirth.*

Hours of employment.

SECTION 1. No child under eighteen years of age and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than eleven hours in any one day and fifty-eight hours in any one week.

Notice.

SEC. 2. An employer shall post in a conspicuous place in every room in which such persons are employed, a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends. The printed forms of such notices shall be provided by the secretary of state, after approval by the attorney general. The employment of such persons at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this act, unless it appears that such employment was to make up time lost on a previous day of the same week, in consequence of the stopping of machinery upon which such woman or child was employed, or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such employment at a time not stated in such notices.

Lost time.

Employment prohibited, when.

SEC. 3. No woman shall knowingly be employed in laboring in a manufacturing or mechanical establishment within two weeks before or four weeks after childbirth. This prohibition shall be included in the notice with regard to the employment of women required to be posted as hereinbefore provided.

Violations by custodian of minor.

SEC. 4. A parent, guardian or other person who permits a minor under his control to be employed in violation of the provisions of this act shall be punished by a fine of not more than one hundred dollars. A person who, either for himself or as superintendent, overseer or agent for another, employs any person in violation of the provisions of this act or fails to post the notice required by this act shall be punished by a fine of not less than fifty nor more than one hundred dollars. A certificate of the age of a minor made and sworn to by him and by his parent or guardian at the time of his employment in a manufacturing or mechanical establishment shall be prima facie evidence of his age in any prosecution under the provisions of this section.

Violations by employer.

Evidence.

Jurisdiction.

SEC. 5. Justices, and municipal and county courts shall have concurrent jurisdiction of violations of this act.

ACT No. 159.—*Street railways—Air brakes—Seats for employees.*

Air brakes.

SECTION. 1. A railroad corporation doing business in this State, operating its road by electricity, shall equip, maintain and use on all double truck cars operated in passenger service a good and sufficient air brake.

Seats.

SEC. 2. All corporations operating cars by electricity shall equip double truck cars with stools of the proper height for the use of the motormen while running such cars between suburban points.

Penalty.

SEC. 3. A corporation neglecting to comply with the provisions of section 1 of this act shall be fined ten dollars for each day that it so neglects.

ACT 160.—*Railroads—Headlights on locomotives.*

Equipment required.

SECTION 1. A railroad corporation doing business within the State shall equip, maintain and use on its locomotives such head-

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lights and cab lights as the public service commission on notice and hearing shall determine and order. Said public service commission shall within a reasonable time after notice to the railroad companies in Vermont and hearing make an order with relation to such headlights and cab lights. Said public service commission shall publish notice in at least five prominent papers in the State of the time and place of such hearing.

Notice and hearing.

Order.

Violations.

SEC. 2. A railroad corporation that violates the order of the public service commission made under the preceding section shall be fined not more than one hundred dollars nor less than twenty-five dollars for each day's neglect to obey said order.

ACT No. 173.—*Accident insurance—Provisions in policies—Insurance of employees.*

What policies exempt.

SECTION 12. (1) Nothing in this act, however, shall apply to or affect a policy of liability or workmen's compensation insurance or a general or blanket policy of insurance issued to a municipal corporation or department thereof, or to a corporation, copartnership, association or individual employer, police or fire department, underwriters' 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.

ACT No. 188.—*Factory inspector.*

How appointed.

SECTION 1 (as amended by act No. 189, Acts of 1912). Prior to March 1st, 1913, the governor shall appoint a State factory inspector, whose term of office shall be from the date of his appointment to and including December 31, 1914, and until his successor is appointed and qualified; and biennially thereafter, the governor shall, with the advice and consent of the senate, appoint a State factory inspector, whose term of office shall be two years and until his successor is appointed and qualified. The governor may remove said inspector at any time and vacancies in said office shall be filled by the governor. Said inspector shall have an office in the statehouse, and the sergeant at arms is hereby authorized to set apart such room or rooms as shall be sufficient for the use of the inspector.

Term.

Office.

Report.

SEC. 2. Said inspector shall biennially on or before the first day of October make a report to the governor which shall contain statistical information relating to the number and character of industrial accidents during the preceding biennial period; to the general industrial conditions prevailing within the State, and to all proceedings which have been taken by him under the provisions of this act. Whenever said inspector finds a violation of the provisions of this act and of the law relating to the employment of children, minors and women, to health, lives and limbs of operatives in workshops and factories, railroads and other places, to the payment of wages and to the protection of the working classes, they shall submit the evidence thereof to the State's attorney of the county in which such violation occurred who shall thereupon prosecute the offender.

Violations.

Enforcement.

Inspections.

SEC. 3. Said inspector may enter any factory, mill, workshop, private works or State institutions which have shops or factories, when the same are open or in operation, and to examine into the methods of protection from danger to employees and the sanitary condition in and around such buildings and places, and to make a record of such inspection. A person who refuses to allow the inspector to so enter, or refuses to give the information authorized to be obtained under the provisions of this section shall be fined not more than one hundred dollars, or be imprisoned not more than ninety days, or both. If said in-

Penalty for obstructing inspection.

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spector finds upon such inspection, that the heating, lighting, ventilation or sanitary arrangement of any workshop or factory is such as to be injurious to the health of the persons employed or residing therein or that the means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators, drums, saws, cogs or machinery in such workshop or factory are located, or are in condition, so as to be dangerous to employees and not sufficiently guarded, or that vats, pans, or any other structures filled with molten metal or hot liquids, are not surrounded with proper safeguards for preventing accidents or injury to those employed at or near them, he shall give written notice to the owner, proprietor or agent of such workshop or factory to make, within thirty days, the alterations or additions by said inspector deemed necessary for the safety and protection of the employees; and if such alterations or additions are not made within thirty days from the date of such written notice, or within such time as said alterations or additions can be made with proper diligence upon the part of such proprietors, owners or agents, said proprietors, owners or agents so notified shall be fined not more than two hundred dollars nor less than twenty-five dollars, or be imprisoned not more than thirty days, or both.

Notice to employer.

Penalty.

SEC. 4. Any person, corporation or association aggrieved by any order of said inspector may apply to the court of chancery within and for the county wherein the business of said person, corporation or association affected by said order is located, or to a chancellor thereof for an injunction to restrain the enforcement of said order; and upon such notice as said court or chancellor shall order to all parties interested, hearing shall be had before said court or chancellor and judgment rendered affirming, amending or annulling said order, which judgment said court or chancellor shall enforce by appropriate proceedings.

Appeal to court.

Hearing.

SEC. 5. The following expressions used in this act shall have the following meanings: The term "factory" shall mean any premises where steam, water or other mechanical power is used in aid of any manufacturing process therein carried on. The term "workshop" shall mean any premises, room or place, not being a factory as above defined, wherein manual labor is exercised by way of trade, or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article, or part of an article, and to which or over which premises, room or place the employer of the person or persons working therein has the right of access or control; provided that the exercise of such manual labor in a private house, or private room by the family dwelling therein, or by any of them, or in case a majority of persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

Definitions.

SEC. 6. All State, county and town officers are hereby directed to furnish said inspector, upon request, such information contemplated by this act as shall be in their possession as such officers.

Duties of officials.

SEC. 7. The annual salary of said inspector shall be sixteen hundred dollars, and he shall receive his necessary expenses when away from home on official business. Said inspector shall be allowed such sum for clerical assistance as seems reasonable to the auditor of accounts. Said inspector may cause to be printed for general distribution subject to the approval of the State purchasing agent such number of copies of his report as may be needed for distribution. But the total expense including salaries incurred under this act in any one year shall not exceed three thousand dollars.

Salary.

Assistants.

Publishing report.

ACT No. 190.—*Arbitration of labor disputes—State board.*

SECTION 1. There shall be a State board of conciliation and arbitration consisting of three persons. One member of said board

Board created.

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shall be an employer, and one shall be selected from a labor organization and shall not be an employer of labor.

The governor shall, on or before March 1, 1913, appoint the aforesaid members. The term of office of one of said members shall be one year and of the other, two years. The third member of said board shall be appointed upon the recommendation of the other two members of said board for a term of three years. If the two appointed members do not, at least thirty days prior to the expiration of the term, or within thirty days after the happening of a vacancy, agree upon the third member he shall then be appointed by the governor.

Term.

Each member shall, before entering upon the duties of his office, be sworn.

On or before March 1, annually, a person shall be appointed in the manner aforesaid for the term of three years to fill the vacancy caused by the expiration of the term of office of any of said members.

Organization, etc.

Said board shall choose from its members a chairman, and may appoint and remove at pleasure a secretary of said board.

The compensation of said secretary shall be fixed by said board, with the approval of the auditor of accounts.

Said board shall, from time to time, establish rules of procedure and shall on or before the first Wednesday of each biennial session make a report to the governor. No member of the board shall be qualified to act in any matter in which said member may be directly or indirectly interested, and, in case of the disqualification of a member of said board, the other two members may select a third person to act with said board, who shall not be directly or indirectly interested in the matters in dispute.

Notice of strike.

SEC. 2. If it appears to the mayor of a city or to the selectmen of a town that a strike or lockout described in this section is seriously threatened or actually occurs, he or they shall at once give notice to said board; and such notice may be given by the employer or by the employees concerned in the strike or lockout. If, when said board has knowledge that a strike or lockout, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, such employer, at that time, is employing, or upon the occurrence of the strike or lockout, was employing, not less than ten persons in the same general line of business in any town in the State, the board shall, forthwith, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade them, if a strike or lockout has not actually occurred or is not then continuing, to submit the controversy to said board. Said board shall investigate the cause 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 and assigning such responsibility or blame. Said board shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects, or threatens seriously to affect, the public welfare. The board shall have the same powers for the foregoing purposes as are given to it by the provisions of the four following sections.

Mediation.

Report.

Investigations.

SEC. 3. If a controversy which does not involve questions which may be the subject of an action at law or suit in equity exists between an employer, whether an individual, a partnership or corporation employing not less than ten persons in the same general line of business, and his employees, the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful inquiry into its cause, and may, with the consent of the governor, conduct such inquiry beyond the limits of the State. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof which shall at once be made public, shall be open to public in-

Decision.

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spection and shall be recorded by the secretary of said board. A short statement thereof may, in the discretion of the board, be published in the annual report, and the board shall cause a copy thereof to be filed with the clerk of the town in which such business is carried on. Such decision shall, for six months, be binding upon the parties who join in such application, or until the expiration of sixty days after either party has given notice in writing to the other party and to the board of his intention not to be bound thereby. Such notice may be given to said employees by posting it in three conspicuous places in the shop or factory where they work. Effect.

SEC. 4. Such application shall be signed by the employer or by a majority of his employees in the department of the business in which the controversy exists, or by their duly authorized agent, or by both parties, and if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized so to do; but the names of the employees giving the authority shall be kept secret. The application shall contain a concise statement of the existing controversy and a promise to continue in business or at work without any lockout or strike until the decision of the board, if made within three weeks after the date of filing the application. The secretary of the board shall forthwith, after such filing, cause public notice to be given of the time and place for a hearing on the application, unless both parties join in the application and present therewith a written request that no public notice be given. If such request is made, notice of the hearings shall be given to the parties in such manner as the board may order, and the board may give public notice thereof notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further thereon without the written consent of the adverse party. Application. Hearings.

SEC. 5. In all controversies between an employer and his employees in which application is made under the provisions of the preceding section, each party may, in writing, nominate fit persons to act in the case as expert assistants to the board and the board may appoint one from among the persons so nominated by each party. Said experts shall be skilled in and conversant with the business or trade concerning which the controversy exists, they shall be sworn by a member of the board to the faithful performance of their official duties and a record of their oath shall be made in the case. Said experts shall, if required, attend the sessions of the board, and shall, under direction of the board, obtain and report information concerning the wages paid and the methods and grades of work prevailing in establishments within the State similar to that in which the controversy exists, and they may submit to the board at any time before a final decision any facts, advice, arguments or suggestions which they may consider applicable to the case. No decision of said board shall be announced in a case in which said experts have acted without notice to them of a time and place for a final conference on the matters included in the proposed decision. The board may appoint such additional experts as it considers necessary, who shall be qualified in like manner and, under the direction of the board, shall perform like duties and be paid the same fees as the experts who are nominated by the parties. Said experts shall receive such compensation as may be fixed by said board and the auditor of accounts is hereby directed to draw orders in payment of the expenses incurred under the provisions of this act upon the approval of said board. Expert assistants.

SEC. 6. The board may summon as witnesses any operative and any person who keeps the record of wages earned in the department of business in which the controversy exists and may examine them upon oath and require the production of books which contain the record of wages paid. Summonses may be signed and oaths administered by any member of the board. Witnesses summoned Witnesses.

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by the board shall be allowed the same fees as are allowed witnesses before a county court.

ACT No. 216.—*Inspection and regulation of factories, etc.*

Regulations for heating and ventilation.

SECTION 1. The State board of health shall have authority to prescribe regulations for the heating and ventilation of all mills, factories, stone sheds, sheds or other buildings in which five or more persons are employed.

Notice.

Notice of the promulgation of any order or regulation made by the State board of health pursuant to the provisions of this act shall be communicated in writing to the owner, manager or person in charge of the mill, factory, stone shed, shed or other building concerning the ventilation and heating of which the order or regulation is made, and a copy of such order shall be kept on file by the secretary of the State board of health.

Enforcement.

SEC. 2. The court of chancery shall have jurisdiction and power, upon application thereto by the State board of health or a party interested, to enforce its orders or the orders, rules and regulations of said board in the premises, and to restrain the use and occupation of the premises until the orders, rules and regulations of said board are complied with.

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VIRGINIA.

CONSTITUTION.

Labor legislation—Provisions of constitution.

SECTION 63. * * * The general assembly shall not enact any local, special, or private law in the following cases: Certain local laws forbidden.

12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.

Bureau of labor and statistics.

SECTION 86. The general assembly shall have power to establish and maintain a bureau of labor and statistics, under such regulations as may be prescribed by law. Assembly may establish bureau.

Liability of railroad companies for injuries to employees.

SECTION 162. The doctrine of 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, to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track, or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master, that a servant would have (at the time when this constitution goes into effect), if such acts or omissions were those of the master himself in the performance of a nonassignable duty: *Provided*, That the injury, so suffered by such railroad employee, result from the negligence of an officer, or agent, of the company of a higher grade of service than himself, or from that of a person, employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the coemployee through, or by, whose act or omission he is injured; or that it result from the negligence of a coemployee engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employee is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor; and whether such negligence be in the performance of an assignable or nonassignable duty. The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this section. Knowledge, by any such railroad employee injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defense to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee from any injury for which he could have recovered, under the above provisions, had

Acts of fellow-servants.

Negligence of superintendent.

Person in another department, etc.

Injuries causing death.

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death not occurred, then his legal or personal representative, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relatives) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a coemployee while in the performance, as vice principal, of a nonassignable duty of the master. Every contract or agreement, express or implied, made by an employee, to waive the benefit of this section, shall be null and void. This section shall not be construed to deprive any employee, or his legal or personal representative, surviving consort or relatives (or any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land, at the time this constitution goes into effect. Nothing contained in this section shall restrict the power of the general assembly to further enlarge, for the above-named class of employees, the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employees of railroads or of employees of any person, firm or corporation.

Contracts waiving rights.

Provisions not restrictive.

This section does not deny equal protection of law. 63 S. E. 432. It does not apply to street railways. 61 S. E. 779.

CODE—1904.

Contracts of employment—Foreign contracts valid.

Foreign contracts enforceable.

SECTION 44. A contract for labor for a term of service, not exceeding two years, made in a foreign country, with a person who shall immigrate to this State, and duly attested by the United States consul or commercial agent at the port where such immigrant shall embark, shall be respected and enforced to the same extent and in the same manner as if made within the State.

Duplicate contracts.

SEC. 45. Every contract made as aforesaid shall be in duplicate, the original in the vernacular language of the immigrant, which shall be retained by him; the duplicate in the English language, which shall be recorded in the county or corporation wherein such employer resides, within ten days after the arrival of said immigrant at such residence; and until so recorded, such employer shall not be entitled to the benefit of the provisions of this chapter applicable to such contracts.

Security for payment of wages.

SEC. 46. Any immigrant, who is a party to any such contract, shall have the right to apply to a justice, who shall require personal security for the payment of wages at the times specified in said contract; or if not so specified, then monthly; and any immigrant who, without good and sufficient cause, shall be discharged from the service of an employer, may recover from him, in addition to the amount due for past services, damages not exceeding the wages for three months of the unexpired term of his contract.

Leaving service.

SEC. 47. An immigrant bound by any such contract, who shall, without good and sufficient cause, leave the service of his employer, shall be liable to said employer for an amount not exceeding the sum which may or would be due for a period not exceeding three months of the term of his contract.

Application of law.

SEC. 48. All the provisions of the four preceding sections shall apply to contracts made with immigrants after their arrival in the United States, as well as to contracts made in a foreign country; except that such contracts made within the United States may be attested by a justice, or other officer authorized by law to attest and affix his official seal to such contract.

Employment of children to support parents in idleness.

Who are vagrants.

SECTION 884. The following persons shall be deemed vagrants:

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All persons who are able to work and who do not work, but hire out their minor children and live upon their wages.

Fire escapes on factories, etc.

Fire escapes to be provided.

SECTION 1067a. It shall be the duty of the owner or owners of all factories, workshops, * * * in this State of over three stories in height, * * * to provide for the safe exit of the occupants thereof in case of fire by the erection or construction of fire escapes of the most approved modern design. The character and design of said fire escapes shall, in cities and towns, be selected by the council of said cities and towns; and where the buildings are not located in cities or towns, by the board of supervisors of the county. Any owner or owners of such buildings shall have the right to require the council of the city or town in which said buildings are located, or in the counties the board designated by this act, to make such selection of said fire escapes as is provided by this act; and in case of their failure or refusal they shall be compellable by mandamus. Any owner or owners of such buildings who shall fail to comply with * * * this act * * * shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars for each month they shall fail to provide such fire escapes.

Protection of employees on street railways—Inclosed platforms.

Vestibuled fronts to be used, when.

SECTION 1294d (27). All urban, interurban, and suburban electric railway companies shall use vestibuled fronts on all motor cars run, operated, or transported by them on their lines during the months of November, December, January, February, March, and April of each year: *Provided*, That such vestibuled fronts need not be used on open summer cars run, operated, or transported by them, during the months of November and April: *And provided*, That said companies shall not be required to close the sides of said vestibules, and any such company refusing or failing to comply with said requirement shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each offense.

Railroads—Safety appliances—Accidents.

Telltales to be erected.

SECTION 1294d (36). Where any railroad track passes under any bridge, tunnel, or structure, not sufficiently high to admit of the safe passage of cars upon such railroad tracks, with the servants and employees standing at their posts of duty on said cars, the person or persons, firm, or corporation, operating said railroad and running its trains thereon, shall erect and maintain, at proper distances on each side of such bridge, tunnel, or structure, warning signals of approved design, and in general use, to warn the servants and employees, or those operating such railroads, of the approach to such bridge, tunnel, or structure, and the failure to erect and maintain such danger signals shall make those operating such railroads liable in damages for the death or injury of any employee or servant resulting from the insufficient height of such bridge, tunnel, or structure, and no contract, expressed or implied, and no plea of, or defense based upon, the contributory negligence of the servant or employee shall relieve those operating such railroads of the liability imposed hereby. The State corporation commission is hereby authorized, by general or special regulations or order, to determine or approve the character and location of any danger signal which may be erected and maintained to comply with the provisions of this act, and any and every danger signal constructed and located as the said commission shall determine and approve shall be deemed within the meaning of this act to be

Damages.

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an approved danger signal and erected at the proper distance on each side of such bridge, tunnel, or structure.

Maintenance of signals does not relieve the company from liability for negligence in having a low bridge. 62 S. E. Rep. 363.

Notice of accidents.

SEC. 1294d (52). Notice of every accident which occurs, attended with loss of life or injury to person, shall be given within five days thereafter by the company operating the railroad on which the accident occurred to the State corporation commission, and such company shall furnish the commission all information requested by it concerning the cause of the accident.

Air brakes.

SEC. 1294d. (53). No regular or other passenger train, on any railroad operated by steam, shall be run without an air brake, or some equally effective appliance for controlling the speed of trains, which may be applied by the engineer to each car composing the train, and which shall, at all times, be kept in good condition and ready for use at the discretion of the engineer. The State corporation commission may require all other trains to be equipped with like appliances whenever, in its opinion, the public interests require it. The said commission may also require any company operating any such railroad to establish and

Block system.

maintain the block system or some other equally efficient system to regulate the movement of its trains, in order to prevent collisions.

Liability of railroad companies for injuries to employees.

Liability for—

SECTION 1294k (as amended by chapter 291, Acts of 1912). [1.] 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:

Negligence of superintendent;

When such injury results from the wrongful act, neglect or default of an agent or officer of such corporation superior to the employee injured, or of a person employed by such corporation having the right to control or direct the services of such employee injured, or the services of the employee by whom he is injured; and also when such injury results from the wrongful act, neglect or default of a coemployee engaged in another department of

Negligence of employee in another department, etc.;

labor from that of the employee injured, or of a coemployee (notwithstanding the fact that the party injured had the right to direct the services of the coemployee) in the performance of any duty on or about the same or another train of cars, or on or about an engine, or of a coemployee who has charge of any switch, signal point or locomotive engine, or who is charged with dispatching trains or transmitting telegraphic or telephonic orders. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways, appliances or structures of such corporation shall not of itself be a bar to recovery for any injury or death caused thereby. When death,

Injuries causing death.

whether instantaneous or otherwise, results from any injury to any employee of such corporation received as aforesaid, the personal representatives of such employee shall have a right of action therefor against such corporation, and may recover damages in

Waivers.

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.

2. 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.

Federal laws.

3. The provisions of this act shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution or laws of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

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Vaccination of employees on public works.

SECTION 1743e.

* * * * *

Inspection of employees.

Any person, firm, or corporation employing large bodies of laborers in the State of Virginia constructing works of public improvement shall, unless said person, firm, or corporation has its own physician for that purpose, be required to have a regular inspection by the board of health of the counties in which said laborers are employed at such times as said board of health may determine. And the said person, firm, or corporation shall pay to the physician designated to make such inspection by the board of health of said county the sum of ten dollars for such inspection; in the discretion of the examining officer the laborers shall be vaccinated at the expense of the said person, firm, or corporation; the said obligation of ten dollars and cost of vaccination to have the force and effect of a fee bill of an officer and be collected by the sheriff as any such fee bills may be collected.

Vaccination.

Bureau of labor and industrial statistics.

SECTION 1790c 1. A bureau of labor and industrial statistics of the State of Virginia is hereby established.

Bureau established.

2. It shall be the duty of said bureau to collect, assort, systematize, and present in annual reports to the governor, to be by him biennially transmitted to the legislature, statistical details relating to all departments of labor, penal institutions, and industrial pursuits in the State, especially in their relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes and to the permanent prosperity of the productive industries of the State.

Duties.

3 (as amended by chapter 55, Acts of 1906). The governor shall appoint, by and with the consent of the Senate, some suitable person who is identified with the labor interests of the State, who shall be designated commissioner of labor statistics, and who shall, upon the request of the governor, furnish such information as he may require. The term of office for said commissioner shall be two years from date of his appointment, with power of removal by the governor for cause.

Commissioner.

4 (as amended by chapter 55, Acts of 1906). The commissioner shall have power to take and preserve testimony, examine witnesses under oath and administer the same; and when he is of the opinion from said testimony that the laws of the State relating to labor have been violated or evaded, he shall make a thorough investigation as to such violation or evasion, and to that end may, under proper restrictions, enter any public institution of this State, and any factory, store, workshop or mine, and interrogate any such person, firm or the proper officer of a corporation, or file a written or printed list of interrogatories, and require full and complete answers to be made thereto and returned under oath within thirty days of receipt of said list of questions, and if any person who may be sworn to give testimony shall willfully fail or refuse to answer any legal and proper question propounded to him concerning the subject of such examination, as indicated in the second section of this act, or if any person to whom a written or printed list of such interrogations has been furnished by said commissioner shall neglect or refuse to fully answer and return the same under oath, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be fined a sum not exceeding one hundred dollars nor less than twenty-five dollars, or by imprisonment in the county jail not exceeding ninety days, or by both fine and imprisonment: *Provided, however*, That nothing in this act shall be construed as permitting the commissioner or any employee of this bureau to make use of any information or statistics gathered from any person, company or corporation for any other than the purposes of this act.

Powers.

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Enforcement of laws.

If the commissioner shall find, upon such investigation, that the laws of this State relating to labor have been violated or evaded, he shall notify the person, firm or proper officer of the corporation of such violation or evasion, in writing, and unless the laws are fully complied with, within a reasonable time, not to exceed thirty days, then, and in that event, the commissioner shall make a report of such violation or evasion to the circuit or corporation court, and the attorney for the Commonwealth of the county or city wherein such violation or evasion of the law may occur.

Rate of wages of laborers at salvage.

How rate determined.

SECTION 1946. The laborers employed in saving such [wrecked] property shall be paid a reasonable sum for their services. If the parties interested do not agree on what is to be so paid, the owner of the property, or his agent, may choose one person, and the commissioner of wrecks another, to determine what is to be paid said laborers, and their award, or if they disagree, the award of an umpire chosen by them, being made in writing, shall be binding on the said laborers and the owner.

Suits for wages—No property exempt.

Wage debts.

SECTION 3630. * * * *Provided*, That such [homestead] exemption shall not extend to any execution order or other process issued on any demand in the following cases:

* * * * *

Second. For services rendered by a laboring person or mechanic.

* * * * *

Exemption of wages from garnishment, etc.

Wages of householder exempt.

SECTION 3652. Wages owing to a laboring man being a householder, not exceeding fifty dollars per month, shall also be exempt from distress, levy, or garnishment.

Sending claim out of State.

SEC. 3652a. 1. It shall be unlawful for any person to institute or permit to be instituted proceedings in his own name or in the name of any other person, or to assign or transfer, either for or without value, any claim for debt or liability of any kind held by him against a resident of this State who is a laboring man and a householder for the purpose of having payment of the same or any part thereof enforced out of the wages exempted by section three thousand six hundred and fifty-two of the Code of Virginia by proceedings in attachment or garnishment in courts or before justices of the peace in any other State than in the State of Virginia, or to send out of this State by assignment, transfer, or in any other manner whatsoever, either for or without value, any claim or debt against any resident thereof for the purpose or with the intent of depriving such person of the right to have his wages exempt from distress, levy, or garnishment according to the provisions of section three thousand six hundred and fifty-two of the Code of Virginia. And the person instituting such suit or permitting such suit to be instituted, or sending, assigning, or transferring any such claim or debt for the purpose or with the intent aforesaid shall upon conviction thereof be fined not less than ten dollars nor more than one hundred dollars, and shall in addition thereto be liable in an action of debt to the person from whom payment of the same or any part thereof shall have been enforced by attachment or garnishment or otherwise elsewhere than in the State of Virginia for the full amount, payment whereof shall have been so enforced, together with interest thereon and the costs of the attachment or garnishee proceedings as well as the costs of said action.

Recovery exempt.

2. The amount recovered in such action shall stand on the same footing with the wages of the plaintiff under section three thousand six hundred and fifty-two of the Code and shall also

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be exempt and free from any and all liability of the plaintiff to the defendant in the way of set-off or otherwise.

Evidence.

3. The fact that the payment of a claim or debt against any person entitled to the exemption provided for in section three thousand six hundred and fifty-two of the Code has been enforced by legal proceedings in some State other than the State of Virginia in such manner as to deprive such person to any extent of the benefit of such exemption shall be prima facie evidence that any resident of this State who may at any time have been owner or holder of said claim or debt has violated this law.

Wages of minor exempt.

SEC. 3652c. The wages of a minor shall not be liable to garnishment or otherwise liable to the payment of the debts of parents.

Garnishment of wages—Public employees.

Wages of State officials, etc., liable to garnishment.

SECTION 3652d. The wages and salaries of all officials of this State, their clerks and all employees of this State, shall be subject to garnishment or execution upon any judgment rendered against them: *Provided*, Said officials, clerks, and employees are not exempt from garnishment or levy under chapter one hundred and seventy-eight of the Code of Virginia.

Of officials of cities, etc.

SEC. 3652e. The wages and salaries of all officials, clerks, and employees of any city, town, or county shall be subject to garnishment or execution upon any judgment rendered against them: *Provided*, Said officials, clerks, and employees are not exempt from garnishment or levy under chapter one hundred and seventy-eight of the Code of Virginia.

Who are employees.

SEC. 3652f. All officers, clerks, and employees who hold their office by virtue of authority from the general assembly of Virginia, or by virtue of city, town, or county authority, whether by election or appointment, and who receive compensation for their services from the moneys of such city, town, or county shall, for the purposes of garnishment, be deemed to be, and are officers, clerks, or employees of such city, town or county.

Injunction.

SEC. 3656. An injunction may be awarded * * * to prevent the wages exempted by section thirty-six hundred and fifty-two from being garnished, or otherwise collected by an execution creditor.

Employment of women and children.

Seats for female employees.

SECTION 3657a (as amended by chapter 189, Acts of 1910). 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.

Use.

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.

Violations.

If any employer of female help in the State of Virginia shall neglect or refuse to provide seats, as provided in this act, or shall make any rules, orders or regulations in his shop, store or other place of business, requiring females to remain standing when not necessarily employed in service or labor therein, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be liable to a fine therefor in a sum not to exceed twenty-five dollars, with costs, in the discretion of the court.

Ten-hour day.

SEC. 3657b (as amended by chapter 248, Acts of 1912). No female and no child under fourteen years of age shall work as an operative in any factory, workshop, mercantile or in any manufacturing establishment in this State more than ten hours in any one day of twenty-four hours. All contracts made or to be made

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for the employment of any female, or of any child under fourteen years of age, as an operative in any factory, workshop, mercantile, or in any manufacturing establishment to work more than ten hours in any one day of twenty-four hours, are and shall be void.

Violations. Any person having the authority to contract for the employment of persons as operatives in any factory, workshop, mercantile, or in any manufacturing establishment, who shall engage or contract with any female or any child under fourteen years of age to work as an operative in such factory, workshop, mercantile, or in any manufacturing establishment during more than ten hours in any one day of twenty-four hours, shall be guilty of a misdemeanor, and be fined not less than five nor more than twenty

Exemptions. dollars: *Provided, however,* That nothing in this act shall be construed to apply to females whose full time is employed as bookkeepers, stenographers, cashiers, or office assistants, nor to apply to persons employed in factories, engaged exclusively in packing fruits or vegetables between July first and November first of each year: *Provided,* That nothing contained in this act shall apply to merchantile [mercantile] establishments in towns of less than two thousand inhabitants or in country districts, nor in mercantile establishments on Saturdays.

Nightwork. SEC. 3657bb. No child under the age of fourteen years and over twelve years of age shall be employed in any manufacturing, mechanical, or mining operations in this Commonwealth to work between the hours of six o'clock post meridian and seven o'clock

Age limit. ante meridian; and that no child under the age of twelve years shall be employed in any manufacturing, mechanical, or mining operation in this Commonwealth; and any owner, agent, superintendent, overseer, foreman, or manager of any manufacturing, mechanical, or mining operation who shall knowingly employ, or permit to be employed, in the operation of which he is owner, agent, superintendent, overseer, foreman, or manager any child contrary to the provisions of this act, and any parent or guardian who allows or consents to such employment of his child or ward, shall, upon conviction of such offense, be fined not less than twenty-five dollars nor more than one hundred dollars.

[See Acts of 1908, chapter 301, for age limit.]

Blacklisting.

Blacklisting forbidden. SECTION 3657c. No corporation, manufacturer, or manufacturing company doing business in this State, or any agent or attorney of such corporation, manufacturer, or manufacturing company, after having discharged any employee from the service of such corporation, manufacturer, or manufacturing company shall willfully and maliciously prevent or attempt to prevent by word or writing, directly or indirectly, such discharged employee from obtaining employment with any other person or corporation. For any violation of this section the offender shall be guilty of a misdemeanor, and shall on conviction thereof be fined not less than one hundred nor more than five hundred dollars. But this section shall not be construed as prohibiting any corporation, manufacturer, or manufacturing company from giving in writing on application from any other person or corporation a truthful statement of the reason for such discharge.

Payment of wages.

Law applies to whom. SECTION 3657d (as amended by chapter 106, Acts of 1912). [1] All persons, firms, companies, corporations or associations in this Commonwealth, engaged in operating railroad shops, mining coal, ore, or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their employees engaged in the employments aforesaid as provided in this act.

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[2] All persons, firms, companies, corporations or associations, engaged in any of the business aforesaid, shall settle with such of employees at least twice in each month, and pay them the amounts due them for their work or services, in lawful money of the United States, or by check, or by cash order, as described and required in section three [3] of this act: *Provided*, That nothing herein contained shall affect the right of any employee to assign the whole or any part of his claim against his employer: *Provided, however*, That the semimonthly payment of wages requirement of this act shall not apply to mining coal, manufacturing coke, mining ore, or other minerals, excelsior mills or sawmills; but the employers of labor engaged in such enterprises shall settle with their employees at least once in each month.

Semi-monthly pay day.

Monthly pay day.

[3] * * * It shall not be lawful for any person, firm, company, corporation or association, engaged in the business aforesaid, their clerk, agent, officer or servant in this State to issue for payment of such labor any order or other payment whatever, unless the same purports to be payable or redeemable for its face value in lawful money of the United States, such order to be made payable on demand and without condition to employees, or bearer, bearing interest at legal rate, and redeemable by the person, firm, company, corporation or association giving, making or issuing the same; and any person, firm, company, corporation or association, engaged in the business aforesaid, their clerks, agents, officers or servants, who shall issue for payment of labor any paper or order, other than the one herein specified in violation of this section, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding one hundred dollars, in the discretion of the court.

Scrip, etc., to be redeemable.

Violations.

[4] * * * It shall be unlawful for any person, firm, company, corporation or association engaged in operating railroad shops, or mining or manufacturing or either of them, as aforesaid, and who shall likewise be either engaged or interested directly or indirectly, in merchandising, as owner or otherwise, in any money per centum profit or commission arising from the sale of any such merchandise, their clerks, servants, officers or agents to knowingly or willfully sell, or cause to be sold, to any such employee any goods, merchandise or supplies whatever for a greater per centum of profit than merchandise and supplies of like character, kind, quality and quantity are sold to other customers, buying for cash and not employed by them; and shall any person or member of any firm, company, corporation or association, his or their clerk, agent, or servant violate this act they shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars, in the discretion of the court.

Company stores.

Violations.

Negligence of employees on public conveyances.

SECTION 3682. If any driver, conductor, or captain of any vehicle or boat for public conveyance, in the management of such vehicle or boat, willfully or negligently inflict[s] bodily injury on any person, he shall be punished as for a misdemeanor.

Negligence causing injury.

Employment of children—Certain employments forbidden.

SECTION 3795a. * * * (2) It shall be unlawful for any person having the care, custody, or control of any child under the age of fourteen years to sell, apprentice, give away, let, or hire out, or otherwise dispose of such child to any person in or for the vocation or occupation, service, or purpose of rope or wire walking, begging or peddling, or as a gymnast, contortionist, rider, or acrobat in any place whatsoever, or for any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever, or for or in any business, exhibition, or vocation injurious to the health or morals or dangerous to the life or limb of such child, or cause, procure, encourage or permit any such child to engage therein.

Acrobatic, mendicant, etc., occupations.

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(3) It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit, or have in custody any child under the age aforesaid for any of the purposes prohibited in the second section [paragraph] of this act [sec. 3795a].

(6) Whenever any person or persons having the care or custody of any child within the age previously mentioned in this act shall engage, hire out, or use such child in or for any business, exhibition, vocation, or purpose prohibited in this act, or shall permit the use of such child therefor, and shall be convicted of the same, the court or magistrate before whom such conviction is had may at his discretion if he should think it desirable for the welfare of such child deprive the person or persons so convicted of the custody of such child, and thereafter such child shall be deemed in the custody of the court, and thereupon such proceedings shall be had as to the commitment, custody, care, and education of such child as are provided for in section five of this act [for vagrant or destitute children].

(7) A person convicted under any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by fine not exceeding two hundred dollars or by imprisonment in jail not exceeding twelve months or both.

(8) In this act the word "person" shall be construed to include corporations, partnerships, companies and associations, as well as individuals.

Sunday labor.

Sunday labor prohibited.

SECTION 3799 (as amended by chapter 180, Acts of 1908). If a person on the Sabbath day be found laboring at any trade or calling, or employ his apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars for each offense. Every day any person or servant or apprentice is so employed shall constitute a distinct offense and the court in which or the justice by whom any judgment of conviction is rendered may require of the person so convicted a recognizance in a penalty of not less than one hundred or more than five thousand dollars, with or without security, conditioned that such person shall be of good behavior, and especially to refrain from a repetition of such offense, for a period not exceeding twelve months.

Observance of the seventh day.

SEC. 3800. The forfeiture, declared by the preceding section, shall not be incurred by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath, and actually refrains from all secular business and labor on that day, provided he does not compel an apprentice or servant, not of his belief, to do secular work or business on a Sunday, and does not on that day disturb any other person.

Sunday labor prohibited.

SEC. 3801 (as amended by chapter 42, Acts of 1910). [1.] No railroad company, receiver, or trustee, controlling or operating a railroad, shall, by any agent or employee, load, unload, run or transport upon such road on a Sunday, any car, train of cars or locomotive, nor permit the same to be done by any such agent or employee, except where such cars, trains or locomotives are used

Exceptions.

exclusively for the relief of wrecked train or trains so disabled as to obstruct the main track of the railroad; or for the transportation of the United States mail; or for the transportation of passengers and their baggage; or where such cars, trains or locomotives constitute interstate freight trains exclusively, which trains may be run through the State of Virginia without stopping at local stations for interchange of freight; or for the transportation of live stock; or for the transportation of articles of such perishable nature as would necessarily impair in value by one day's delay in their passage: *Provided, however,* That if it should be necessary to transport live stock or perishable articles on a Sunday to an extent not sufficient to make a whole train load, such train load may be made up with cars loaded with ordinary freight: *And provided, however,* That the State corporation commission

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may, at such times [as] necessity may require, either to meet an emergency or to save life or property, suspend the restriction of this act [Sec. 3801] and authorize the running, loading or unloading on Sunday of freight trains on any railroad, and of any car or locomotive.

Exceptions authorized.

2. The State corporation commission may, upon petition duly verified of any railroad company, either by general rule or special order, or both, authorize the running, loading or unloading on Sunday of freight trains on such railroad, and of any car or locomotive, for any of the causes in the proviso of the first section mentioned.

Charters.

3. Any railroad company taking advantage of any of the provisions of this act [Sec. 3801] shall thereby give up and surrender any exemption from State, county, city or district taxation conferred by the charter of said company.

This act is constitutional. Running empty coal cars on Sunday to a mine in West Virginia is a violation. 24 S. E. Rep. 837.

Definition.

SEC. 3802. The word "Sunday" in the preceding section shall be construed to embrace only that portion of the day between sunrise and sunset; and trains in transitu having started prior to twelve o'clock on Saturday night, may, in order to reach the terminus or shops of the railroad, run until nine o'clock the following Sunday morning, but not later.

Penalty.

SEC. 3803. Any railroad company, receiver, or trustee violating the provisions of section thirty-eight hundred and one, shall be deemed to have committed a separate offense in each county or corporation in which such car, train of cars, or locomotive shall run, or in which such car or train of cars shall be loaded or unloaded; and shall be fined not less than fifty nor more than one hundred dollars for each offense.

Running steamboats.

SEC. 3803a. No steamboat company shall by any agent or employee load or unload on a Sunday any steamship or steamboat arriving at any port or landings on the bays, rivers, or other waters of this State or permit the same to be done by any such agent or employee except where such steamship or steamboat is for the transportation of the United States mails, or for the transportation of passengers and their baggage, or for the transportation of through freight in transitu, or of live stock, or of articles of such perishable nature as would be necessarily impaired in value by one day's delay in their passage: *Provided*, That nothing in this act shall be construed as preventing any steamship or steamboat arriving at any port or landing on the bays, rivers, and other waters of this State not its final point of destination from unloading any and all freight intended for delivery at such intermediate port or landing or from loading and taking on any and all freight intended for shipment from such intermediate port or landing to the final destination of said steamship or steamboat. Any steamship or steamboat company violating the provisions of this act shall be deemed to have committed a separate offense in each county or corporation in which said steamship or steamboat shall land and be unloaded, and shall be fined in a sum not less than fifty nor more than one hundred dollars for each offense.

Proviso.

APPENDIX.

Labor agents.

License required.

SECTION 128. Any person who hires or contracts with laborers, male or female, to be employed by persons other than himself, shall be deemed to be a labor agent; and no person shall engage in such business without having first obtained a license therefor. Every person who shall without a license conduct business as a labor agent, shall pay a fine of not less than one hundred dollars, nor more than five hundred dollars.

Fee.

SEC. 129. Every person who engages in the business of a labor agent shall pay twenty-five dollars for the purpose of transacting

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said business, but before any such license shall be issued, the applicant shall produce a certificate from the corporation court of the city, or the circuit court of the county in which such labor agent proposes to have his office, or of the county in which he proposes to do business. that to the personal knowledge of the judge of such court, or from the information of credible witnesses under oath before such court, the court is satisfied that the applicant is a person of good character and honest demeanor.

ACTS OF 1906.

CHAPTER 260.—*Bribery of employees.*

Offering bribes.

SECTION 1. Any person who 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 as 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 one hundred dollars, or by such fine and by imprisonment for not more than one year: *Provided*, That nothing contained in this act shall be construed to mean that an agent, servant, or employee shall not resign his position whenever he so desires, nor shall it be construed to mean that no person shall employ said agent, servant, or employee.

Accepting gifts.

Witnesses.

SEC. 2. No witness called by the court or Commonwealth's attorney and giving evidence for the prosecution either before the justice of the peace, the grand jury, or the court in a prosecution under this act, shall ever be proceeded against for any offense hereunder concerning which he testifies, but such witness shall be compelled to testify and for refusing to answer a question shall be fined not less than one hundred dollars, and be imprisoned for a term not exceeding six months.

ACTS OF 1908.

CHAPTER 54.—*Labor organizations, etc.—Unauthorized use of buttons and insignia.*

Wearing prohibited.

SECTION 1 (as amended by chapter 214, Acts of 1910). Any person who shall willfully wear any insignia or button of any association, society or trades-union or who shall 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, by-laws, rules and regulations of such association, society or trades-union. * * * shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars ($100), and in default of payment committed to jail for a period not exceeding sixty days.

Penalty.

CHAPTER 228.—*Inspection and regulation of factories, etc.—Respiratory shields.*

Shields to be furnished at cost.

SECTION 1. Every owner or agent of a peanut cleaning establishment operated for the purpose of cleaning peanuts, and every

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owner or agent operating a cotton factory in this Commonwealth [shall] be, and the same are hereby required to furnish each employee or operative employed in any such peanut cleaning establishment or cotton factory, who may wish to use the same, a suitable sponge shield to protect such operative or employee from inhaling the dust and floating particles in the air while employed in such peanut cleaning establishment or cotton factory. Said shield to be supplied by the owner or agent of said peanut cleaning establishment or cotton factory at actual cost and to be paid for by each operative or employee.

Violations.

SEC. 2. Any owner or agent of said peanut cleaning establishment or cotton factory who shall fail to provide such shield upon application after a reasonable time shall be subject to a fine of not less than one dollar nor more than five dollars, and every day's failure to comply with such request shall constitute a separate offense.

CHAPTER 301.—*Employment of children—Age limit.*

Age limit.

SECTION 1. On and after March first, nineteen hundred and nine, no child under the age of thirteen years, and on and after March first, nineteen hundred and ten, no child under the age of fourteen years, shall be employed, permitted or suffered to work in any factory, workshop, mercantile establishment, or mine in this Commonwealth: *Provided*, This act shall not exclude any child over the age of twelve, who is an orphan, or who for any other reason is dependent on its own labor for support, nor any child or children whose parent or parents are invalids, and solely dependent upon the labor of such child or children for support; in either of which cases a certificate shall be obtained from the circuit court of the county, or corporation court of the city, or the judge thereof in vacation, or from the mayor of the city or town, or a justice of the peace of the magisterial district, as the case may be, in which such child or children reside, setting forth the fact that a necessity exists, and authorizing the employment of said child or children, and a copy of such permit shall be forwarded to the commissioner of labor within ten days from the granting thereof, by the clerk of the court in which, or the officer by whom such permit was granted.

Orphans, etc.

Certificate.

Violations.

Any owner, superintendent, overseer, foreman or manager, who shall knowingly employ or permit any child to be employed contrary to the provisions of this act, in any factory, workshop, mercantile establishment, or mine, with which he is connected, and any parent or guardian, who allows any such employment of his child or ward, shall upon conviction of such offense, be fined not less than twenty-five dollars nor more than one hundred dollars: *Provided*, That as to fruit and vegetable canneries, and as to stores in the country and in towns of less than two thousand population, and country workshops not in the suburbs of a city, the law shall remain as if this act had not been passed. But nothing in this act shall prevent a parent from working his or her child in any factory, workshop, mercantile establishment, or mine, or other place owned or operated by said parent.

Any employment contrary to the provisions of this act shall be prima facie evidence of guilt, both as to the employer and the parent or guardian of the child so employed.

ACTS OF 1910.

CHAPTER 6.—*Inspection and regulation of laundries.*

Laundries and washhouses to be inspected.

SECTION 1. The boards of health of the respective cities of the State of Virginia (where such cities have such boards of health) shall supervise all laundries or public washhouses within any city of the State of Virginia and shall not permit the employment, by any public laundry or public washhouse, of any person suffering with an infectious or contagious disease; nor allow any person

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to sleep in such public laundry or public washhouse or in any room adjoining and opening into such public laundry or public washhouse, and every room in such laundry or washhouse that is used for the purpose of washing or drying clothes, shall be properly ventilated and drained and shall be used for no purposes other than that specified. The floors of all rooms used for the purpose of washing clothes shall, if required by the regulations of the local board of health, be made of cement or other mineral substance, and shall be arranged so as to be easily drained. A public laundry or public washhouse within the meaning of this section shall be any place within any city of the State of Virginia, licensed to conduct a laundry in any of its branches. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

Scope of law. Any person, firm or corporation conducting a public laundry or public washhouse within a distance of a half mile of the city limits of any city of the State of Virginia shall be subject to the provisions of this act.

Nothing in this section shall be construed to prevent the washing of clothes in any private residence where no license to do washing is required.

CHAPTER 14.—*Inspection and regulation of factories, etc.—Toilet facilities, etc.*

Ventilation and sanitation. SECTION 1 (as amended by chapter 62, Acts of 1912). Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment or office, in which two or more children, under eighteen years of age, or women, are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided with a sufficient number of water-closets, earth closets or privies, and reasonable access shall be afforded thereto; and whenever one or more males and one or more females are employed together, a sufficient number of separate water-closets, earth closets or privies shall be provided for the use of each sex, and plainly designated; and no person shall be allowed to use a closet or privy which is provided for persons of the other sex: *Provided*, In buildings used exclusively for offices the provisions of this section shall not apply, if separate toilets are within convenient access, in the buildings wherein the offices are located.

Changes to be made. SEC. 2. The owner, lessee or occupant of any premises which are used as described in the preceding section shall make the changes necessary to conform thereto. If such changes are made upon the order of the commissioner of labor by the occupant or lessee of the premises, he may, within thirty days after the completion thereof, bring an action against any other person who has an interest in such premises, and may recover such proportion of the expense of making such changes as the court may adjudge should be equitably borne by such other interested party defendant.

Commissioner's orders. SEC. 3. If it appears to the commissioner of labor that any act, neglect or fault in relation to any drain, water-closet, earth closet, privy, ash pit, water supply, nuisance or other matter in a factory or workshop included under the provisions of section one is punishable or remediable under any law relative to the preservation of the public health, but not under the provisions of this chapter, he shall give notice in writing thereof to the board of health of the city or county in which such factory or workshop is situated, or to the State health commissioner, and such board of health or State health commissioner shall thereupon inquire into the subject of the notice and enforce the laws relative thereto.

Prosecutions. SEC. 4. A criminal prosecution shall not be instituted against a person for a violation of the provisions of sections one and two until four weeks after notice in writing by the commissioner of labor of the changes necessary to be made to comply with the pro-

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visions of said sections has been sent by mail or delivered to such person, nor if such changes shall have been made in accordance with such notice. A notice shall be sufficient under the provisions of this section if given to one member of a firm, or to the clerk, cashier, secretary, agent or any other officer who has charge of the business of a corporation, or to its attorney; and in case of a foreign corporation, to the officer who has charge of such factory or workshop; and such officer shall be personally liable for the amount of any fine if a judgment against the corporation is returned unsatisfied.

Violations.

SEC. 5. Any person, firm or corporation who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, be subject to a fine of not less than five nor more than twenty-five dollars, and each day of such violation may constitute a separate offense.

CHAPTER 155.—*Employment offices.*

Fees to be returned, when.

SECTION 1. Every person, firm or corporation who shall agree or promise, or who shall advertise through the public press, or by letter, to furnish employment or situations to any person or persons, and in pursuance of such advertisement, agreement or promise, shall receive any money, personal property or other valuable thing whatsoever, and who shall fail to procure for such person or persons acceptable situations or employment as agreed upon, within the time stated, or agreed upon, or if no time be specified, then within a reasonable time shall, upon demand, return all such money, personal property or valuable consideration of whatever character, except an amount, not to exceed one dollar, to be charged as a filing fee.

Applicants to have copy of contracts.

SEC. 2. It shall be unlawful for any person, firm or corporation to receive any application for employment from, or enter into any agreement with, any person to furnish or procure for said person any employment, unless there is delivered to any such person making such application or contract at the time of the making thereof, a true and full copy of such application or agreement, which application or agreement shall specify the fee or consideration to be paid by the person seeking employment.

Dividing fees.

SEC. 3. It shall be unlawful for any person, firm or corporation, or any person employed or authorized by such person, firm or corporation to hire or discharge employees, to receive any part of any fee or any percentage of wages or any compensation of any kind whatever, that is agreed upon to be paid by any employee or said person, firm or corporation to any employment bureau or agency for services rendered to any such employee in procuring for him employment with said person, firm or corporation.

Inspection of records.

SEC. 4. The commissioner of the bureau of labor and industrial statistics, or his deputy, shall have authority to examine at any time the records, books and any papers relating in any way to the conduct of any employment agency or bureau within the State, and must investigate any complaint made against any such employment agency or bureau, and if any violations of law are found he shall at once file, or cause to be filed, an information against any person, firm or corporation guilty of such violation of law.

Violations.

SEC. 5. Any person, firm or corporation violating any of the provisions of this act, or who shall refuse access to records, books or other papers relative to the conduct of such agency or bureau, to any person having authority to examine same, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both such fine and imprisonment.

CHAPTER 278.—*Railroads—safety appliances—Construction, etc., of caboose cars.*

Construction and equipment.

SECTION 1. It shall be unlawful for any person, firm, or corporation operating any railroad in the State of Virginia to require or

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permit the use of any caboose cars on freight trains unless said caboose cars shall be provided with a door and a platform at each end thereof, and with suitable cupolas, guard rails, grab irons and steps for the safety and convenience of persons in alighting or getting on said caboose cars: *Provided,* That when a passenger coach is used as a caboose the provision above as to cupolas shall not apply.

Violations. SEC. 2. Any person, firm or corporation operating a railroad in this State violating the provisions of this act shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars for each offense, and the use of any caboose car prohibited in section one of this act shall constitute a separate offense for every day or part of a day so used. Prosecutions under this act may be made by the attorney for the Commonwealth in any court of competent jurisdiction in any county or corporation in or through which the line of such offending railroad may extend: *Provided,* That nothing in this act shall apply to trains used exclusively for logging or lumber purposes.

ACTS OF 1912.

CHAPTER 178.—*Mine regulations—Department of mines.*

Department created. SECTION 1. There is hereby created a department known as the department of mines, which department shall be under and subject to the control of the bureau of labor and industrial statistics, and which shall have for its purpose the supervision of the execution and enforcement of all laws enacted for the safety of persons employed within or at mines within the limits of the Commonwealth, and the protection of mine property and other property used in connection therewith; and the said department shall be in charge of an official to be known as the State mine inspector, hereinafter designated as inspector, who shall be appointed by, be under the control of, and shall report to the commissioner of labor and industrial statistics.

Inspector.

Qualifications. SEC. 2. The inspector of mines shall have a thorough knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of mine gases, especially explosive gases, and dust; and shall have a thorough and practical knowledge of mining gained by at least five years' experience at and in coal mines; and shall be of good moral character and temperate habits. The said inspector shall be removed from office by the commissioner of labor for incompetency, neglect of duty, drunkenness, malfeasance and for other good causes. He shall keep a record of all inspections made by him and report same to the commissioner of labor and industrial statistics, who shall keep a permanent record thereof properly indexed, which record shall at all times be open to inspection by any citizen of the Commonwealth and shall be collated and embodied in the annual report of the bureau.

Records.

Certificates. SEC. 3. The inspector shall deliver to the operator or operators of each mine inspected a certificate of inspection and shall post a duplicate certificate at a prominent place at or in the vicinity of each mine inspected, of the operating company, where it may be conveniently read by any of the mine employees; said duplicate certificate shall remain posted until a subsequent certificate is issued; and said inspector shall visit each mine once in six months, or oftener if called on in writing by ten men engaged in any one mine, or the owner, operator or superintendent of such mine, and make a personal examination of the interior of all mines, and outside of the mine where any danger may exist to the workmen, and shall particularly examine into the condition of the mines as to ventilation, drainage and general safety, and shall make a report of such examination, and he shall see that the provisions of the mining statute are strictly carried out; the inspector failing to carry out the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be

Inspections.

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fined not less than fifty dollars nor more than two hundred and fifty dollars and shall be dismissed from office.

Maps of mines.

SEC. 4. The operator or agent of every coal mine shall, within six months from the passage of this act, make or cause to be made, unless already made and filed, an accurate map or plan of such mine, on a scale to be stated thereon, of one hundred or two hundred feet to the inch; such map or plan shall show the opening or excavations, the shafts, slopes, entries and airways, with darts or arrows showing direction of air currents, headings, rooms, pillars, and so forth, and such portions of such mine or mines as may have been abandoned, the general inclination of the coal strata, and so much of the property lines and the outcrop of the coal seam of the tract of land on which said mine is located, as may be within one thousand feet of any part of the workings of such mine; a true copy of such map or plan shall, within the six months aforesaid, be delivered by such operator to the inspector to be preserved among the records of the bureau of labor and industrial statistics, but it is provided that in no case shall any copy of the same be made without the consent of the operator or his agent; and the original map, or a true copy thereof, shall be kept by such operator at the office of the mine, and open at all reasonable times for the examination and use of the inspector; and such operator shall, twice within every twelve months, to wit: on or before the first day of February and the first day of August of each year, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, the property lines and outcrop as before described, and shall forward the same to the department of mines therein, to be kept of record, subject to the conditions hereinbefore stated.

Failure to furnish map.

SEC. 5. If the operator or agent of any coal mine shall neglect or fail to furnish to the inspector any copy of map or extension thereof as provided in the preceding section of this act, the inspector is hereby authorized to cause a correct survey and map or plan of said coal mine or extension thereof to be made at the expense of the operator of such mine, the cost of which shall be recovered from said operator as other debts are recovered by law; and if at any time the commissioner of labor has reason to believe that such map or plan or extension thereof, furnished in pursuance of the preceding section, be materially incorrect, or such as will not serve the purpose for which it was intended, he may have survey and map or plan or the extension thereof made or corrected, and the expense of making such survey and map or plan or extension thereof, under the direction of said commissioner, shall be paid by the operator, and the same may be collected as other debts are recoverable by law; and if found correct the expense thereof to be paid by the State.

Instructions to workmen.

SEC. 6. After six months from and after the passage of this act, it shall be the duty of the mine foreman or assistant mine foreman of every coal mine in the State to see that every person employed to work in such mine shall, before beginning work therein, be instructed as to any unusual or extraordinary danger incident to his work in such mine which may be known to or could reasonably be foreseen by the mine foreman or assistant mine foreman and it shall further be the duty of such mine foreman or assistant mine foreman to see that every such person employed in such mine shall upon request be furnished with copies of this act and the printed rules of such mine.

Inexperienced workmen.

Every inexperienced person so employed shall work under the direction of the mine foreman, his assistant or such other experienced worker as may be designated by the mine foreman or assistant until he has had reasonable opportunity to become familiar with the ordinary danger incident to his work, and it shall be unlawful for the operator, agent or mine foreman of any coal mine to employ any person to work in said mine or permit any person to be in said mine with purpose of working therein, unless they are in communication with at least two openings or outlets separated by natural strata of not less than one hundred feet in

Two outlets required.

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breadth, if the mine be worked by shaft, and of not less than fifty feet in breadth at the outlet, if worked by slope or drift; to each of said outlets there shall be provided from the interior of the mine a safe and available roadway properly drained, which shall at all times while the mine is in operation, be kept reasonably free from obstruction which might prevent travel thereon in case of emergency, and if either of said outlets be by the shaft it shall be fitted with safe and available appliances, such as stairs or hoisting machinery, which shall at all times, when the mine is in operation be kept in order and ready for immediate use whereby persons employed in the mine may readily escape in case of an accident.

Exemption. This section shall not be applied to any mine while work is being prosecuted with reasonable diligence in making communication between said outlets, necessary repairs and removing obstructions, so long as not more than twenty persons are employed at any time in said mine; neither shall it apply to any mine, or part of a mine, in which a second outlet has been rendered unavailable by reason of the final robbing of pillars, preparatory to abandonment, so long as not more than twenty persons are employed therein at any one time.

For violation of this section the operator, agent or mine foreman shall upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court or jury.

Speaking tubes, etc. SEC. 7. The operator or agent of every coal mine worked by shaft shall forthwith provide, and hereafter maintain, a metal tube from the top to the bottom of such shaft suitably adapted to the free passage of sound, through which conversation may be held between persons at the top and at the bottom of the shaft, also the ordinary means of signaling, and an approved safety catch

Safety appliances. and a sufficient cover overhead on every carriage used for lowering or hoisting persons, and at the top of the shaft an approved safety gate, and an adequate brake on the drum of every machine used to lower or hoist persons in such shaft; and the said operator or agent shall have the machinery used for lowering or hoisting persons into and out of the mine kept in safe condition and inspected once in each twenty-four hours by some competent person; and there shall be cut out and around the side of the hoisting shaft or driven through the solid strata at the bottom thereof a traveling way of not less than five feet high and three feet wide to enable a person to pass the shaft, going from one side of it to the other without passing over or under the cage or other hoisting apparatus.

Any operator or agent who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor, and upon conviction be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court or jury.

Hoisting engineers. SEC. 8. No operator or agent of any coal mine, worked by shaft or slope, shall place in charge of any engine, used for lowering into or hoisting out of said mine persons employed therein, any but competent and sober engineers; and no engineer in charge of such machinery shall allow any person, except such as may be deputed for that purpose by the operator or agent, to interfere with any part of the machinery; and no person shall interfere with or intimidate the engineer in the discharge of his duties; and in no case shall more than ten persons ride on any cage or car at one time and no person shall ride on a loaded cage or car in any shaft or slope.

Roads. All slopes, engine planes or motor roads used by persons in any mine shall be of sufficient width to permit persons to pass moving cars with safety, or refuge holes of ample dimensions and not more than eighty feet apart shall be made on either side of said slope, engine plane or motor roads; such refuge holes shall be

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kept free from obstruction, and the roof and sides thereof shall be made reasonably secure and be kept whitewashed at all times; no person shall travel on foot to or from his work upon any slope, engine plane or motor road when other good roads are provided for that purpose.

For violation of the foregoing provisions of the section, the operator, agent or miner shall, upon conviction, be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court, or jury.

Ventilation.

SEC. 9. The operator, agent or mine foreman of every coal mine, whether worked by shaft, slope, or drift, shall provide and hereafter maintain for every such mine ample means of ventilation affording no less than one hundred cubic feet of air per minute for each and every person employed in such mine, and as much more as the inspector may require, which shall be circulated around the main headings and cross headings and working places to such an extent as may be reasonably necessary to dilute, render harmless and carry off the noxious and dangerous gases generated therein. And as the working places shall advance break throughs for air shall be made not to exceed eighty feet apart in pillars, or brattice shall be used so as to properly ventilate the faces and all the break-throughs between intake and return airways not required for the passage of air, shall be closed with stoppings substantially built with suitable material, which shall be approved by the inspector, so as to keep the working places well ventilated.

After six months from the passage of this act, not more than sixty persons shall be permitted to work in the same air current, in any mine in which dangerous gas has been detected in dangerous quantities: *Provided, however*, That a larger number, not exceeding eighty persons, may be allowed by the inspector where in his judgment, it would be impracticable to comply with the foregoing requirements.

No operator, agent or mine foreman shall permit any person to work where they are unable to maintain at least one hundred cubic feet of air per minute per man, but this shall not be construed to prohibit the operator from employing men to make the place of employment safe and to comply with this requirement: *Provided, further*, That while the repair work necessary to get the mine in condition to comply with the law, no person or persons shall be permitted to enter that part of the mine affected except those actually employed in doing the necessary repair work.

Coal dust.

In all mines accumulation of fine dry coal dust shall, as far as practicable, be prevented, and such dust shall be properly moistened, or otherwise treated to insure safety, in such manner and form as the inspector may require.

For violation of the foregoing provisions of this section the operator, agent or mine foreman shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court or jury.

Quantity of powder.

No miner or other employee shall take into any mine in this State any larger quantity of powder or other explosive than he may reasonably expect to use in any one shift, and all powder shall be carried into the mine in vessels containing not to exceed five pounds. Any person violating this provision shall, upon conviction, be fined five dollars for each offense, or imprisoned in the county jail not exceeding ten days.

Gaseous mines.

SEC. 10. In all mines generating fire damp and where there is every reason to believe that gas will be encountered in the future workings and developments of the mine, the minimum ventilation shall be one hundred and fifty cubic feet per minute for each and every person employed therein, and as much more as the inspector may deem requisite, and all stoppings on the main entries shall be substantially filled with suitable material, so as to

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keep the working places well ventilated; doors in the main haulways shall be avoided in gaseous mines where reasonably practicable, and overcasts built of masonry or other incombustible material and of ample strength shall be adopted, and where doors are used they must be built in a substantial manner and hung so as to close automatically when unobstructed.

For violation of the foregoing provisions of this section the operator, agent or mine foreman shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days in the discretion of the court, or jury.

Unused workings.

All old, unused workings and abandoned parts of the mine must be protected by such safeguards as would prevent the dangerous overflow of any standing gas therein, and all avenues leading thereto shall be arranged and conducted so as to give cautionary notice to all such workmen in such mines of the danger in entering therein; and in order to secure the safety of the workmen in general against the danger in said abandoned or worked out parts of the mine, proper notices shall be put up and kept standing as far as practicable, which shall afford warning to all such workmen not to enter such parts of said mine; and in addition thereto, all persons except those specially charged with that duty, are hereby forbidden to enter such parts of said mine where gas may be found.

Resuming work after blasting.

It shall be unlawful for any miner, after having exploded in any working place sixty cubical inches or more of powder, in one or more blasts, in any mine known to generate gas in large quantities, to enter such working place and attempt to resume work in any manner whatever with a naked light in less than twenty minutes after the blast has been exploded.

And for violation of the provisions of this act, such person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars and be confined in the county jail not less than ten days nor more than one year. In all mines where explosive gas or other gas of a dangerous or poisonous nature is known to generate in dangerous quantities, the workmen shall be immediately instructed to withdraw from the mine in case of the stoppage of the fan, or heavy fall of the roof which may obstruct the main intake or return airway until such obstruction is removed.

Workmen to be withdrawn, when.

Method of ventilation.

SEC. 11. And it shall be unlawful in all mines where gas is being generated in dangerous quantities, to use any other mechanical power for ventilation purposes except fan power, and the fan shall be kept in operation night and day unless written permission be granted by the commissioner of labor or the inspector, but no mine operator shall be required to keep such fan going where it is necessary to shut down for the purpose of repairing machinery or doing other work in the mines, which may make it necessary.

Fire bosses.

It shall be the duty of every mine owner or operator in this State, whose mine or mines are known to generate fire damp or other dangerous gas or gases in dangerous quantities, to employ a "fire boss" or "bosses" where necessary, who shall have such knowledge of fire damp and other dangerous gases as to be able to detect the same with the use of safety lamps, and shall have a practicable knowledge of the subject of the ventilation of mines and the machinery and appliances used for that purpose and be a person with at least three years experience in mines generating gases; it shall be the duty of said fire boss or bosses, where employed in said gaseous mines, to prepare a danger signal with suitable color at the mine entrance and no person except the mine owner, operator or agent, and only then in case of necessity, shall pass beyond this danger signal until the mine has been examined by the fire boss, and the same or certain parts thereof reported by him to be safe; it shall further be the duty of said fire boss or bosses to go into all the working places of such mine or mines

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where gas is known to exist in dangerous quantities, and carefully examine the same with a safety lamp and do, or cause to be done, whatever may be necessary to remove from such working place or places all dangerous gases and make the same safe for persons to enter therein as workmen in such mine or mines, such examination and removal of said gases shall begin within three hours before the time each shift commences work, and it shall be the duty of such fire boss at each examination to leave evidences of his presence at the face of every working place examined, and if the mine is safe he shall remove the danger signal, or change the color thereof to safety, in order that the employees may enter said mine and begin work; in the performance of the duties on the part of the fire boss or bosses they shall have no superior officer, but all the employees working inside of said mine or mines shall be subordinate to said fire boss or gosses [bosses] in this particular work; the fire boss shall, upon having completed the examination of the mine before each shift, make a written record of the condition of the mine within a book having a form prescribed by the department of mines, which record shall at all times be kept at the mine subject to the inspection of the inspector; it shall be unlawful for any person to enter said mine or mines for any purpose at the beginning of work upon each shift therein until such signal or warning has been given by said fire boss or bosses on the outside of said mine or mines as to the safety thereof, as herein provided, except under the direction of said fire boss or bosses, and then for the purpose of assisting in making said mine safe, and each person who shall enter such mine except as aforesaid, before such notice or signal has been given, or any operator, agent, or fire boss who shall violate the provisions of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail not less than sixty days nor more than one year.

Records.

Workmen not to enter.

SEC. 12. Mines in which explosive gas is known to be generated in dangerous quantities from coal or adjacent strata shall be worked exclusively by the use of locked safety lamps, and no other lamp or torch shall be used except as may be permitted in writing by the inspector; the safety lamps used for examining any mine or which may be used for working therein, shall be furnished by, and be the property of the operator of the mine, and shall be in charge of some person to be designated by the "fire boss," and at least two safety lamps shall be kept at every coal mine whether such mine generates fire damp or not.

Safety lamps.

Any operator, agent or other person who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days, nor more than one year, in the discretion of the court or jury.

SEC. 13. In order to better secure the proper ventilation of every coal mine and promote the health and safety of persons employed therein, the operator or agent shall employ a competent and practical inside overseer, to be called mine foreman, who shall be an experienced coal miner, or any person having five years' experience in a coal mine, who shall keep a careful watch over the ventilating apparatus and airways, traveling ways, pumps and drainage; and shall see that as the miners advance their excavations, proper break throughs are made, to properly ventilate the mine, and shall use reasonable care to remove or secure all loose coal, slate and rock overhead in working places and along the haulways, so as to prevent danger to persons employed in such mines; and that sufficient props, caps and timbers, as nearly as possible of suitable dimensions, are furnished for the places where they are to be used, and such props, caps and timbers shall be delivered and placed at such points as the rule for the government of each respective mine provides for them to be delivered; and every workman in want of props, cap pieces and timbers shall notify the mine

Mine foremen.

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foreman, or such other person who may be designated for that purpose, at least one day in advance, giving the length and number of props, or timbers and cap pieces he requires; but in case of an emergency the timbers may be ordered immediately upon the discovery of any danger, and it shall be the duty of each miner to properly prop and secure his place in order to make the same secure for him to work therein, and no miner shall work in any working places unless he has props and timbers sufficient to make his place secure. It shall be the duty of the mine foreman to see that the crosscuts are made as required by law, and that the ventilation shall be conducted through such crosscuts into the room by means of check doors or curtains placed on entries or other suitable places, and he shall not permit any room to be opened in advence [advance] of the ventilation. Should the mine inspector discover any room, entry or airway or other working place being driven in advance of the ventilation contrary to the requirements of this act he shall order the workmen working such places to cease work at once until the law is complied with. And said mine inspector shall have authority to permit violations of this provision when he considers it safe and desirable so to do.

Air currents to be measured.

And the mine foreman shall measure the air currents at least twice each month at the inlet and outlet, and at or near the faces of the advanced headings, and shall keep a record of such measurements in a book, having a form prescribed by the chief of the department of mines. An anemometer shall be provided for this purpose by the operator of the mine.

Assistant foremen.

And in mines in which the operations are so extensive that all the duties devolving upon the mine foreman can not be discharged by one man, competent persons having three years' experience in a coal mine may be designated and appointed as assistants, who shall act under the mine foreman's instructions, and shall be responsible for their conduct in the discharge of their duties under such designation or employment.

Bore holes.

It shall further be the duty of the mine foreman to have bore holes kept not less than twelve feet in advance of the face, and where necessary, on sides of the working places that are being driven toward, and in dangerous proximity to an abandoned mine or part of mine suspected of containing inflammable gases or

Haulage.

which is filled with water; on all haulways where hauling is done by machinery of any kind, the mine foreman shall provide a proper

Lights.

system of signals and for the carrying of a conspicuous light on the front, and a light or flag on the rear, of every trip or train of cars when in motion: *Provided*, That this shall not apply to trips being hauled by gathering motors or mule teams when operating on other main headings, and when hoisting or lowering men occur before daylight in the morning or at evenings after darkness; at any mine operating by shaft the said mine foreman shall provide and maintain at the shaft mouth a light of a stationary character sufficient to show the landing and all surrounding objects distinctly, and sufficient light of a stationary character shall be located at the bottom of the shaft so that persons coming to the bottom may clearly discern the cages and other objects closely contiguous thereto; no cage on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute;

Hoisting.

no mine cars, either empty or loaded, shall be hoisted while men are being lowered or hoistered [hoisted], and no cage having an unstable self-dumping platform shall be used for the carrying of workmen unless the same is provided with some device by which the same may be securely locked when men are being hoisted or lowered into the mine.

Provisions for first aid.

At every mine where ten men are employed under ground it shall be the duty of the operators thereof to keep always on hand at the mine a properly constructed stretcher, a woolen and a waterproof blanket, and all necessary requisites which may be advised by a medical practitioner employed by the company, and if as many as one hundred and fifty men be employed two stretchers with the necessary equipment as above advised; the

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mine foreman, or his assistant, shall visit and examine every working place in the mine every alternate day while the miners of such places are at work, and shall direct that each and every working place shall be secured by props, or timbers whenever necessary, which shall be placed and used by the miners working therein as in this act, provided, to the end that such working places shall be made safe, and the same mine foreman shall not permit nor shall any one work in a place known to be unsafe, unless it be for the purpose of making it safe. The mine foreman shall notify the operator or agent of the mine of his inability to comply with any of the requirements of this section, and it shall then become the duty of any operator or agent to at once attend to the matter complained of by the mine foreman, so as to enable him to comply with the provisions hereof if the same can be practically done. Any operator or agent of any coal mine, or other person who shall neglect to comply with the requirements of this section, shall, upon conviction, be guilty of a misdemeanor, and shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, at the discretion of the court. Any mine foreman or employee failing to comply with this section shall, upon conviction, be fined not less than five dollars, nor more than fifty dollars, or imprisoned in the county jail not less than ten days nor more than ninety days, in the discretion of the court. Inspections by foremen.

SEC. 14. The operator or agent of every coal mine shall furnish the inspector proper facilities for entering such mine and making examinations or obtaining information; and if any inspector shall discover that any mine does not, in appliances for the safety of the persons employed therein, conform to the provisions of this act, or that by reasons of any defect or practice in or at such mine the lives or health of persons employed therein are endangered, he shall immediately, in writing, notify such operator or agent thereof, stating in such notice the particulars in which he considers such mine to be defective or dangerous, and if he deems it necessary for the protection of the lives or health of the persons employed in such mine, he shall, after giving notice of one day to said operator or agent in writing, notify immediately the State mine inspector, who shall immediately examine the mine reported to be unsafe, and if upon such examination of the mine reported to be unsafe, is in fact found to be in an unsafe condition, the department of mines shall forthwith order the mine, or such part thereof, to be closed until it is placed in a safe and proper condition for mining operations; the owner or operator of any mine so closed may apply to the circuit court wherein such mine is located, or the judge thereof in vacation, by petition, for an order directing such mine to be reopened, and such court, or the judge thereof in vacation, shall immediately hear and determine the matters arising upon petition, and if upon full hearing thereof the court, or the judge thereof in vacation, shall find that said mine is in a reasonably safe condition, the prayer of said petition shall be granted; but notice of said hearing shall be given to the mine inspector or the commissioner of labor, three days at least before said hearing; and in all such hearings, the attorney general shall appear for the State and defend the same. Operators to furnish, what. Closing mine. Appeal.

SEC. 15. No boy under fourteen years of age, nor female persons of any age, shall be permitted to work in any coal mine, and in all cases of doubt the parents or guardians of such boys shall furnish affidavits of their ages. Women and children.

Any operator, agent or mine foreman who shall knowingly violate the provisions of this section, or any person knowingly making a false statement as to the age of any boy under fourteen years of age applying for work in any coal mine, shall, upon conviction, be fined not less than ten nor more than five hundred dollars, or to be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

SEC. 16. No miner, workman or other person shall knowingly injure any shaft, lamp, instrument, air course, brattice, overcast, Injuries by workmen.

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door or curtain, or obstruct or throw open any airways, or carry matches or open lights in the places worked by safety lamps, or disturb any part of the machinery or appliances, open a door used for directing ventilation and not close it again, or enter any part of a mine against caution, or deposit human excretion in any air course, through which the ventilating air current passes, or disobey any order given in carrying out any of the provisions of this act, or do any other act whereby the life or health of any person employed in the mines or the security of the mines is endangered; any person who shall violate the provisions of this section shall, upon conviction, be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court; when any operator of a mine shall refuse to furnish all supplies necessary for the mine foreman to comply with the requirements of this act, within a reasonable time, after being requested to do so, and by reason of such refusal, loss of life or injury may result to any employee, a right of action for damages may ensue against the operator of the mine wherein such employee has not contributed to his own injury or loss.

Accidents.

SEC. 17. Whenever by reason of any explosion or other accident in any coal mine, or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the superintendent of the colliery, and in his absence, the mine foreman in charge of the mine, to give notice forthwith by mail or otherwise, to the inspector, stating the particulars of such accidents; and the said inspector shall, if he deems it necessary from the facts reported, immediately go to the scene of such accident and make suggestions and render such assistance as he may deem necessary for the future safety of the men, and investigate the cause of such explosion or accident, and make a record thereof which he shall preserve with the other records of his office; and to enable him to make such investigation, he shall have the power to compel the attendance of witnesses, and to administer oaths or affirmations, and the cost of such investigation shall be paid by the county in which such accident occurred. Any operator, agent, superintendent or mine foreman who shall fail to perform the duty provided in this section shall, upon conviction, be guilty of a misdemeanor, and shall be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Reports.

SEC. 18. The operator or agent of every coal mine shall annually, during the month of July, mail or deliver to the inspector a report for the preceding twelve months, ending with the thirtieth day of June; such report shall state the names of the operators and officers of the mine, the quantity of coal mined and such other information, not of a private nature as may from time to time be required by the inspector; blank forms of such reports shall be furnished by the commissioner of labor. At any time any person, company or corporation operating a coal mine shall transfer the ownership of any mine to another person, company or corporation, the person, company or corporation transferring such ownership shall within thirty days make a report to the State inspector of mines of such change, and a statement of the tons of coal produced since the first of July last, previous to the date of such sale or transfer of such mine or mines; any operator or agent failing to furnish the reports as required in this section shall be guilty of a misdemeanor and, upon conviction shall be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Permitting unlawful working.

SEC. 19. Any operator, agent, superintendent or mine foreman having in charge any mine who shall knowingly permit any person to work in any part of said mine in a [sic] violation of instructions in writing, issued by the inspector, made in compliance with the requirements of this act, shall upon conviction be fined not less

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than fifty nor more than five hundred dollars, and any employee who shall work in violation of such instructions shall, upon conviction, be fined not less than ten nor more than fifty dollars.

Solid shooting.

SEC. 20. In any mine in which solid shooting is done the inspector is authorized to prescribe the conditions under which such solid shooting may be done.

Steam locomotives.

SEC. 21. No steam locomotive shall be used in mines where men are actually employed in the extraction of coal, except by the consent of the inspector, but this shall not be construed to prohibit any mine owner from operating a steam locomotive through any tunnel, haulway or part of a mine that is not in actual operation and furnishing coal; any operator or agent who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Rules.

SEC. 22. There shall be adopted by the operator of every mine in this State special rules for the government and operation of every mine or mines, covering all the work pertaining thereto in and outside of the same, which however, shall not be in conflict with the provisions of the mining laws of this State, such rules when established shall be printed on cardboard, in the languages spoken by ten or more employees, and shall be posted up in the drum house, tipple or some other conspicuous place about the mines where the same may be seen and observed by all of the employees at such mines, and when said rules are so posted the same shall operate as a notice to all employees at such mine of the acceptance of the contents thereof; and it shall be the duty of each mine operator to furnish a printed copy of said rules to each of his employees when requested by either or any of them; any operator or agent who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction, shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days in the discretion of the court.

Jurisdiction.

SEC. 23. In all prosecutions under this act the circuit court and justices of the peace have concurrent jurisdiction, with right of appeal to the circuit court.

Scope of law.

SEC. 24. The provisions of this act shall apply only to coal mines in which five or more persons are employed in a period of twenty-four hours, but no mine employing less than ten shall be required to employ a mine foreman.

Illuminating oil.

SEC. 25. Only animal, vegetable or parafine [paraffin] oil, or other oil free from evolution of smoke as a standard cottonseed oil, when burned in a miner's lamp, shall be used in any open lamp or torch for illuminating purposes in any coal mine in this State, and that kerosene or blackstrap oil, or a mixture of kerosene and blackstrap, shall not be used in miners' torches for illuminating purposes in any coal mine in this State. Except that a mixture of mineral oil (other than blackstrap oil) and vegetable oil can be used (in lamps) upon machinery used as a motive power to haul the coal in any mine in this State, and except further, that a mixture of mineral and vegetable oil can be used for all stationary lights.

Cottonseed oil.

SEC. 26. A standard cottonseed oil shall have the following test:

(a) It shall be free from mineral oils or mineral oil compounds.

(b) It shall be tested in a glass tube one and one-half inches in diameter by eight inches deep, and the oil shall be at a temperature of sixty degrees Fahrenheit when the test is made and shall not exceed twenty-four degrees Tagliabue hydrometer.

(c) If the oil to be tested is below forty-five degrees Fahrenheit temperature, it must be slowly heated until it reaches eighty-five degrees temperature. Should the oil be above forty-five degrees temperature and below sixty-five degrees, it must be heated

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to seventy degrees, when, in either case, it must be well shaken and allowed to cool gradually to a temperature of sixty degrees, when the test must be made.

(d) In testing the gravity of oil the hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading.

(e) Where the oil is tested in difficult circumstances an allowance of one-half of one degree may be made for error of parallax.

(f) All oil sold to be used for illuminating purposes in the mines of this State shall be contained in barrels, casks or packages, branded conspicuously with the name and address of the manufacturer of said oil, the specific gravity of the same and the date of shipment.

Sale of oil.

SEC. 27. (a) Any person, firm or corporation, either by themselves or an agent or employee, which shall sell or offer for sale for illuminating in any mine in this State any oil or any mixture or compound of oils which does not comply with the tests as prescribed in section one [twenty-six] of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Use of oil.

(b) Any miner, or employee in any mine, or employee of any mine operator or mine owner, who shall knowingly use or permit to be used for illuminating purposes in any mine in this State any oil other than that prescribed in section one [twenty-six] of this act shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars for each and every offense, and in default of payment of such fine within twenty days from the day of conviction shall be given a sentence in the county jail for a period of not less than ten nor more than sixty days.

Testing.

(c) It shall be the duty of the district mine inspectors, whenever they have reason to believe that oil is being used or sold, or offered for sale, in violation of the provisions of this act, to take samples of the same and have them tested under the direction of the chief mine inspector, and if they are found to be inferior to the quality prescribed by this act, the inspector shall make complaint to the prosecuting attorney of the county in which the offense is committed who shall forthwith commence proceedings against the offender in any court of competent jurisdiction.

Any miner, mine employee, firm, corporation or their agents, who shall refuse to permit the mine inspector to examine his or their oil used for or sold for illuminating purposes in the coal mines of this State shall be guilty of a violation of this act, and may be taken before any justice of the peace and fined five dollars or imprisoned in the county jail for ten days for each offense.

(d) In all cases of prosecution where the accused stands convicted of a violation of this act the cost of such prosecution shall be borne by the person, firm or corporation so convicted, and in case of failure to convict the accused the State shall pay the costs in the same manner as in other prosecutions for misdemeanors.

Provisions apply, when.

SEC. 28. *Provided, nevertheless,* That the foregoing provisions concerning oils and the use thereof shall not apply to any mine or any part thereof unless the mine inspector, in his judgment, believes it necessary, and shall notify in writing the person or company operating the same that the said provisions shall apply to his mine or any part thereof, as the case may be, or unless the owner or operator of any such mine shall notify the said inspector in writing that it is the wish of the owner or operator that said provisions shall apply to said mine or part thereof, as the case may be, and in such case said provisions concerning oils and the use thereof shall apply to and take effect in thirty days after such notice is given by said inspector or by said mine owner or operator to said inspector.

Construction of statute.

SEC. 29. *And provided,* That nothing in this act shall be so construed as to relieve the mine owner or operator from seeing that all of the provisions of this act are strictly complied with, nor

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from the duty imposed at common law to secure the reasonable safety of their employees, and, in the performance of those duties, that are nonassignable at common law, as well as those duties required by this act, the mine foreman, boss or fire boss, and their assistants shall be considered as acting for the mine owner or operator as a vice principal.

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WASHINGTON.

CONSTITUTION.

ARTICLE II.—*Labor legislation.*

SECTION 35. The legislature shall pass necessary laws for the protection of persons working in mines, factories, and other employments dangerous to life or deleterious to health, and fix pains and penalties for the enforcement of the same. Protective laws to be passed.

REMINGTON & BALLINGER'S CODES AND STATUTES—1910.

Suits for wages—No property exempt.

SECTION 533. The homestead is subject to execution or forced sale in satisfaction of judgments obtained: 1. On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises. 2. On debts secured by mortgages on the premises executed and acknowledged by the husband and wife or by any unmarried claimant. When homestead not exempt.

SEC. 564. No property shall be exempt from execution for clerk's, laborer's or mechanic's wages earned within this State, * * * *Provided*, That nothing herein shall be construed as repealing or in any wise affecting section 703, infra. Suits for wages.

Exemption of wages from execution, etc.

SECTION 637. This chapter does not authorize the seizure of, or other interference with, * * * the earnings of the judgment debtor for his personal services rendered within sixty days next before the institution of the special proceeding, 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. Sixty days' earnings exempt, when.

SEC. 703. Current wages or salary to the amount of one hundred dollars ($100.00) for personal services rendered by any person having a family dependent upon him for support, shall be exempt from garnishment, and where it appears upon the trial, or by answer of the garnishee, when not controverted as hereinafter provided, that the garnishee is indebted to the defendant for such current wages or salary for an amount not exceeding one hundred dollars ($100.00), the garnishee shall be discharged as to such indebtedness: *Provided*, That if the garnishment be founded upon a debt for actual necessaries furnished to the defendant or his family or his dependents, no exemption shall be allowed in excess of ten dollars ($10.00) out of each week's wages or salary, whether said wages or salary are paid, or to be paid, weekly, biweekly, monthly or at other intervals, and whether there be due the defendant wages for one week or a longer period: *Provided, however*, That said exemption shall in no event be allowed out of wages or salary for a longer period than four (4) consecutive weeks: *And provided further*, That no money due or earned as wages or salary shall be exempt from garnishment in lieu of any other property. The provisions of this section shall apply to actions in the superior court or before justice of the peace, and shall govern exemptions of wages or salary to the exclusion of all other statutes or parts of statutes. One hundred dollars exempt, when.

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Wages as preferred claims—In insolvency and administration.

Wages to be paid first.

SECTION 1204. 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 in insolvency the wages of the miners, mechanics, salesmen, servants, clerks, or laborers employed by such persons to the amount of one 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. 1205. 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 one 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.

Notice of wage claims.

SEC. 1206. In cases of executions, attachments, and writs of similar nature issued against any person, except for claims for labor done, any miners, mechanics, salesmen, servants, clerks, and 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 creditor and the officer executing either of such writs at any time before the actual sale of property levied on, and unless such claim is disputed by the debtor or a creditor, such officer must pay to such person, out of the proceeds of the sale, the amount each is entitled to receive for services rendered within sixty days next preceding the levy of the writ, not exceeding one hundred dollars. If any or all 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 from [for] the recovery thereof, and must prosecute his action with due diligence, or be forever barred from any claim of priority of payment thereof; * * *

Priority in executions, etc.

This statute is constitutional. 47 Pac. Rep. 894.

Order of payment of demands.

SEC. 1568. The debts of the estate [of a decedent] shall be paid in the following order:—

1. Funeral expenses;
2. Expenses of the last sickness;
3. Debts having preference by the laws of the United States;
4. Wages due for labor performed within ninety days immediately preceding the death of decedent;

* * * * *

Interference with employment—Conspiracy against workingmen.

Interference with employment.

SECTION 2382. 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.

Evidence.

SEC. 2383. In any proceeding for [a] violation of section 2382, it shall [not] be necessary to prove that any overt act was done in pursuance of such unlawful conspiracy or combination.

Negligence of employees on steamboats.

Negligence causing death.

SECTION 2401. Every person having charge of a steamboat used for the conveyance of passengers, or of a boiler or engine thereof,

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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 children—Certain occupations forbidden.

Mendicant, etc., occupations.

SECTION 2446. 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 known house of prostitution or assignation;

Shall be guilty of a misdemeanor.

Permits required, when.

SEC. 2447. 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 house work, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor.

Sunday labor.

Sunday labor prohibited.

SECTION 2494. Every person * * * who shall conduct or carry on, or perform or employ any labor about any trade or manufacture, except livery stables, garages and works of necessity or charity conducted in an orderly manner so as not to interfere with the repose and religious liberty of the community; * * * shall be guilty of a misdemeanor: *Provided*, That meals, without intoxicating liquors, may be served on the premises or elsewhere by caterers, and prepared tobacco, milk, fruit, confectionery, newspapers, magazines, medical and surgical appliances may be sold in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for the good order or health or comfort of a community; but keeping open a barber shop, shaving or cutting hair shall not be deemed a work of necessity or charity, and nothing in this section shall be construed to permit the sale of uncooked meats, groceries, clothing, boots or shoes.

Proviso.

Observance of other day.

SEC. 2496. It shall be a sufficient defense to a prosecution for performing work or labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time and that the act complained of was done in such manner as [will] not disturb others in the observance of the Sabbath.

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Smoking in factories, etc.

Smoking an offense, when.

SECTION 2521. 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.—Illiteracy of employees—negligence.

Employing illiterate persons.

SEC. 2526. 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. 2527. 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 engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

Endangering human life.

SEC. 2529. 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.

Exceeding limit of steam pressure.

SEC. 2532. 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.

Breaking contract, endangering life.

SEC. 2533. 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.

Payment of wages—Failure by contractor.

Application of law.

SECTION 2604. Every person having entered into a contract to supply any labor or materials for the value or price of which any lien might lawfully be filed upon the property of another, who shall receive the full price or consideration thereof, or the amount of any account stated thereon, shall be deemed within the meaning of section 2601 [defining larceny], subdivision 3, to receive the same as the agent of the party with whom such contract was

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made, his successor or assign, for the purpose of paying all claims for labor and materials supplied.

Interference with employment—Coercion.

Interference by—

SECTION 2614. Every person who, with intent to compel another to do or abstain from doing any act which such other person has a right to do, or abstain from doing, shall wrongfully and unlawfully—

* * * * *

Depriving of tools, etc.

(2.) Deprive such person of any tool, implement or clothing, or hinder him in the use thereof; or

Intimidation.

(3.) Attempt to intimidate such person by threats or force,

Shall be guilty of a misdemeanor.

Forgery of employer's certificates, etc.

False recommendations, etc.

SECTION 2623. 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 of recommendation, shall be guilty of a misdemeanor.

Employment offices—False representations.

Making false statements.

SECTION 2624. 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 labor agents, employees, etc.

Giving gratuities.

SECTION 2676. 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.

Agents of labor organizations asking gratuities.

SEC. 2677. 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.

Bribing agents of labor organizations.

SEC. 2678. 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.

Employees asking gratuities.

SEC. 2679. Every agent, employee or servant of any person or corporation 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 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, shall ask or receive, directly or indirectly, for himself or another, a commission, 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.

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Negligence of employees on steamboats.

Negligence causing death.

SECTION 2736. If the captain or any other person having charge of any steamboat used for the conveyance of passengers, or if the engineer or other person having charge of the boiler of such boat, or of any other apparatus for the generation of steam, shall, from ignorance or gross neglect, or for the purpose of excelling any other boat in speed, create, or allow 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 shall be killed, every such captain, engineer, or other person shall be deemed guilty of manslaughter.

Hiring armed guards.

Employing armed bodies forbidden.

SECTION 2775. It shall be unlawful for any person, corporation or association of persons, or agents of any person, or member, agent or officer of any corporation or association of persons, to organize, maintain or employ an armed body of men in this State for any purpose whatever; and all parties so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, and in a like sum each day they shall continue to offend after having been once fined, and in addition to such fine such offender, if a person, may be imprisoned in the county jail not exceeding one year, at the discretion of the court. The fines shall be paid into the general fund of the county in which the offense was committed. And all arms, uniforms, accoutrements and other property of a military character in possession of such person, member, agents, officer, corporation, or armed bodies of men shall be seized by the officer making the arrest under the provisions of this section, [and] be forfeited to the State of Washington.

Sunday labor—Barbers.

Barbering forbidden.

Penalty.

SECTION 2917. It shall be unlawful for any person, persons or corporation to carry on the business of barbering on Sunday. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of ten dollars or imprisonment in the county jail for five days for the first offense, and by a fine of not less than twenty-five dollars nor more than fifty dollars, or imprisonment in the county jail for not less than ten days nor more than twenty-five days for the second and each subsequent offense.

This section is constitutional. 83 Pac. 177.

Bribery of employees.

Accepting gifts, etc.

SECTION 2991. Any agent, employee or factor of any firm, person, association or corporation, or any agent, employee or officer of any corporation or municipality, who shall receive or accept any gift, bonus, gratuity, commission or thing of value from any person, firm, association or corporation with whom he shall contract for, or from whom he shall purchase any chattels, goods, wares, merchandise or material for his principal, employer, corporation or municipality, shall be deemed guilty of a misdemeanor.

Employment of children—School attendance.

School attendance required.

SECTION 4714. All parents, guardians and other persons in this State having or who may hereafter have immediate custody of any child between eight and fifteen years of age (being between the eighth and fifteenth birthdays), or of any child between fifteen and sixteen years of age (being between the fifteenth

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and sixteenth birthdays) not regularly and lawfully engaged in some useful and remunerative occupation, shall cause such child to attend the public school of the district, in which the child resides, for the full time when such school may be in session or to attend a private school for the same time, unless the superintendent of the schools of the district in which the child resides, if there be such a superintendent, and in all other cases the county superintendents of common schools, shall have excused such child from such attendance because the child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of the public schools of this State as provided by the course of study of such school, or for some other sufficient reason. Proof of absence from public schools or approved private school shall be prima facie evidence of a violation of this section.

Employment during school hours.

SEC. 4715. No child under the age of fifteen years shall be employed for any purpose by any corporation, person or association of persons in this State during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent as provided for in section 4714, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, corporation, company or person employing any such child shall keep such certificate on file so long as such child is employed by him, her or it. The form of said certificate shall be furnished by the superintendent of public instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section.

Certificates.

Violations.

SEC. 4716. Any person violating any of the provisions of either of the two preceding sections shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violation of the provisions of this act, to a justice of the peace or to a judge of the superior court.

Enforcement.

SEC. 4717. * * * The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by this act, and shall have authority to enter all stores, mills, shops, or other places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of this act. * * * The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of this act, and shall otherwise discharge the duties prescribed in this act, and shall perform such other services as the superintendent of schools or the board of directors may deem necessary. * * *

Earnings of minors.

Payments to minors valid, when.

SECTION 5295. When a contract for the personal services of a minor has been made with him alone, and those services are afterward performed, payment made therefor to such minor in accordance with the terms of the contract is a full satisfaction for those services, and the parents or guardian can not recover therefor.

Inspection and regulation of bakeries, etc.

Ventilation, etc.

SECTION 5482. All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained or plumbed in a manner conducive to the proper healthful and sanitary condition thereof, and

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constructed with air shafts and windows or ventilating pipes sufficient to insure ventilation as the commissioner of labor shall direct, and no cellar or basement, not now used as a bakery, shall hereafter be used and occupied as a bakery and a cellar or basement heretofore occupied as a bakery shall, when once closed, not be reopened for use as a bakery.

Wash rooms. SEC. 5483. Every such bakery shall be provided with a proper wash room and water-closet, or closets, apart from the bake room or rooms where the manufacturing of such products is conducted; and no water-closet, earth closet, privy or ash pit shall be within or communicate directly with a bakeshop.

Construction of rooms. SEC. 5484. Every room used for the manufacture of flour or meal food shall be at least eight feet in height, the side walls of such room shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and if required by the commissioner of labor, shall be whitewashed at least once in three months; the furniture and utensils of such room shall be so arranged as to be easily moved in order that the furniture and floor may at all times be kept in proper healthful sanitary condition.

Sleeping places. SEC. 5486. The sleeping places for persons employed in a bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored.

Inspection. SEC. 5487. After an inspection of a bakery has been made by the commissioner of labor and it is found to conform to the provisions of this chapter, said commissioner shall issue a certificate to the owner or operator of such bakery, that it is conducted in compliance with all the provisions of this chapter, but where orders are issued by said commissioner to improve the condition of a bakery, no such certificate shall be issued until such order and the provisions of this chapter have been complied with.

Alterations. SEC. 5488. The owner, agent or lessee of any property affected by the provisions of this chapter, shall, within thirty days after the service of notice upon him, of an order issued by the commissioner of labor requiring any alterations to be made in or upon such premises, 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 by registered letter, postage prepaid, mailed to the last known address of such owner, agent, or lessee shall be deemed sufficient for the purposes of this chapter.

Notice.

Contagious diseases. SEC. 5489. No employer shall require, permit or suffer any person to work in his bakeshop who is affected with tuberculosis, or with scrofulous diseases, or with any venereal disease, or with any communicable skin affection or contagious disease and no person so affected shall work or remain in a bakeshop. Every employer is hereby required to maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling or sale of such food products.

Night work of children. SEC. 5490. No employer shall require, permit or suffer any person under sixteen years of age to work in his bakeshop between the hours of 8 o'clock in the evening and 5 o'clock in the morning.

Violations. SEC. 5491. Any person who violates the provisions of this chapter or refuses to comply with the requirements of the commissioner of labor, as provided herein, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not less than twenty-five nor more than fifty dollars or imprisoned not more than ten days for the first offense; and shall be fined not less than fifty nor more than one hundred dollars and imprisoned not less than ten nor more than thirty days for each offense after the first.

Employers to furnish names of employees to tax officials.

Duty of employers. SECTION 5596. Any person, firm, corporation or company, or agent thereof, having persons in his or their employ liable to pay a poll tax * * * shall upon demand duly made by such collector, furnish a list showing the names of all persons so em-

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ployed, and the wages due and owing to each of such employees, and if the amount of said poll tax be then due it shall be paid at once to the collector by said employer. Any such employer refusing to furnish such list upon demand shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars, and may also be imprisoned in the county jail not exceeding one month. And any payment made by said employer as herein provided shall be a complete defense in any suit or action brought by the employee for such sum or sums.

Employment of females in saloons.

Employment of females forbidden.

SECTION 6285. No female person shall be employed in any capacity in any saloon, beer hall, barroom, theater, or place of amusement, where intoxicating liquors are sold as a beverage, and any person or corporation convicted of so employing, or of participating in so employing, any such female person shall be fined not less than five hundred dollars; and any person so convicted may be imprisoned in the county jail for a period of not less than six months.

Sale of intoxicants to employees—Actions for damages.

Who may sue.

SECTION 6289 (as amended by chapter 62, Acts of 1905). Every husband, wife, child, parent, guardian, employee, [employer?] or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action, in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication of such person, for all damages sustained, and the same may be recovered in a civil action in any court of competent jurisdiction. On the trial of such action, the plaintiff or plaintiffs must prove that such intoxicating liquors were sold under circumstances sufficient to lead a man of ordinary intelligence to believe that such sale would probably result in intoxication. * * * In case of the death of either party, the action and right of action to or against his executor or administrator shall survive.

Bureau of labor—Inspection of factories, etc.

Commissioner.

SECTION 6550. A commissioner of labor shall be appointed by the governor, and said commissioner of labor, by and with the consent of the governor, shall have power to appoint and employ such assistants as may be necessary to discharge the duties of said commissioner of labor; and said commissioner of labor, together with the inspector of coal mines, shall constitute a bureau of labor. On the first Monday in April in 1897, and every four years thereafter, the governor shall appoint a suitable person to act as commissioner of labor, and as factory, mill and railroad inspector, who shall hold office until his successor is appointed and qualified.

Salaries.

SEC. 6551. The salary of the commissioner of labor, provided for in this act shall be twenty-four hundred (2,400) dollars per annum, and he shall be allowed his actual and necessary traveling expenses; and any assistant of said commissioner of labor shall be paid for each full day service rendered by him, such compensation as the commissioner of labor may deem proper, but no such assistant shall be paid to exceed four ($4) dollars per day, and his actual and necessary traveling expenses.

Female assistant to be appointed.

SEC. 6552. The commissioner of labor shall appoint one female as assistant commissioner of labor and such female assistant shall have charge, under the direction of the commissioner of labor, of the enforcement of all laws relating to the health, sanitary conditions, surroundings, hours of labor and all other laws affecting the employment of female wage earners. She shall receive a salary of twelve hundred dollars per annum and shall be allowed

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her actual and necessary expenses in the performance of her duties as such assistant. Such salary and expenses to be paid in the same manner as other expenses of the office of commissioner of labor.

Duties.

SEC. 6553. It shall be the duty of such officer and employees of the said bureau to cause to be enforced all laws regulating the employment of children, minors, and women, all laws established for the protection of the health, lives and limbs of operators in workshops, factories, mills and mines, on railroads and other places, and all laws enacted for the protection of the working classes, and declaim it 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 prescribing the qualifications of persons in trades and handicrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of officers and employees of the bureau 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 departments of labor in the State; to the subjects of corporations, strikes or other labor difficulties; to trade-unions and other labor organizations and their effect upon labor and capital; 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 proceedings of its officers and employees which have been taken in accordance with the provisions of this act or of any other acts 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 accounts and such remarks, suggestions and recommendations as the commissioner may deem necessary.

Duties of owners of factories, etc.

SEC. 6554. It shall be the duty of every owner, operator or manager of every factory, workshop, mill, mine or other establishment 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 the commissioner of labor, and shall certify to the correctness of the same. In the reports 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 being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent or employee of said bureau violating this provision shall be fined in the sum not exceeding five hundred dollars, or be imprisoned for not more than one year.

Powers of commissioner.

SEC. 6555. The commissioner of the bureau of labor shall have the power to issue subpœnas, administer oaths and take testimony in all matters relating to the duties herein required by such bureau, such testimony to be taken in some suitable place

Witnesses.

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 superior court, such payment to be made from the contingent fund of the bureau. Any person duly subpœnaed under 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 not less than twenty-five dollars or more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

Access to premises.

SEC. 6556. The commissioner of labor, the coal mine inspector or any employee of the bureau of labor, shall have power to enter any factory, mill, mine, office, workshop or public or private works at any time for the purpose of gathering facts and statis-

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tics such as are contemplated by this chapter, 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, mine, office or workshop, or public or private works, or his agent or agents, who shall refuse to allow an inspector or employee of the said bureau to enter, 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 twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days, for each and every offense.

Returns, etc., to be preserved.

SEC. 6557. No report or return made to the said bureau in accordance with the provisions of this chapter, and no schedule, record or documents gathered or returned by the commissioner or inspector [shall be destroyed within two years of the receipt or collection], thereof, such reports, schedules and documents being declared public documents. At the expiration of the period of two years above referred to in this section, all records, schedules and papers accumulating in the 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.

Reports.

SEC. 6558. The biennial reports of the bureau of labor, provided for by section 6553, shall be printed in the same manner and under the same regulations as the reports of the executive officers of the State: *Provided*, That not less than five hundred copies of the report shall be distributed, as the judgment of the commissioner may deem best. The blanks and other stationery required by the bureau of labor 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.

Consolidation of duties.

SEC. 6559. All the powers and duties heretofore exercised by the assistant commissioner of labor and the factory, mill and railway inspector are hereby devolved on the commissioner of labor.

Payment of wages in scrip.

Scrip to be redeemable in lawful money.

SECTION 6560. It shall not be lawful for any corporation, person or firm engaged in manufacturing of any kind in this State, mining, railroading, constructing railroads, or any business or enterprise of whatsoever kind in this State, to issue, pay out or circulate for payment of wages of any labor, any order, check, memorandum, token or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its face value, without discount, in cash or on demand, at the store or other place of business of such firm, person, or corporation when [where] the same is issued, and the person who, or company which may issue any such order, check, memorandum, token or other evidence of indebtedness shall upon presentation and demand redeem the same in lawful money of the United States. And when any laborer performing work or labor as above shall cease to work whether by discharge or by voluntary withdrawal the wages due shall be forthwith paid either in cash or by order redeemable in cash at its face value on presentment at bank, store, commissary, or other place in the county where the labor was performed: *Provided*, Such order may be given payable in another county when the place of employment is more convenient of access to the employee.

Penalty.

SEC. 6561. Any officer or agent of any corporation, or any person, firm, or company engaged in the business of manufacturing of any kind in this State, mining, railroading [,] constructing railroads, or any other business or enterprise of whatsoever kind in this State, who by themselves or agent shall issue or circulate, in payment for wages of labor, any order, check, memorandum, token, or evidence of indebtedness, payable in whole or in part

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otherwise than in lawful money of the United States, without being payable as required by the last preceding section of this chapter, or who shall fail to redeem this [the] same when presented for payment or demand on said company or its agent, at his or their office or place of business, in lawful money of the United States, where the said order, check, memorandum, token, or evidence of indebtedness was issued, or who shall compel or attempt to coerce any employee of any such corporation, person, firm, or company to purchase goods, wares, merchandise or supplies from any particular person, firm, or corporation, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred dollars, or upon failure to pay such fine, to be imprisoned in the jail of the county where the misdemeanor is committed, until the said fine is exhausted by imprisonment, as provided by the laws of this State, for each and every offense.

Coercion as to trading.

Attorneys' fees.

SEC. 6562. Whenever any person or persons, company or corporation, is compelled to sue for the recovery of the face value of check, memorandum, token, or evidence of indebtedness, issued or circulated for the payment of wages for labor, by reason of the failure of any person, firm, company, or person [corporation] issuing the same, failing or refusing to pay the same on demand, as provided by section 6560 of this chapter, then in such case, if judgment should be granted the plaintiff, the court shall tax an attorney's fee of not less than ten nor more than twenty-five dollars to said judgment, and the further sum of twenty-five dollars as damages to the plaintiff, suffered by the plaintiff by reason of being compelled to sue the said claim: *Provided*, That no plaintiff shall recover more than the face value of his said claim where the payment is refused by reason of a dispute as to the ownership of the said claim, or where it appears satisfactorily to the court or jury that the defendant had a sufficient excuse for the refusal of the payment of the said claim, the burden to prove the said sufficient excuse being on the defendant; and should the court or jury find such sufficient excuse, the same is to be specified in the judgment or verdict of said court or jury.

Damages.

Proviso.

This act is not unconstitutional. 88 Pac. 212.

The sum of $25 awarded as damages becomes a part of the "amount in controversy," so that an appeal may be taken from a judgment in a justice's court, even though the wage debt is less than $20. 131 Pac. 466.

Assignments of wages.

Employer to accept.

SECTION 6563. No assignment of, or order for, wages to be earned in the future to secure a loan of less than three hundred dollars, shall be valid against an employer of the person making said assignment or order unless 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 county auditor of the county where the party making said assignment or order resides, if a resident of the State, or in which he is employed, if not a resident of the State.

Wife to join.

SEC. 6564. No 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.

Blacklisting.

Blacklisting forbidden.

SECTION 6565. Every person in this State who shall willfully and maliciously, send or deliver, or make, or cause to be made, for the purpose of being delivered or sent, or part with the possession of any paper, letter or writing, with or without name signed thereto, or signed with a fictitious name, or with any letter, mark or other designation, or publish or cause to be published any statement for the purpose of preventing any other person from obtaining employment in this State or elsewhere, and every person who shall willfully and maliciously "blacklist" or cause to

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be "blacklisted" any person or persons, by writing, printing or publishing, or causing the same to be done, the name, or mark, or designation representing the name of any person in any paper, pamphlet, circular or book, together with any statement concerning persons so named, or publish or cause to be published that any person is a member of any secret organization, for the purpose of preventing such person from securing employment, or who shall willfully and maliciously make or issue any statement or paper that will tend to influence or prejudice the mind of any employer against the person of such person seeking employment, or any person who shall do any of the things mentioned in this section for the purpose of causing the discharge of any person employed by any railroad or other company, corporation, individual or individuals, shall, on conviction thereof, be adjudged guilty of [a] misdemeanor and punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ninety days nor more than one year, or by both such fine and imprisonment.

Employment of women and children.

Sex not a bar.

SECTION 6569. * * * every avenue of employment shall be open to women; and any business, vocation, profession, and calling followed and pursued by men may be followed and pursued by women, and no person shall be disqualified from engaging in or pursuing any business, vocation, profession, calling, or employment on account of sex: *Provided*, That this section shall not be construed so as to permit women to hold public office.

Proviso.

Messenger service.

SEC. 6570. No person under the age of nineteen years shall be employed as a public messenger by any person, telegraph company, telephone company, or messenger company in any city of the first class in this State, nor shall any child of either sex under the age of fourteen years be hired out to labor in any factory, mill, workshop or store at any time: *Provided*, That any superior court judge may issue a permit for the employment of any child between the ages of twelve and fourteen years at any occupation, not in his judgment, dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him, that the labor of such child is necessary for its support or for the assistance of any parent: *And, provided, further*, That the judge of the juvenile court may issue permits for the employment of any male child over fourteen years of age, as messenger by telegraph, telephone and messenger companies subject to such limitations and conditions as may be imposed by said court. All permits herein provided for shall be issued for a definite time and shall be revocable at the discretion of the judge by whom issued.

Factory, etc., labor.

Violations.

SEC. 6571. Any employer, or any overseer, superintendent, or agent of such person, telegraph company, telephone company or messenger company who shall violate any of the provisions of the preceding section shall, upon conviction thereof, be fined for each offense not less than ten dollars nor more than five hundred dollars, or be imprisoned in the county jail not to exceed six months, or by both such fine and imprisonment.

Hours of labor.

Eight hours a day's labor on public work.

SECTION 6572. Hereafter eight hours in any calendar day shall constitute a day's work on any work done for the State or any county or municipality within the State, subject to conditions hereinafter provided.

Work preliminary to the principal employment, as the harnessing, etc., of horses by a teamster, can not be excluded from the reckoning so as to require eight hours "on the job," in addition to such work. 121 Pac., 987.

Application of law.

SEC. 6573. All work done by contract or subcontract on any building or improvements or works on roads, bridges, streets, alleys or buildings for the State or any county or municipality

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within the State, shall be done under the provisions of this act:

Proviso. *Provided*, That in cases of extraordinary emergency such as danger to life or property, the hours for work may be extended, but in such case the rate of pay for time employed in excess of eight hours of each calendar day, shall be one and one-half times the rate of pay allowed for the same amount of time during eight hours' service. And for this purpose this act is made a part of all contracts, subcontracts or agreements for work done for the State or any county or municipality within the State.

Penalty. SEC. 6574. Any contractor, subcontractor, or agent of contractor or subcontractor, foreman or employer who shall violate the provisions of this act [secs. 6572–6574], shall be deemed guilty of [a] misdemeanor and upon conviction shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or with imprisonment in the county jail for a period of not less than ten days nor more than ninety days, or both such fine and imprisonment, at the discretion of the court.

Sections 6572–6574 are not impliedly repealed by secs. 6575–6577, since the two acts may stand together. 43 Wash. 116.

Eight - hour limit. SEC. 6575. It is a part of the public policy of the State of Washington that all work "by contract or day labor done" for it, or any political subdivision created by its laws, shall be performed in workdays of not more than eight hours each, except in cases

Emergency. of extraordinary emergency. No case of extraordinary emergency shall be construed to exist in any case where other labor can be found to take the place of labor which has already been employed for eight hours in any calendar day.

Provision in contracts. SEC. 6576. All contracts for work for the State of Washington, or any political subdivision created by its laws, shall provide that they may be canceled by the officers or agents authorized to contract for or supervise the execution of such work, in case such work is not performed in accordance with the policy of the State relating to such work.

Enforcement. SEC. 6577. It is made the duty of all officers or agents authorized to contract for work to be done in behalf of the State of Washington, or any political subdivision created under its laws, to stipulate in all contracts as provided for in this act [secs. 6575–6577], and all such officers and agents, and all officers and agents entrusted with the supervision of work performed under such contracts, are authorized, and it is made their duty, to declare any contract canceled, the execution of which is not in accordance with the public policy of this State as herein declared.

Limit of a day's labor on street railways. SEC. 6578. No person, agent, officer, manager or superintendent or receiver of any corporation or owner of street cars shall require his or its gripmen, motormen, drivers or conductors to work more than ten hours in any twenty-four hours.

Penalty. SEC. 6579. Any person, agent, officer, manager, superintendent or receiver of any corporation, or owner of street car or cars, violating any of the provisions of the last [preceding] section shall upon conviction thereof be deemed guilty of a misdemeanor, and be fined in any sum not less than twenty-five dollars nor more than one hundred dollars for each day in which such gripman, motorman, driver or conductor in the employ of such person, agent, officer, manager, superintendent or receiver of such corporation or owner is required to work more than ten hours during each twenty-four hours, as provided in the last [preceding] section, and it is hereby made the duty of the prosecuting attorney of each county of this State to institute the necessary proceedings to enforce the provisions of this and the last [preceding] section.

Limit of sixteen hours on railroads. SEC. 6581. It shall be unlawful for any common carrier by railroad or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip; or, except by accident or unavoidable delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or,

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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 without having had at least eight hours off duty within the twenty-four-hour period.

Violations.

SEC. 6582. Any such common carrier, or any of its officers or agents violating any of the provisions of the preceding section is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than one hundred or [nor] more than one thousand dollars for each and every such violation to be recovered in a suit or suits to be brought by the attorney general; and it shall be the duty of the attorney general to bring such suits upon duly verified information being lodged with him of such violation having occurred, in any superior court; and it shall also be the duty of the railroad commission to fully investigate all cases of the violation of said section, and to lodge with the attorney general information of any such violation as may come to its knowledge.

Eight hours a day's labor in mines.

SEC. 6583. It shall be unlawful for any person, firm, or corporation operating any coal mine, within the State of Washington, to cause any employee to remain at his place of work, where the same is situated underground, for more than eight (8) hours, exclusive of one-half (½) hour for lunch, in any one calendar day of twenty-four (24) hours. Any person, firm or corporation, or the agent of any person, firm or corporation, violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars ($10) or more than one hundred dollars ($100) for each offense.

Remaining at working place.

SEC. 6584. It shall be unlawful for any person in the employ of any person, firm, or corporation operating any coal mine, within the State of Washington, to willfully remain at, or in his working place, where the same shall be underground, to exceed eight (8) hours, exclusive of one-half (½) hour for lunch, in any one calendar day of twenty-four (24) hours. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars ($5) or more than twenty dollars ($20) for each offense.

Exemptions.

SEC. 6585. The provisions of this act [secs. 6583–6586] shall not apply to, or prohibit engineers, rope riders, motormen, cagers, or others necessarily employed in transporting men in and out of the mine: *Provided, however*, That all persons so employed shall not work more than ten (10) hours in any one calendar day: *And provided further*, That this act shall not be construed to prohibit extra hours of employment underground, necessitated by a weekly change of shift, or where rendered necessary by reason of any accident, or for the purpose of making unavoidable repairs, or for the protection of property or human life.

Ten-hour day.

Enforcement.

SEC. 6586. It shall be the duty of the State inspector of coal mines to enforce the provisions of this act [secs. 6583–6586].

Inspection and regulation of factories, etc.

Belt shifters, guards, etc.

SECTION 6587. 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 on 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, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries and machinery of other or similar description, 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

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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, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer or inspector immediately on receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

The requirement that shafting be guarded does not extend to revolving rods and bars being worked upon as materials, even though their movement is similar. 134 Pac. 471.

Ventilation.

SEC. 6588. Every factory, mill or workshop where machinery is used and manual labor is exercised by the way of trade for the purposes of gain within an inclosed 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, as 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 inclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyers, 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. 6589. 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. 6590. It shall be the duty of the commissioner of labor, 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 chapter are applicable for the purpose of determining whether they do conform to such provisions, and of granting or refusing certificates of approval, whether requested to do so or not.

Requests for inspection.

SEC. 6591. 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 commissioner of labor 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 commissioner of labor by himself, or his deputy, shall forthwith make said inspection. Upon receiving such application, the commissioner of labor 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 commissioner of labor, 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 commissioner of labor: *Provided*, Said applicant has not been notified by an inspector what alterations or repairs are necessary: *Provided*, The commissioner of labor by himself or deputy shall make such examination annually whether requested to do so or not.

Employees to give notice of defects.

SEC. 6592. 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 about which he is working, when any such defect or failure to guard shall come to the knowledge of any said em-

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ployee, and if said employer shall fail to remedy such defects then said employee may complain in writing to the commissioner of labor 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 chapter [secs. 6587–6598], 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 commissioner of labor, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

Certificates.

SEC. 6593. Whenever upon examination or reexamination of any factory, mill or workshop, store or building, or the machinery or appliances therein to which the provisions of this chapter are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said commissioner of labor to the requirements of this chapter, 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 [secs. 6587–6598]. Such certificate may be revoked by said commissioner of labor 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 store to which the provisions of this act are applicable. If, in the judgment of said commissioner of labor, 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 commissioner of labor, before he will issue a certificate as hereinbefore provided for; said requirements shall be complied with, within a period of thirty days after said requirements have been served as aforesaid and thereupon the said commissioner of labor 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 commissioner of labor unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said commissioner of labor have been served upon him appeal therefrom or from any part thereof, to three arbitrators to whom shall be submitted the matter and things in dispute, and their findings shall be binding upon said applicant and upon the commissioner of labor. Such appeal shall be in writing, addressed to the commissioner of labor and shall set forth the objections 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 the receipt of such notice of appeal, it shall be the duty of the commissioner of labor 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 of the arbitration, and the place, date and time of meeting. These two arbitrators shall select the third, and as soon thereafter as practicable, giving a hearing on the matters of said appeal, and the findings of these arbitrators by a majority vote, shall be reported to the commissioner of labor, 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

Defective conditions.

Appeals.

Arbitration.

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commissioner of labor or any part thereof, said applicant shall within thirty days, comply with the findings of said arbitrators, and thereupon said commissioner of labor shall issue his certificate as hereinbefore provided (in section 6590), but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said commissioner of labor; and any such person, firm, corporation or association shall within thirty days, after the finding of the board of arbitrators, comply with the requirements of the commissioner of labor, as amended by said arbitrators, if so amended as herein provided for, and thereupon said commissioner of labor shall forthwith issue to any such person, firm, corporation or association, his certificate as provided for in section 6590: *Provided, however,* That before any certificate shall be issued by said commissioner of labor as provided for in this act, the person, firm, corporation or association which has complied with the provisions of this act, shall pay to the commissioner of labor of the State of Washington, an annual fee of ten dollars (provided, that any person, firm, corporation or association, employing not to exceed five persons in said factory, mill or workshop shall pay a fee of five dollars), and take his receipt therefor: *It is further provided,* That the withholding of such certificate shall not excuse such person, firm, corporation or association from obtaining the same and paying the required inspection fee, and the person, firm, corporation or association inspected shall likewise be civilly liable for such inspection fee.

Fees.

Upon presentation of said receipt to said commissioner of labor, or his deputy, he shall forthwith issue said certificate as in this chapter 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 therein, owned and operated by the party paying said fee, that may be necessary, for a period of one year subsequent to its payment; 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, from which special fund shall be paid the deputy factory inspectors required to enforce the provisions of this chapter. Said deputy factory inspectors shall be paid from the special factory inspection fund, upon the presentation of vouchers properly signed by the labor commissioner in the same manner in which other employees of the State are paid.

Violations.

SEC. 6597. Any person, firm, corporation or association who violates or fails to comply with any of the provisions of this chapter or to pay for and obtain the certificate of inspection 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.

Act to be posted.

SEC. 6598. A copy of this chapter together with the name and address of the commissioner of labor, 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 chapter are applicable, upon the same being supplied to the operators, owners, lessee, or occupants, of such places with sufficient copies thereof by the commissioner of labor.

Arbitration of labor disputes.

Duty of labor commissioner.

SECTION 6599. It shall be the duty of the State labor commissioner upon application of any employer or employee having differences, as soon as practicable, to visit the location of such differences and to make a careful inquiry into the cause thereof and to advise the respective parties, what, if anything, ought to be done or submitted to by both to adjust said dispute and should said parties then still fail to agree to a settlement through said commissioner, then said commissioner shall endeavor to have said

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parties consent in writing to submit their differences to a board of arbitration to be chosen from citizens of the State as follows, to wit: Said employer shall appoint one and said employees acting through a majority, one, and these two shall select a third, these three to constitute the board of arbitration and the findings of said board of arbitration to be final. Board.

SEC. 6600. The proceedings of said board of arbitration shall be held before the commissioner of labor who shall act as moderator or chairman, without the privilege of voting, and who shall keep a record of the proceedings, issue subpœnas and administer oaths to the members of said board, and any witness said board may deem necessary to summon. Proceedings.

SEC. 6601. Any notice or process issued by the board herein created, shall be served by any sheriff, coroner or constable to whom the same may be directed, or in whose hands the same may be placed for service. Notice served by officer.

SEC. 6602. Such arbitrators shall receive five dollars per day for each day actually engaged in such arbitration and the necessary traveling expenses to be paid upon certificates of the labor commissioner out of the fund appropriated for the purpose or at the disposal of the bureau of labor applicable to such expenditure. Compensation.

SEC. 6603. Upon the failure of the labor commissioner, in any case, to secure the creation of a 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 publicly [publicity] in such newspapers as desire to use it. Statement of facts. Publication.

SEC. 6604. In case the funds herein provided are exhausted and either party to a proposed arbitration shall tender the necessary expenses for conducting said arbitration, then it shall be the duty of the State labor commissioner to request the opposite party to arbitrate such differences in accordance with the provisions of this chapter. Maintenance. Parties may tender expenses.

Protection of members of National Guard.

SECTION 7234. A person, who either by himself, or with another, willfully deprives a member of the National Guard of his employment or prevents, by himself or another, such member being employed, or obstructs or annoys said member of said National Guard or his employer in his trade, business or employment, because said member of said National Guard is such member or dissuades any person from enlisting in said National Guard by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not more than thirty days or shall suffer both fine and imprisonment. Interference with employment.

SEC. 7235. No club, society, association, corporation, or organization shall by any constitution, rule, by-law, resolution, vote or regulation, or otherwise, discriminate against any member of the National Guard of Washington because of his membership in said National Guard, in respect to the eligibility of such national guardsman to membership in such club, society, association, corporation or organization or in respect to his rights to retain and exercise the rights of membership therein. Any person or persons, club, society, association, corporation or organization violating or aiding, abetting or assisting in the violation of any provision of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred dollars or imprisonment in the county jail for a period not exceeding thirty days, or shall suffer both such fine and imprisonment. Excluding from associations.

SEC. 7236. No member of the National Guard shall be discharged by his employer by reason of the performance of any military Not to be discharged.

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duties upon which he may be ordered. When any member of the National Guard is ordered upon duty which takes him from his employment he may apply upon the termination of such duty to be restored to his position and employment, and if the tour of duty shall have continued for a period not longer than [three] months, any employer or the officer or other manager of any firm or corporation having authority to reemploy such national guardsman and failing so to do shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred dollars, or imprisoned in the county jail for a period not exceeding ninety days, or shall suffer both such fine and imprisonment.

Mine regulations.

Inspector to be appointed.

SECTION 7372 (as amended by chapter 63, Acts of 1911). The governor shall, upon the recommendation of a board to be by him selected and appointed for the purpose of examining candidates to be appointed to the office of mine inspector under the provisions of this act [secs. 7372–7375, 7380–7384], appoint a properly qualified person to fill the office of State mine inspector. The State mine inspector so appointed shall, with the consent of the governor, appoint a deputy inspector. The inspector and his deputy shall be citizens of the State of Washington, and shall have had at least five years' practical experience in coal mining. They shall devote their entire time to the duties of their respective offices, and shall possess other qualifications at present defined by the laws of the State of Washington and not inconsistent with the provisions of this act. The State mine inspector and his deputy shall before entering upon the discharge of their duties each take an oath to discharge their duties impartially and with fidelity to the best of their knowledge and ability. The salary of the State mine inspector shall be twenty-four hundred dollars per annum, and the salary of the deputy inspector shall be eighteen hundred dollars per annum, and both the inspector and his deputy shall be allowed their actual and necessary traveling expenses while in the performance of their duties under the provisions of this act; and the auditor of the State is hereby authorized and directed to draw his warrant on the State treasurer in favor of the inspector or his deputy for the amount due them for their salaries monthly, and also for their expenses upon proper vouchers to be paid out of any moneys in the State treasury not otherwise appropriated. The State mine inspector shall hold his office for the term of four years, and his deputy shall hold office during the pleasure of the inspector. The inspector shall at all times be subject to removal from office by the governor for neglect of duty or malfeasance in the discharge of his duties. The board herein provided for shall consist of one practical coal miner, one owner or operator of a coal mine and one mining engineer, all of whom shall be sworn to the faithful discharge of their duties. The governor shall consult with such board before appointing the mine inspector herein provided for.

Deputy.

Term and meetings of board.

SEC. 7373. The board of examiners provided for in the next preceding section, shall be appointed by the governor and shall hold office for four years. They shall meet immediately after the passage of this act [secs. 7372–7375, 7380–7384], at the State capitol, for the purpose of examining candidates for the office of mine inspector under the provisions of this act, and at such times thereafter when notified by the governor that from any cause the office of mine inspector has or is about to become vacant. They shall receive as compensation five dollars per day while actually and necessarily employed, and five cents per mile for distance necessarily traveled.

Definition.

SEC. 7374. No coal mine shall be considered a coal mine for the purpose of enumeration in a district to increase the number of inspectors unless ten men or more are employed at one time in or about the mine, nor shall mines employing less than ten men be subject to the provisions of this act [secs. 7372–7375, 7380–7384].

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It shall be the duty of the owner, agent or operator of any mine employing less than ten men in or about said mine to immediately notify the inspector when ten men or more are employed at any one time, said notice to be given within one week. Failure on the part of any owner, agent or operator to comply with this provision shall render the offender liable to a fine of not less than twenty dollars or more than one hundred dollars, with an additional penalty of five dollars per day for each day said notice is neglected to be given.

Enforcement.

SEC. 7375. It shall be the duty of the inspector of mines to enforce the provisions of this act [secs. 7372–7375, 7380–7384], and of all other acts for the regulation of coal mines, in accordance with section 7391, and any infringement of the provisions of this act shall subject the offender to the same penalties as are provided in sections 7393 and 7399, unless otherwise provided for in this act.

Maps.

SEC. 7376. (a) The operator of every coal mine in this State shall make, or cause to be made, an accurate map or plan on tracing linen of such mine, drawn to a scale not smaller than one hundred feet to the 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.

(b) Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine, and all section or quarter-section lines or corners within the same; the lines of town lots and streets; the tracks and sidetracks of all railroads and the location of all wagon roads, rivers, streams, ponds, buildings, landmarks and principal objects on the surface.

(c) For the underground workings said maps 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 location of the fan and the direction of the air currents; the location of pumps, hauling engines, engine planes, abandoned works, fire walls and standing water; and the boundary line of any surface outcrop of the seam.

(d) A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam worked in any mine, and the maps of all such seams shall show all shafts, inclined planes or other passageways connecting the same.

(e) A separate map shall also be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map 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 local relation of lines and objects on the surface to the excavation of the mine.

(f) Each map shall also show by profile drawing and measurements, in feet and decimals thereof, the rise and dip of the seam from the bottom of the shaft, slope or drift in either direction to the face of the workings.

Copies to be furnished.

(g) The original or true copies of all such maps shall be kept in the office of the mine, and the true copies thereof shall also be furnished to the State inspector of mines. The maps so delivered to the inspector shall be the property of the State, and shall remain in the custody of 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 the examination of all persons interested in the same, but such examination shall be made only 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 the owner of the property.

Extensions.

(h) An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months, prior to July first of every year, and the results of said survey,

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with the date thereof, shall be promptly and accurately entered upon the original maps and all copies of the same, so as to show all changes in plan or new work in the mine, and all extensions of the old workings to the most advanced face or boundary of such workings, which have been made since the last preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the said inspector.

Closing mines. (i) 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 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 relation to the boundary or section lines on the surface.

Orders for surveys. (j) The State inspector of mines may order a survey to be made of the workings of any mine, and the results to be extended.

Failure to furnish map. SEC. 7377. Whenever an operator of any mine shall neglect or refuse or for any cause not satisfactory to the mine inspector fail for the period of three months to furnish said inspector the map or plan of such mine, or a copy thereof, or of the extensions thereto as provided for in the next preceding section, such operator 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, and shall stand committed to the county jail until such fine is fully paid, and in addition thereto the inspector is hereby authorized to make or cause to be made an accurate plan or map of such mine at the cost of the owner thereof, and the cost of the same may be recovered from the operator in an action at law brought in the name of the inspector for his use.

Escape shafts. SEC. 7378. It shall not be lawful for the owner, agent, or operator of any coal mine to employ any person to work within said coal mine, or to permit any person to work in said mine, unless they are in communication with at least two openings in case such mine be worked by shaft or slope, which openings, shafts, or slopes shall be separated by natural strata by a distance of not less than one hundred feet at the mouth of such openings, except that in mines already opened such distance may be less, if, in the judgment of the mine inspector, one hundred feet is impracticable. If the mine be worked by drift, two openings not less than one hundred feet apart shall be required, except in drift mines heretofore opened, where the mine inspector shall deem such distance impracticable: *Provided, however*, That an aggregate number not exceeding twenty-four persons may be employed in the mine at any one time until the second opening shall be reached and made available, which said second opening the mine inspector shall cause to be made without unnecessary delay, and in case of furnace ventilation being used before the second opening is completed, the furnace shall not be placed within forty feet of the foot of the shaft, slope, or drift, and shall be well secured, so as not to be a source of danger by fire, by brick, stone, or walls made of other fireproof material or [of] sufficient thickness, while such second opening is being driven and until the same is completed.

Proviso.

Provisions for exit. SEC. 7379. All escapement shafts shall be equipped with stairways or ladders having landing places or platforms at reasonable distances apart, as in the judgment of the mine inspector they should be constructed for easy traveling, or, in lieu thereof, such hoisting apparatus as will enable the employees in the mine to make safe and speedy exit in case of danger. The escapement shaft, ropes and machinery used for hoisting or lowering employees out of or into said mine shall be kept in a safe condition and inspected at least once in each twenty-four (24) hours by a competent person employed in whole or in part for that purpose and a record of such examination shall be entered by the person making the same in a book to be kept at the mine for that purpose and said book must always be produced for examination at the request of the inspector. At all points where the passageway to the escapement shaft and other places of exit is intersected by

Inspections.

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other roadways or entries, conspicuous signboards, subject to the approval of the State mine inspector, shall be placed indicating the direction it is necessary to take in order to reach such place of exit.

Mines with single entrance.

SEC. 7380. Where a mine has only one means of ingress and egress, a daily record must be kept by the owner or person in charge of said mine, showing the actual number and the names of each and every person entering the mine for any purpose whatever, and should a greater number of persons than twenty-four be allowed in the mine, under any circumstances, at any time, it shall be the duty of any judge of the superior court of the county in which said mine is situate, when it shall be shown to the satisfaction of said court that more than twenty-four persons were allowed in said mine at any one time, to issue an order closing said mine until a second opening is completed.

Ventilation.

SEC. 7381. The owner, agent or operator of every coal mine, whether operated by shafts, slopes or drifts, shall provide in every coal mine a good and sufficient amount of ventilation for such persons and animals as may be employed therein, the amount of air in circulation to be in no case less than one hundred cubic feet per minute for each man, boy, horse or mule employed in said mine, and as much more as the inspector may direct, and said air must be made to circulate through the shafts, levels, stables and working places of each mine, and on the traveling roads to and from all such working places. Every mine shall be divided into districts or splits, and not more than seventy-five persons shall be employed at any one time in each district or split: *Provided*, That where the inspector gives permission in writing a greater number than seventy-five men, but not to exceed one hundred men may be employed in each of said splits: *Provided also*, That in all mines already developed, where, in the opinion of the mining inspector, the system of splitting the air can not be adopted except at extraordinary and unreasonable expense, such mine or mines will not be required to adopt said split-air system, and the owner or operator of any coal mine shall have the right of appeal from any order requiring the air to be split, to the examining board provided for in section 7372, and said board shall, after investigation, confirm or revoke the orders of the mining inspector. Each district or split shall be ventilated by a separate and distinct current of air, conducted from the downcast through said district, and thence direct to the upcast. On all main roads where doors are required, they shall be so arranged that when one door is open the other shall remain closed, so that no air shall be diverted. In all mines where fire damp is generated, every working place shall be examined every morning with a safety lamp by a competent person, and a record of such examination shall be entered by the person making the same in a book to be kept at the mine for that purpose, and said book must always be produced for examination at the request of the inspector.

Risks arising from the negligence of a mine boss to whom the duty of attending to ventilation and other matters pertaining to the safety of miners has been delegated, are not assumed by miners. 89 Fed. Rep. 54.

Air to be measured.

SEC. 7382. The quantities of air in circulation shall be ascertained with an anemometer; such measurements shall be made by the superintendent, inside foreman or his assistant, at least once a week at the inlet and outlet airways, also at or near the face of each gangway, and at the nearest crossheading to the face of the inside and outside chamber, breast or pillar where men are employed: *Provided*, That no heading shall be driven more than sixty feet from the face of each chamber, breast or pillar, unless for the reason that he deem the same impracticable the inspector gives permission in writing to extend the distance beyond sixty feet. A record of all measurements herein provided for shall be entered in a book to be kept for that purpose, and said book must always be produced for examination at the request of the inspector. It shall be the duty of the mine inspector, whenever he

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shall visit said mine, to make a careful measurement of the quantities of air in circulation therein, said measurements to be made at the places hereinabove indicated. Any superintendent, inside foreman or his assistant, who shall neglect or fail to comply with the provisions of this section, or who shall make any false report in regard to air measurements, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than fifty dollars, and shall stand committed to the county jail until such fine is fully paid.

Stoppage of machinery.

SEC. 7383. If at any time the ventilating machinery should break down or otherwise cease operation, or if 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 workman shall be withdrawn from the mine, or such part thereof as is so found dangerous, and a competent person, who shall be appointed for the purpose, shall inspect the mine or such part thereof as is so found dangerous, and if the danger arises from inflammable gas, shall inspect the same with a locked safety lamp, and in every case shall make a true report of the condition of such mine, or the part thereof, and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine, or such part thereof as was so found dangerous, until the same is stated in such report not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for that purpose, and shall be signed by the person making the same.

Duties of fan engineer.

SEC. 7384. The engineer in charge of any ventilating fan or apparatus must keep the same running as the manager of the mine directs in writing. In case of accident to the boiler of fan machinery, he shall immediately notify the mine manager or foreman. If ordinary repairs of the fan or machinery become necessary, he must give timely notice to the mine manager or foreman and await his instructions before stopping it. He shall also examine, at the beginning of each shift, all the fan bearings, stays and other parts, and see that they are kept in perfect working order. He shall not stop the fan except on the order of the mine manager or foreman, unless it should become impossible to run the fan or necessary to stop it to prevent destruction. He shall then at once stop it and notify the mine manager or foreman immediately and give immediate warning to persons in the mine.

Bore holes.

SEC. 7385. The owner, agent, or operator of any coal mine shall provide that bore holes shall be kept twenty feet in advance of the face of each and every working place, and, if necessary, on both sides when driving towards an abandoned mine or part of a mine suspected of containing inflammable gases or being inundated with water.

Signals.

SEC. 7386. The owner, agent or operator of every coal mine operated by shaft or slope shall provide suitable means of signaling between the bottom and top thereof, subject to the approval of the mine inspector, and shall also provide in all shafts safe means of hoisting and lowering persons in a cage covered with

Safety cages.

boiler iron, so as to keep safe as far as possible persons descending into or ascending out of such shaft, and such cage shall be furnished with guides to conduct it through such shaft with a sufficient brake on every drum to prevent accident in case of the giving out or breaking of the machinery, and such cage shall be furnished with safety catches (to be approved by the mine inspector), intended and provided as far as possible to prevent the consequences of cable breaking or the loosening or disconnecting of the machinery, and no props or rails shall be lowered in a cage while men are descending into or ascending out of said mine, and such owner, agent or operator shall also provide in all slopes, safe

Proviso.

means for raising and lowering persons therein: *Provided*, That in shafts less than one hundred feet in depth the owner, agent or

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operator shall provide such means for raising or lowering persons as may be approved by the mine inspector.

Regulations for hoisting, etc.

SEC. 7387. No owner, agent, or operator of any coal mine operated by shaft or slope shall place in charge of any engine whereby men are lowered into or hoisted from the mine any other than competent, experienced, and sober engineers and firemen, and they shall be not less than eighteen years of age. No person shall ride upon a loaded cage or car used for hoisting purposes in any shaft or slope, and in no case shall more than twelve persons ride on any cage or car at one time in any such shaft. Nor shall more than five persons for each and every ton's capacity of the hoisting apparatus ride in any cage or car at any one time, in any such slope, excepting in the case of persons employed as rope riders or couplers, nor shall any coal be hoisted out of any coal mine while persons are descending into such mine, notice of which shall be kept posted at said mines. The number of persons permitted to ascend out of or descend into any coal mine at one time shall be determined by the inspector, and such persons shall not be lowered or hoisted more rapidly than six hundred feet per minute. Whenever a cage load of persons shall come to the bottom to be hoisted out, who have finished their day's work or otherwise been prevented from working, an empty cage shall be given them to ascend, except in mines having slopes, or provided with stairways in escapement shafts.

Employment of women and children.

SEC. 7388. No boy under the age of sixteen years and no female 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 be employed or permitted to be in or about the outside structures or workings or [of] the colliery for the purpose of employment: *Provided*, That this prohibition shall not affect the employment of boys of suitable age in an office or in the performance of clerical work at the colliery. When an employer is in doubt as to the age of any boy applying for employment in or about a mine or colliery, he shall demand and receive proof of the age of such boy by certificate from the parents or guardian of such boy before he shall be employed.

Boilers.

SEC. 7389. All boilers used in generating steam in and about coal mines shall be kept in good order, and the owner, agent, or operator, as aforesaid, shall have said boilers examined and inspected by a competent person as often as once every six months, and the result of such examination shall be certified in writing to the mine inspector, and every steam boiler shall be provided with a steam gauge, water gauge, and safety valves. All underground self-acting or engine planes on which coal cars are drawn and persons travel shall be provided with some proper means of signaling between the stopping places and the end of said planes, and sufficient places of refuge shall be provided at the sides of said planes, the same to be not more than sixty feet apart and to extend six feet at right angles from the rail: *Provided, however*, That such places of refuge shall not be required in mines where a separate traveling road is provided for employees.

Engine planes.

Accidents to be reported.

SEC. 7390. Whenever by reason of any explosion or any other accident in any coal mine, or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the person having charge of such mine or colliery to give notice thereof forthwith to the inspector of the district, and if any person is killed thereby, to the coroner of the county, who shall give due notice of the inquest to be held. If the coroner shall determine to hold an inquest the mine inspector shall be allowed to testify and offer such testimony as he may deem necessary to thoroughly inform the said inquest of the cause of the death, and the said inspector shall have authority at any time to appear before such coroner and jury, and question or cross-question any witness, and in choosing a jury for the purpose of holding such inquest, it shall be the duty of the coroner to impanel a jury, no one of whom shall be directly or indirectly interested. It shall be the duty of the inspector, upon being notified as herein

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provided, to immediately repair to the scene of the accident, and make such suggestions as may appear necessary to secure the future safety of the men, and if the results of the explosion or accident do not require an investigation by the coroner, he shall proceed to investigate and ascertain the cause of the explosion or accident, and make a record thereof, which he shall file as provided for, and to enable him to make the investigation, he shall have power to compel the attendance of persons to testify, and administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as costs of inquests held by coroners or justices of the peace are paid.

Access to mines.

SEC. 7391. It shall be lawful for the inspectors provided for in this act [secs. 7376–7379, 7385–7399] to enter into and examine and inspect any and all coal mines and machinery belonging thereto within their respective districts at all reasonable times either by day or night, but they shall not hinder or obstruct the necessary workings of such coal mines; and the owner, agent, or operator of every such coal mine is hereby required to furnish all necessary facilities for the entering and making of such examination and inspection, and if the said owner, agent, or operator shall refuse to permit such inspection, the inspector shall file his affidavit setting forth such refusal with the judge of the superior court of the county in which said mine is situated, and obtain an order from such judge commanding such owner, agent, or operator so refusing, as aforesaid, to permit such examination and inspection and furnish such necessary facilities for the examination and inspection of such coal mine, or in default thereof to be adjudged as in contempt of court and punished accordingly; and if the said inspector shall, after examination of any coal mine and the works and machinery pertaining thereto, find the same to be worked contrary

Unsafe mines.

to the provisions of this act, or unsafe for the workmen therein employed, said inspector shall, through the prosecuting attorney of the county in which said mine is located, or any attorney in case of the refusal of such prosecuting attorney to so act, in the name and on behalf of the State, proceed against the owner, agent, or operator of such coal mine by injunction without bond, after giving at least two days' notice to such owner, agent, or operator, and said owner, agent, or operator shall have the right to appear before the judge to whom the application is made, who shall hear the same on affidavits and such other testimony as may be offered in support as well as in opposition thereto; and if sufficient cause appear, the court or judge, in term time or in vacation, by order, shall prohibit the further working of any portion or portions of any such coal mine in which persons may be unsafely employed, and the further use of such unsafe machinery, contrary to the provisions of this act, until the same shall have been made safe and the requirements of this act shall have been complied with, and the court shall award such costs in the matter of said injunction as may be just, but any such proceedings so commenced shall not prejudice any other remedy permitted by law for enforcing the provisions of this act.

Complaint against inspector.

SEC. 7392. Upon a petition signed by not less than ten reputable citizens, who shall be miners, mine owners, or lessees of mines, to the superior court of any county in the proper district, with the affidavit of one or more of said petitioners attached, setting forth that any inspector of mines neglects his duty or is incompetent, or that he is guilty of a malfeasance in office, or any act tending to the injury of miners or operators of mines, the judge of such superior court shall issue a citation in the name of the State to the said inspector to appear on not less than fifteen days' notice, upon a day fixed, before said court, at which time the court shall proceed to inquire into and investigate the allegations of the petitioners. If the court find that said inspector is neglectful of his duties, or that he is guilty of malfeasance in office, the court shall certify the same to the governor, who shall declare the office of said inspector vacant, and proceed in compliance with

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the provisions of this act [secs. 7376–7379, 7385–7399] to supply the vacancy. The costs of said investigation shall, if the charges are sustained, be imposed upon the inspector, but if the charges are not sustained, they shall be imposed upon the petitioners, and the payment of such costs shall be enforced by the proper action brought in the name of and on behalf of the State by the prosecuting attorney of the county wherein such investigation is had.

Offenses of miners, etc.

SEC. 7393. Any miner, workman, or other person who shall knowingly injure any water gauge, barometer, air course, or brattice, or shall obstruct or throw open any airways, or carry any lighted lamp or matches into places that are worked by the light of safety lamps, or shall handle or disturb any part of the machinery of the hoisting engine, or open a door in the mine and not have the same closed again, whereby danger is produced, either to the mine or those that work therein, or who shall enter into any part of the mine against caution, or who shall interfere with or intimidate, or attempt to interfere with or intimidate, any engineer, fireman, or other employee employed in or about such mine, in the discharge of his duty or performance of his labor, or who shall disobey any order given in pursuance of this act [secs. 7376–7379, 7385–7399], or violate any of the rules established by this act, or who shall do any willful act whereby the lives and health of persons working in the mine or the security of the mine or mines or the machinery thereof is endangered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred dollars nor less than fifty dollars, or by imprisonment in the county jail for a term not exceeding six months nor less than three months, or by both such fine and imprisonment, in the discretion of the court.

Intimidation.

Timbers.

SEC. 7394. The owner, agent, or operator of any coal mine shall keep a sufficient supply of timber at any such mine where the same is required for use as props, so that the workmen may at all times be able to properly secure the said workings from caving in, and it shall be the duty of the owner, agent, or operator to send down into the mine all such props when required, the same to be delivered at the entrance of the working place.

Protection against fire.

SEC. 7395. At all mines where coal is hoisted by steam power from shaft or slope, having no other means of ingress or egress than that afforded to persons therein by such hoisting apparatus by way of such shaft or slope, there shall be provided, * * * a steam pump or other power, conveniently situated, and a sufficient supply of water and hose, always ready for use in any part of the buildings, chutes, or constructions within a radius of fifty feet of said coal-hoisting shaft or slope; and if the person in charge of such coal shaft or slope shall refuse or neglect to comply with the provisions of this act [secs. 7376–7379, 7385–7399], then the inspector of coal mines for the district in which the said shaft or slope is situated shall proceed, through the prosecuting attorney in the county in which said shaft or slope is situated, or any attorney in case of the refusal of the prosecuting attorney to so act, in the name and on behalf of the State, against the owner, agent, or operator of said shaft or slope by injunction without bond, after giving at least two days' notice to such owner, agent, or operator, and the said owner, agent, or operator shall have the right to appear before the judge to whom the application is made, who shall hear the same on affidavits and such other testimony as may be offered in support as well as in opposition thereto, and if it be found that the owner, agent, or operator of said shaft or slope has refused or neglected to comply with the provisions of this act, the court or judge, in term time or in vacation, by order shall prohibit the further working of any such coal shaft or slope until the owner, agent, or operator shall have complied with the provisions of this act.

Stretchers.

SEC. 7396. It shall be the duty of the owner, superintendent, or operator of any coal mine to keep at the mouth of the drift, shaft, or slope, or at such other place as may be designated by

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the mine inspector, stretchers properly constructed for the purpose of carrying away any miner or employee working in or about such mine who may in any way be injured in or about his employment.

Location of main doors.

SEC. 7397. All main doors in any coal mine shall be so placed that whenever one door is open another which has the same effect upon the same current of air shall be and remain closed, and thus prevent any temporary stoppage of the current.

Rules to be posted.

SEC. 7398. All owners or operators of coal mines within the State shall keep posted in a conspicuous place about their mines printed rules, submitted to and approved by the district mining inspector, regulating the duties of persons employed in or about said mines or collieries.

Penalty.

SEC. 7399. Any person violating any of the provisions of this act [secs. 7376–7379, 7385–7399], other than those mentioned in section 7393, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than five hundred dollars nor less than two hundred dollars.

Safety lamps to be used, when.

SEC. 7400. In every working of a coal mine approaching any place where there is likely to be an accumulation of explosive gases, or in any working where there is imminent danger from explosive gases, no light, lamp or fire other than a magnetic-locked, air-locked or lead-locked safety lamp shall be allowed or used, except by mine superintendents, mine foremen or their assistants, gas testers, fire bosses or shot lighters, who may use such lamps as may be approved by the State mine inspector. 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 it to be 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.

Type of fastening.

SEC. 7401. Whenever the operator or operators of any mine may be using safety lamps other than magnetic-locked, air-locked or lead-locked lamps, the said operator or operators shall procure and put in use the said magnetic-locked, air-locked or lead-locked lamps and cease the use of such other lamps within six months from the time this act [sec. 7400–7402] shall go into effect. Where nonmagnetic-lighting safety lamps are not in use, the operator or operators shall provide stations in safe places for relighting safety lamps.

Violations.

SEC. 7402. For the violation of any of the provisions of this act [sec. 7400–7402] the operator or operators of any mine shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not less than fifty dollars nor more than two hundred dollars and in addition thereto the State mine inspector shall have authority and it shall be his duty to close such mine until the provisions of this act shall be complied with. Any man opening or tampering with one of said safety lamps or found with matches or any lighting device other than the safety lamps, shall be guilty of a misdemeanor and upon conviction thereof for the first offense he shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100) and for the second offense he shall be fined not less than two hundred dollars ($200) or imprisonment for a term of not more than one year.

Transfers to be reported.

SEC. 7403. Any mine owner transferring any coal mine shall immediately report such sale to the inspector of mines, giving the name or names of the purchaser or purchasers and the address or addresses of the same. The purchaser or purchasers of any such coal mine shall also immediately report to the inspector of mines giving the officers and superintendent of such coal mine with their addresses. Failure to make such report shall constitute a misdemeanor and upon conviction thereof, the said seller or purchaser shall be subject to a fine of not to exceed one hundred dollars, and not less than ten dollars, or by imprisonment

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not to exceed thirty days in the county jail, or by both such fine and imprisonment.

Right of way between mines.

SEC. 7404. When two or more coal mines are so located as to allow the said mines to be connected by permanent entries between, and the land or mining rights lying between such mines is owned by any person or persons with whom the owner or owners of said mine or mines are unable to agree for the purchase of the right of way for the connecting entry or entries between such mines, and the right to maintain and use such entry as a connecting entry is claimed, such owner or owners of any such coal mine or mines, or either of them, may acquire such right or title in the manner that may be now or hereafter provided by any law of eminent domain.

Tamping bars to be tipped.

SEC. 7405. The use of iron needles and iron tamping bars not tipped with five inches of copper is hereby declared unlawful. Any failure on the part of a coal miner, or an employee in any coal mine, to conform to the terms and requirements of this act [secs. 7404–7405] shall subject such miner or employee to a fine of not less than five dollars or more than twenty-five dollars, with costs of prosecution, for each offense, to be recovered by civil suit before any justice of the peace; said fines, when collected, to be paid into the treasury of the county where the offense was committed, to the credit of the fund provided for the payment of the county inspector of mines.

Coal to be weighed before screening.

SEC. 7406. It shall be unlawful for any mine owner, lessee, or operator of coal mines in the State of Washington 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 value thereof before the same shall have been weighed and duly credited to the employee sending the same to the surface, and accounted for at the legal rate of weights as fixed by the laws of the State of Washington.

Weighman.

SEC. 7407. The weighman employed at any mine shall subscribe an oath or affirmation before a justice of the peace, or other officer authorized to administer oaths, to do justice between employer and employee, and 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, or [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 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 conspicuously posted in the weigh office, and any weigher of coal, or any person so employed, who shall knowingly violate any of the provisions of this act [secs. 7373, 7376–7379, 7385–7399, 7406, 7407] shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment, proceedings to be instituted in any court having jurisdiction therein.

Safety cages.

SEC. 7414. 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 one hundred and fifty feet, unless the said shaft shall be provided with an iron-bonneted safety cage, 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, whether consisting of eccentrics, springs, or other device, shall be securely fastened to the cage, and shall be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk, provided the cable shall break. The iron bonnet aforesaid shall be made of boiler sheet iron of a good quality, of at least three-sixteenths of an inch in thickness, and shall cover the top of said

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cage in such manner as to afford the greatest protection to life and limb from any matter falling down said shaft.

Penalty. SEC. 7415. Any person or persons, company or companies, corporation or corporations, who shall neglect, fail, or refuse to comply with the provisions of the last preceding section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars.

Act construed. SEC. 7416. Nothing contained in this chapter 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 anyone else now competent to sue in an action of such character.

Inspection, etc., of steam vessels and boilers.

Inspectors. SECTION 8213. The commissioner of labor shall be charged with the administration of the provisions of this act [secs. 8213–8240], shall employ the necessary inspectors to enable him to carry said provisions into effect, and shall exercise supervision over them in the performance of their duties.

Annual inspections. SEC. 8214. The commissioner of labor shall annually, or oftener if he has good cause to believe it reasonable, inspect, or cause to be inspected, every steam vessel or other vessel operated by machinery engaged in carrying passengers for hire or towing for hire, excepting vessels which are subject to inspection under the laws of the United States, examine carefully her hull, boats and other equipment, examine her engine and boilers, 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 route. He shall also fix the number of passengers that may be transported. He shall also, whenever he deems it expedient, visit any vessel licensed under this act [secs. 8213–8240] and examine into her condition for the purpose of ascertaining whether or not any party thereon having a certificate from him has conformed to and obeyed the conditions of such certificate and the provisions of this act. The owner, master, pilot, captain or engineer of such vessel shall answer all reasonable questions, and shall 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, he 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 orders, regulations and requirements issued by him, he shall so certify to the prosecuting attorney of the county where such violation occurred, together with the names of the persons guilty thereof and of the witnesses.

Boilers to be tested. SEC. 8215. The commissioner 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 commissioner 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 commissioner be of the opinion that such boiler, by reason of its construction or material will not safely allow so high a working pressure he may, for reasons specifically stated in his certificate, fix the working pressure of such boiler at less than three-fourths

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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 commissioner 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 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. He 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. 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 as to any other matter connected with such steam vessel or the machinery thereof, that to said commissioner shall seem necessary to the safety of her passengers and crew. And he shall make such inspection, examination and test of naphtha launches and electric launches and their apparatus and machinery, as will enable him to determine whether they can be safely used in navigation.

Certificates.

SEC. 8216. The commissioner, if satisfied that such vessel is in all respects safe and conforms to the requirements of this act [secs. 8213–8240], shall make and subscribe duplicate certificates, setting forth the age of the vessel, the date of inspection, the name of the vessel, the name of the owner, the master, the number of licensed officers and crew which he deems 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 such certificates shall be kept posted in some conspicuous place on the vessel to be designated by the commissioner in the certificate and the other copy shall be kept by the commissioner and by him recorded in a book to be kept for that purpose. If the commissioner refuses to grant a certificate of approval, he shall make a statement in writing, giving his reasons for such refusal, and deliver the same to the owner or master of the vessel.

Construction of vessels.

SEC. 8218. All steamboats and other vessels to which this act is applicable, shall hereafter be so constructed that the woodwork about the boilers, chimneys, fire boxes, cookhouses, stove and steam pipes, or any machinery or apparatus involving danger of fire, where such woodwork is exposed to ignition, shall be so shielded by some incombustible material, that the air may circulate freely between such material and woodwork or other ignitible substances, and before granting a certificate of inspection, the commissioner 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.

Loading safety valve.

SEC. 8225. 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 amount allowed by the commissioner's 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 any approaching danger, or intentionally permits the water to fall below the prescribed low water limit of the boiler,

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shall forfeit to the State of Washington the sum of five hundred dollars for each violation.

Creating undue amount of steam.

SEC. 8232. No master, engineer or other person having charge of the boiler or apparatus for the generation of steam of any steamboat or vessel shall create, or allow to be created any undue or unsafe quantity of steam in order to increase the speed of such boat or to excel another boat in speed. Any person violating the provisions of this section shall forfeit to the State of Washington the sum of five dollars for every such violation.

Violations.

SEC. 8233. Every master of a steamboat or vessel who shall violate any of the preceding sections of this act [secs. 8213–8240] shall, for every such violation, forfeit to the State of Washington the sum of two hundred and fifty dollars, unless a different penalty is prescribed.

Act to be posted.

SEC. 8235. The master of every vessel shall keep a copy of the preceding sections of this act [secs. 8213–8240] 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 State of Washington, twenty-five dollars, and the additional sum of twenty-five dollars for each month [during] which such violation continues.

Report.

SEC. 8236. The commissioner 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 the refusal, the names and number of persons examined and licensed, the names and number to whom licenses were refused and stating the reasons therefor, and may include in such report any other information he may deem desirable.

Fees.

SEC. 8238. For each inspection provided for in sections 8214 and 8215 the owner or master of each vessel shall pay the commissioner of labor an inspection fee, which shall not be less than five dollars, nor more than twenty dollars, to be fixed by the commissioner of labor with reference to the size of the vessel inspected. * * *

Compensation.

SEC. 8239. The inspectors provided for in this act [secs. 8213–8240] shall receive seven dollars per diem for the time actually engaged in making the inspections and examinations provided for herein, and shall be paid necessary traveling expenses when making such inspections and conducting such examinations at other than the domicile of said inspectors.

Inspectors to be deputies.

SEC. 8240. Any inspector duly employed by the commissioner of labor for the execution of any of the provisions of this act [secs. 8213–8240] shall be deemed to be a deputy of said commissioner for the purposes hereof, and may perform any act and exercise any authority herein prescribed for the commissioner of labor.

Railroads—Accidents—Safety appliances.

Accidents to be investigated.

SECTION 8650. The [railroad] commission is hereby authorized and directed to investigate all accidents that may occur upon any railroad operating in this State resulting in loss of life to any passenger or employee. Said commission is hereby authorized to administer oaths and examine such witnesses as it may deem necessary and proper to thoroughly ascertain the cause and for the purpose of fixing the responsibility therefor. Such examination and investigation may be made by the commission or any one of the commissioners, or the same may be made by its inspector of tracks and equipment, and such inspector shall have the right to administer oaths and examine witnesses in case the investigation is made by him. The commission shall report to the governor from time to time the result of all such investigations.

SEC. 8653. It shall be unlawful for any railroad or railway corporation or company owning and operating, or that may hereafter own or operate, a railroad in whole or in part in this State to knowingly or negligently use or operate any car, tender

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or locomotive that is defective, or any car or locomotive upon which the machinery or attachments thereto belonging are in any manner defective, or to knowingly operate its train over any defective or dangerous track, bridge or structure.

Switch engines.

It shall be unlawful for any railroad or railway corporation or company owning or operating or that may hereafter own or operate a railroad in whole or in part in this State, to use or operate any switching engine that is not properly equipped with foot boards on both ends not less than seven nor more than ten inches from the top of the rail to the bottom of the footboard, such footboards to be of the same length as the beam to which they are fastened and not to be more than two inches or less than one and one-half inches in thickness, with a toe board at least five inches wide, or that is not equipped with proper grab irons or uncoupling levers placed in lieu of such grab irons, such uncoupling levers to be securely fastened, and such grab irons or uncoupling levers to be placed in such position that men may stand upright on the footboards, excepting in cases of emergency and then only by consent of the railroad commission first had and obtained, or that is not equipped with head lamp on each end; or to use or operate an engine which by reason of defective pipes, cocks, valves or other causes will permit the escape of steam in such volume as to obstruct the view of the enginemen operating such engine; or to operate or move past and beyond any divisional repair point, any equipment that has defective sill steps, couplers or grab irons or defective flanges: *Provided,* That the railroad company may operate defective equipment from any place other than a divisional repair point to the nearest divisional repair point: *And provided further,* That any railroad company having at any divisional repair point defective equipment, may, upon repairing such defective equipment so that no defect longer exists in the sill steps, couplers, grab irons and flanges, make up such defective equipment into solid trains of defective equipment and move such solid trains to the general repair shops of such railway company, for the purpose of being repaired, but such train shall not be so made up and shall not move unless there be a sufficient number of air brakes in good working order to hold said train upon any grade to be encountered.

Automatic couplers.

SEC. 8654. Every railroad corporation owning or operating a railroad or part of a railroad in this State shall * * * equip and furnish all cars owned or leased and used by it in its service in this State with automatic couplers, coupling automatically which can be coupled and uncoupled without the necessity of men going between the ends of cars, and shall equip, furnish and operate all cars in its passenger service, and not less than eighty per cent of such cars in its freight service with perfectly acting air brakes, and also with good and sufficient hand brakes, and in such a manner as to enable the engineer under ordinary conditions to control the speed of the train without the use of hand brakes, and no freight train shall * * * be run by any such railroad corporation over any part of its road lying within the State, unless the cars composing such freight train are so furnished and equipped. All freight cars shall be equipped and provided with proper grab irons, ladders and stirrups, securely bolted on so as to enable the employees to climb upon and off such cars with safety: *Provided, however,* That this section shall not apply to boarding and outfit cars when moved as work trains, or to trains consisting wholly of logging trucks and a passenger car or caboose, or to freight trains consisting of not to exceed fifty per cent logging trucks.

Brakes.

Grab irons, etc.

Headlights.

All locomotives used in moving passenger trains excepting those assigned strictly to daylight runs shall be equipped with an electric headlight of approved design and capacity and it shall be unlawful to operate any locomotive on a passenger train (excepting a helper attached to the rear of the train, or a locomotive assigned to a daylight run, or in case of emergency occurring by reason of accident to the regular passenger locomotive) not so

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equipped after September 1, 1909, or any locomotive used in main-line road service not so equipped after February 1, 1911, except as permitted by the railroad commission of Washington so to do; all frogs, switches and guardrails on all railroads shall be so adjusted, filled, blocked and securely guarded as to protect and prevent the feet of persons being caught therein.

Inspector.

SEC. 8655. An inspector of safety appliances and tracks, bridges and structures shall be appointed by the railroad commission of Washington, at a salary of not to exceed two thousand dollars per annum. Such inspector shall not be an officer of any railroad operating in this State, nor shall he be interested, directly or indirectly, in the stock or bonds of any railroad company, and he shall have had at least seven years' actual experience in the operating department of some railroad. Before entering on his duties, the said inspector shall give a bond to the State of Washington in the sum of five thousand dollars, secured by a bond and security company acceptable to the railroad commission conditioned for the faithful performance of his duties, and shall make and file an affidavit that he is not an officer or director of any railroad company, and is not directly or indirectly interested in the stock or bonds of any railroad company, and such other facts as are required of employees of the State.

Duties.

SEC. 8656. It shall be the duty of the inspector to inspect the couplers, air brakes and automatic power brakes found on the cars and engines, and the grab irons, ladders, stirrups and hand brakes on all freight cars of any railroad in Washington, and make such report of his inspection to the railroad commission as it may order and require, reporting all cars, tenders and engines, giving the number of the same, the road on which they are found and the road owning same if known which is found to have a defective coupler, brake or other defect rendering the operation thereof in any way dangerous, particularly describing such defects. He shall on discovering a defective coupler, brake or other defect rendering the use of such car, tender or engine dangerous immediately report the same to the superintendent of the road on which it is found and to the agent thereof at the nearest station, describing the defect. Such inspector may, on the discovery of the defective coupler, brake or other defect rendering the use of such car, tender or engine dangerous condemn such car, tender or engine, and order the same out of service until repaired and put in good working order. He shall in addition thereto inspect the tracks, bridges, and structures of all lines of railroad operating in this State, and in case he finds such track, bridge or structure defective or unsafe in any particular, he shall report such condition to the railroad commission and in addition thereto shall report the same to the divisional superintendent of such railroad. In case any track is found so defective as to be dangerous to the employees or traveling public for a train or trains to be operated over the same, the inspector is hereby authorized to condemn such track, bridge, or structure, and notify the railroad commission and the railroad divisional superintendent of such road of his action concerning the same, reporting in detail the defects complained of, and the work and improvements necessary to be done to repair such defects. He shall also report to the railroad commission of Washington the violation of any law governing, controlling or affecting the conduct of railroads within this State. Such inspector shall have the right and privilege of riding upon any engine either on passenger or freight trains, or on caboose of freight train for the purpose of inspecting the track of any road in this State: *Provided*, That the engineer or conductor in charge of any such engine or caboose may require such inspector to produce his authority under the seal of the railroad commission of Washington showing that he is such inspector. The inspector shall be an employee of the railroad commission of Washington, and he shall perform in addition to the duties above described such other and further duties as the commission may require of him.

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Commission may direct inspection.

SEC. 8657. Whenever the railroad commission of Washington has reasonable grounds to believe either on complaint made to it or otherwise that any of the tracks, bridges or other structures of any railroads in this State, or the couplers, air brakes, or automatic power brakes of any cars, tenders and engines, or the grab irons, ladders, and stirrups of any freight car used in this State are in a condition which renders them or any of them dangerous or unfit for the transportation of passengers or the carrying of freight, it shall forthwith cause the same to be inspected and examined, and if on such examination of said commission or its inspector or agents it is of the opinion that any such tracks, bridges, structures, cars, tenders or engines are unfit for the transportation of passengers and freight with safety, it shall immediately give to the superintendent or other executive officer of the company operating such road notice of the condition thereof and of the repairs or reconstruction necessary to place the same in a safe condition, and it may also prescribe the rate of speed for trains passing over such dangerous or defective track, bridge or other structure until the repairs or reconstruction required are made, and may also prescribe the time within which such repairs or reconstructions must be made, or if in its opinion it is needful or proper, it may forbid the running of passenger trains over such defective track, bridge or structure until such repairs are made. If any superintendent or other executive officer receiving such notice and order neglects for two days after receiving the same to direct the proper subordinate officer to run the trains over such defective track, bridge or other structure at a speed not greater than that so prescribed, or if the running of such trains is forbidden, then to stop running trains over the same, or if any engineer, conductor or other employee knowingly disobeys such order, every superintendent, officer, engineer, conductor or employee so offending shall be fined in any sum not exceeding five hundred dollars, or be imprisoned for any period not exceeding one year, or both, at the discretion of the court; and the company operating such road, if it neglects or without good cause fails to make the repairs or reconstruction prescribed by the commission in the time limited shall for each day that such repair or reconstruction is delayed beyond the time prescribed, forfeit and pay to the State the sum of one hundred dollars, * * *

Disobedience of orders.

Duty of superintendents, etc., to remedy defects.

SEC. 8658. Any railroad whose superintendent, officer or agent shall receive such notice of a defective coupler, brake or other defect rendering the use of such car, tender or engine dangerous shall cause the same to be immediately repaired. On receiving from the inspector an order condemning any car, tender or engine the employees of the road in charge of said car, tender or engine shall put the same out of service at the first freight divisional terminal, or, in case the inspector so orders, at the first station reached. Any railroad whose superintendent, officer or agent shall receive notice of a defect in the track, or any bridge or other structure, shall cause the same to be immediately repaired and on receiving from the commission an order condemning the track, bridge or structure, no train excepting for the purpose of repairing shall be run over the same until the defects pointed out are remedied and repaired.

Accidents to be reported.

SEC. 8659. It shall be the duty of the general manager, superintendent or other proper officer of any railroad operating in this State to make to the railroad commission of Washington at its office a monthly report under oath of all collisions of trains, or where any train or part of a train accidently leaves the track, and of all accidents which may occur to its passengers or employees while in the service of such road and actually on duty, which report shall state the nature and cause thereof and the circumstances connected therewith: *Provided, however*, That neither said report nor any part thereof shall be admitted 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; that the railroad commission of the State

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of Washington is hereby authorized to prescribe for such railroad a method and form for making the report in this section provided. And it is made the duty of the divisional superintendent or any other officer in charge of every operating division of any railroad within the State to notify the railroad commission at its office in Olympia by wire, of all accidents on such division resulting in death or injury to any passenger[,] employee or other person, immediately upon being informed of such accident.

Violations. SEC. 8660. Any railroad divisional superintendent, agent, officer or employee of any railroad, or any agent, officer or employee of any express, telephone or telegraph company operating in this State who shall willfully and knowingly violate any of the provisions of this act [secs. 8650–8660] shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding five hundred dollars.

Frogs, etc., to be blocked. SEC. 8682. Any person or persons, railroad companies or corporations, owning or operating a railroad or railroads in this State, shall be and are hereby required * * * to so adjust, fill, block and securely guard the frogs, switches and guardrails on their roads as to protect and prevent the feet of employees and other persons from being caught therein. Any railroad operating within this State, shall not employ or use as flagman any person or persons who cannot read, write and speak the English language.

Flagmen.

Damages. SEC. 8683. Any person or persons, railroad companies or corporations owning or operating a railroad or railroads in this State, shall be liable for any damage received from a failure to comply with the provisions of this act [secs. 8682–8684]; such damages to be recovered by the parties entitled to recover as provided in sections 182, 183 and 184 of this code.

Penalty. SEC. 8684. Any person or persons, railroad companies or corporations, owning or operating any railroad in this State, failing to comply with the provisions of this act [secs. 8682–8684] 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.

Length. SEC. 8685. 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 or getting on said caboose cars and said caboose cars shall be equipped with at least two four-wheel trucks and an operative hand brake on each end: *Provided, however*, That this act [secs. 8685, 8686] shall not apply to logging railways upon which passengers are not regularly carried for hire.

Equipment.

Violations. SEC. 8686. Any person, corporation or company operating any railroad or railway in this State, violating any of the provisions of sec. 8685, 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.

Railroad employees—Purchase of uniforms.

Employees not to be restricted in buying. SECTION 8727. It shall be unlawful for any railroad or other transportation company doing business in the State of Washington, or of any officer, agent or servant of such railroad or other transportation company, to require any conductor, engineer, brakeman, fireman, purser, or other employee, as a condition of his continued employment, or otherwise to require or compel, or attempt to require or compel, any such employees to purchase of any such railroad or other transportation company or of any particular person, firm or corporation or at any particular place or

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places, any uniform or other clothing or apparel, required by any such railroad or other transportation company to be used by any such employee in the performance of his duties as such; and any such railroad or transportation company or any officer, agent or servant thereof, who shall order or require any conductor, engineer, brakeman, fireman, purser, or other person in its employ, to purchase any uniform or other clothing or apparel as aforesaid, shall be deemed to have required such purchase as a condition of such employee's continued employment.

Violation.

SEC. 8728. Any railroad or other transportation company doing business in the State of Washington, or any officer, agent or servant thereof, violating any of the provisions of this chapter [secs. 8727, 8728] shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or by imprisonment in the county jail of the county where the misdemeanor is committed, not exceeding six months.

Street railways—Qualifications of employees—Protection.

Competent men required.

SECTION 9071. Hereafter street railway or street car companies, or street car corporations, shall employ none but competent men to operate or assist as conductors, motormen or gripmen upon any street railway, or street car line in this State.

Who deemed competent.

SEC. 9072. A man shall be deemed competent to operate or assist in operating cars (or dummies) usually used by street railway or street car companies, or corporations, only after first having served at least three days under personal instruction of a regularly employed conductor, motorman or gripman on a car or dummy in actual service on the particular street railway or street car line for which the service of an additional man or additional men may be required: *Provided*, That during a strike on the street car lines the railway companies may employ competent men who have not worked three days on said particular street car line.

Proviso.

Penalty.

SEC. 9073. Any violation of section 9071 by the president, secretary, manager, superintendent, assistant superintendent, stockholder or other officer or employee of any company or corporation owning or operating any street railway or street car line or any receiver of street railway or street car company, or street railway or street car corporation appointed by any court within this State to operate such car line shall, upon conviction thereof, be deemed guilty of a misdemeanor, and subject the offender to such offense [sic] to a fine in any amount not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail for a term of thirty days, or both such fine and imprisonment at the discretion of the court.

Vestibules to be provided, when.

SEC. 9076. All corporations, companies or individuals owning, managing or operating any street railway or line in the State of Washington, shall provide, during the rain or winter season, all cars run or used on its or their respective roads with good, substantial and sufficient vestibules, or weather guards, for the protection of the employees of such corporation, company or individual.

Construction.

SEC. 9077. The vestibules or weather guards, provided for in the last [preceding] section, shall be so constructed as to protect the employees of such company, corporation or individual from the wind, rain or snow.

Penalty.

SEC. 9078. Any such street railway company, corporation or individual, as mentioned in the preceding sections, failing to comply with the provisions of this act [secs. 9076–9078], shall forfeit and pay to the State of Washington a penalty of not less than fifty dollars nor more than two hundred and fifty dollars for each and every violation of this act, and each period of ten days that any such company, corporation or individual shall fail to comply with the provisions of this act, or for each car used by such corporation. company or individual not in conformity with this act, shall

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be taken and deemed to be a separate violation of this act, and all moneys collected under and by virtue of the provisions of this act shall be paid into the common school fund of the State of Washington.

ACTS OF 1911.

CHAPTER 37.—*Employment of women—Hours of labor—Seats.*

Eight-hour day.

SECTION 1. No female shall be employed in any mechanical or mercantile establishment, laundry, hotel or restaurant in this State more than eight hours during any day. 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 eight hours during the twenty-four: *Provided, however*, That the provisions of this section in relation to the hours of employment shall not apply to, nor affect, females employed in harvesting, packing, curing, canning or drying any variety of perishable fruit or vegetable, nor to females employed in canning fish or shellfish. If it shall be adjudicated that the foregoing proviso and exception shall be unconstitutional and invalid for any reason, an adjudication of invalidity of said proviso or of any part of this act shall not affect the validity of the act as a whole or any other part thereof.

Exemptions.

Seats.

SEC. 2. Every employer in establishments where females are employed shall provide suitable seats for them and shall permit the use of such seats by them when they are not engaged in the active duties for which they are employed, and every such employer shall keep posted in an open and conspicuous place in each room where such females are at work a copy of this act printed in such form and style as may be prescribed by the commissioner of labor.

Violations.

SEC. 3. Any employer, overseer, superintendent or other agent of any such employer who shall violate any of the provisions of this act, shall, upon conviction thereof be fined for each offense in a sum not less than ten dollars nor more than one hundred dollars.

This statute is constitutional, nor does the exception as to work in canneries invalidate it. 122 Pac. 324.

Not all work in a cannery is excepted, so that work not directly necessary to the canning, as lacquering to prevent rusting, can not be carried on for more than eight hours. 131 Pac. 452.

CHAPTER 49.—*Accident insurance.*

Provisions required.

SECTION 187. 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:

* * * * *

Change of occupation.

(5) 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 limits fixed by the company, for such more hazardous occupation according to the company's rates and classification of risks filed with the commissioner in this State at, or prior to the date of issuance of the policy under which indemnity is claimed.

Blanket policies.

SEC. 189. Nothing in this act 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

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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; * * *

CHAPTER 65.—*Mine regulations—Powder.*

Magazines for explosives.

SECTION 1. Each person, firm or corporation engaged in coal mining, requiring the use of powder or other explosives, shall provide (subject to the approval of the State mine inspector), at or near the entrance of each coal mine operated, at some suitable place near such work, a suitable distributing magazine for the storage of such powder or other explosives. There shall be posted upon such magazine a notice, printed in letters not less than three inches in height, that such magazine contains explosives. No person shall store or keep in any magazine mentioned in this section any powder or other explosives in excess of one ton. In the case of coal mines such powder or other explosive shall be issued daily in quantities not to exceed the average used by each workman in one day, in proper receptacles. Any person or corporation violating or failing to comply with the provisions of this section shall be guilty of a gross misdemeanor.

CHAPTER 117.—*Telegraph and telephone companies—Provisions for employees.*

SECTION 35. * * *

Accommodations.

Every telephone and telegraph company operating in this State shall provide and maintain suitable and adequate buildings and facilities therein, or connected therewith, for the accommodation, comfort and convenience of its patrons and employees.

* * * * *

Accidents to public service employees—Reports and investigations.

Reports required.

SECTION 63. Every public service company is hereby required to give immediate notice to the [public service] commission of every accident resulting in death or injury to any person occurring on its lines, plant or system, in such manner as the commission may prescribe. The commission may require reports to be made by any common carrier of all wrecks, collisions or derailments occurring on the line of any such common carrier. Such notice shall not be admitted as evidence or used for any purpose against such public service company giving such notice in any suit or action for damages growing out of any matter mentioned in such notice.

Investigation.

The commission is hereby authorized and directed to investigate all accidents that may occur upon the lines of any common carrier resulting in loss of life, to any passenger or employee, and may investigate any and all accidents or wrecks occurring on the line of any such common carrier, or any accident resulting in death or injury to any person occurring in connection with the plant or system of any public service company. Notice of such investigation shall be given in all cases for a sufficient length of time to enable the public service company affected to participate in the hearing, and such notice may be given orally or in writing, in such manner as the commission may prescribe.

Such witnesses may be examined as the commission may deem necessary and proper to thoroughly ascertain the cause of the accident or wreck and fix the responsibility therefor. Such examination and investigation may be conducted by the inspector or any deputy inspector, and such inspector or deputy inspector shall have the power to administer oaths, issue subpœnas and compel the attendance of witnesses, and when such examination is conducted by the inspector or deputy inspector, he shall make a full and complete report thereof to the commission.

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Railroads, etc.—Safety appliances—Inspection.

Defective conditions.

SECTION 65. If upon investigation the commission shall find that the equipment or appliances in connection therewith, or the apparatus, tracks, bridges or other structures of any common carrier are defective, and that the operation thereof is dangerous to the employees of such common carrier or to the public, it shall immediately give notice to the superintendent or other officer of such common carrier of the repairs or reconstruction necessary to place the same in a safe condition, and may also prescribe the rate of speed for trains or cars passing over such dangerous or defective track, bridge or other structure until the repairs or reconstruction required are made, and may also prescribe the time within which the same shall be made. Or if, in its opinion, it is needful or proper, it may forbid the running of trains or cars over any defective track, bridge or structure until the same be repaired and placed in a safe condition.

There shall be no appeal from or action to review any order of the commission made under the provisions of this section.

Equipment of locomotives.

SEC. 66. Each locomotive on every railroad in this State shall be equipped with power-driving wheel brakes and appliances for operating the train-brake system, so equipped that the engineer on the locomotive drawing such train can control its speed without requiring brakeman to use the common hand brakes for that purpose, with couplers coupling automatically by impact, which can be coupled or uncoupled without the necessity of men going between the locomotive and the locomotive or car to which the same is being coupled or from which it is being uncoupled, and with proper flanges, sill steps and grab irons, or uncoupling levers in lieu of such grab irons, and, excepting such as may be assigned to daylight runs or switching service exclusively, with electric headlights of approved design and capacity (except that locomotives may be operated without such headlight upon permission and order of the commission), with proper cocks, valves, pistons, valve stems and appliances which will prevent the escape of steam in such volume as to obstruct the view of the engineman operating such locomotive, and, in the case of locomotives used in the switching service, with proper footboards and toe boards, and with a headlight on each end, and with such other appliances, apparatus and machinery necessary for safe operation of the locomotive or the train to which the same is attached, as the commission may prescribe: *Provided*, That in case of emergency the commission may permit the use of road engines in switching service.

Cars.

Each car shall be equipped with couplers coupling automatically, which can be coupled or uncoupled without the necessity of men going between the ends of the cars, with power brakes, with proper hand brakes, sill steps and grab irons, and, where secure ladders and running boards are required, with such ladders and running boards, and all cars having ladders shall also be equipped with secure handholds or grab irons on their roofs at the tops of such ladders, and with such other appliances necessary for the safe operation of such cars, and the trains containing such cars, as may be prescribed by the commission: *Provided*, That in the loading and hauling of long commodities requiring more than one car, hand brakes may be omitted from all save one of the cars, while they are thus combined for such purpose: *And provided further*, That in the operation of trains not less than eighty-five per cent of the cars in such train, which are associated together, shall have their power brakes used and operated by the engineer of the locomotive drawing such train.

Street cars.

Every street car shall be equipped with proper and efficient brakes, steps, grab irons or handrails, fenders or aprons or pilots, and with such other appliances, apparatus and machinery necessary for the safe operation of such street car as the commission may prescribe.

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The commission shall, as soon as practicable, after the taking effect of this act, designate the number, dimensions, location and manner of application of the appliance provided for herein, or such as may be prescribed by the commission, and shall give notice of such designation to all railroad companies and street railroad companies subject to the provisions of this act, by such means as the commission may deem proper, and thereafter such number, dimensions, location and manner of application as designated by the commission shall remain as the standards of equipment to be used on all cars and locomotives subject to the provisions of this act. The commission shall have power to add to, change or modify said standards of equipment at any time or to provide different standards under different circumstances and conditions: *Provided*, That the commission may, upon full hearing, for good cause, extend the period within which any railroad or street railroad may comply with the provisions of this section with respect to the equipment of locomotives or cars actually in service at the date of the passage of this act. The commission is hereby given authority to fix the time within which such modification or change shall become effective or obligatory. After the time so fixed it shall be unlawful to use any car, motor, or locomotive which does not comply with the standards so prescribed by the commission: *Provided*, That when any car, motor or locomotive shall have been properly equipped as provided in this act, and such equipment shall have become defective or insecure while such car, motor or locomotive was being used by such railroad company upon its line of railroad, such car, motor or locomotive may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car, motor or locomotive can be repaired, without liability for the penalties imposed herein if such movement is necessary to make such repairs, and such repairs can not reasonably be made except at such repair point. Nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars in revenue trains, or in association with other cars that are commercially used, unless such defective cars contain live stock or perishable freight.

Numbers, etc., to be designated.

Time for adoption.

Defects en route.

It shall be unlawful for any railroad company or street railroad company to use or operate any car, motor, locomotive or train that is defective, or any car, motor, locomotive or train upon which any appliance, machinery or attachment thereto belonging is defective, or to knowingly operate its train over any defective track, bridge or other structure, excepting in cases of emergency and under proper precaution: *Provided*, That this section shall not apply to boarding and outfit cars when moved as work trains, or to trains consisting wholly of logging trucks or of logging trucks and a passenger car or caboose at the rear end thereof, or of logging trucks and not to exceed five freight cars at the rear end thereof.

Use of defective cars, etc.

SEC. 67. It shall be the duty of the inspector of tracks, bridges, structures, and equipment, and such deputies as may be appoints [appointed] to inspect all equipment, and appliances connected therewith, and all apparatus, tracks, bridges and structures, depots and facilities and accommodations connected therewith, and facilities and accommodations furnished for the use of employees, and make such reports of his inspection to the commission as may be required. He shall, on discovering any defective equipment or appliances connected therewith, rendering the use of such equipment dangerous, immediately report the same to the superintendent of the road on which it is found, and to the proper official at the nearest point where such defect is discovered, describing the defect. Such inspector may, on the discovery of any defect rendering the use of any car, motor or locomotive dangerous, condemn such car, motor or locomotive, and order the same out of service until repaired and put in good working order. He shall, on discovering any track, bridge or structure defective or unsafe in any particular, report such condition to the commission,

Inspections.

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and, in addition thereto, report the same to the official in charge of the division of such railroad upon which such defect is found. In case any track, bridge or structure is found so defective as to be dangerous to the employees or public for a train or trains to be operated over the same, the inspector is hereby authorized to condemn such track, bridge or structure and notify the commission and the office in charge of the division of such railroad where such defect is found of his action concerning the same, reporting in detail the defect complained of, and the work or improvements necessary to repair such defect. He shall also report to the commission the violation of any law governing, controlling or affecting the conduct of public service companies in this State.

The inspector, or such deputies as may be appointed, shall have the right and privilege of riding on any locomotive, either on freight or passenger trains, or on the caboose of any freight train, for the purpose of inspecting the track on any railroad in this State: *Provided*, That the engineer or conductor in charge of any such locomotive or caboose may require such inspector to produce his authority, under the seal of the commission, showing that he is such inspector or deputy inspector.

The inspector, or such deputy inspector or inspectors as may be appointed, shall, when required by the commission, inspect any street railroad, gas plant, electrical plant, water system, telephone line or telegraph line, and upon discovering any defective or dangerous track, bridge, structure, equipment, apparatus, machinery, appliance, facility, instrumentality or building, rendering the use of the same dangerous to the public or to employees of the company owning or operating the same, report the same to the commission, and to the official in charge of such road, plant, system or line.

Frogs, etc., to be guarded.

SEC. 68. Every railroad and street railroad operating in this State shall so adjust, fill, block and securely guard all frogs, switches and guardrails so as to protect and prevent the feet of persons being caught therein.

CHAPTER 134.—*Railroads—Sufficient crews for trains.*

Crews for passenger trains;

SECTION 1. It shall be unlawful for any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway, in the State of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, to operate over its road or any part thereof, or suffer or permit to be run over its road outside of the 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 (said flagman to have had at least one year's experience in train service) and none of the said crew shall be required or permitted to perform the duties of train baggageman or express messenger while on the road.

Freight trains.

SEC. 2. It shall be unlawful for any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway, in the State of Washington and engaged, as a common carrier, in the transportation of freight or passengers, to operate over its road or any part thereof, or suffer or permit to be run over its road outside of the yard limits, any freight train consisting of twenty-five or more cars exclusive of engine 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 (said flagman to have had at least one year's experience in train service): *Provided, however*, That light engine, without cars, shall have the following crew, to wit: One engineer, one fireman and one conductor.

Separate offenses.

SEC. 3. Each train or engine run in violation of section one or two of this act shall constitute a separate offense: *Provided*, That nothing in this act shall be construed as applying in the case of disability of one or more of any train crew while out on the road

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between division terminals, wrecking trains, or to any line, or part of line, where not more than two trains are run in each twenty-four hours.

Violations.

SEC. 4. Any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway in the State of Washington, 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 one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense.

Enforcement.

SEC. 5. It shall be the duty of the railroad commission to enforce this act.

RESOLUTIONS.

SENATE JOINT RESOLUTION No. 10.—*Preference of domestic products for public buildings.*

Products of State preferred.

Hereafter in the erection or construction of the capitol building or buildings, or in the erection or construction of buildings for any of the State institutions, Washington stone, marble and other building materials and products [shall] be used; and that so far as possible all State buildings of every kind and character hereafter constructed, shall be constructed of Washington products and building materials.

ACTS OF 1913.

CHAPTER 60.—*Inspection and regulation of bakeries.*

Enforcement of law.

SECTION 6. The commissioner [of agriculture] shall have power and it shall be his duty:

* * * * * * *

7. To exercise all the powers and perform all the duties now vested in and required to be performed by the State commissioner of labor so far as they concern the inspection and supervision of bakeries and bakeshops.

CHAPTER 130.—*Safety of employees—Electrical construction, maintenance, etc.*

Rules for erection of apparatus.

SECTION 1. It shall be unlawful from and after the passage of this act for any officer, agent, or employee of the State of Washington, or of any county, city or other political subdivision thereof, or for any other person, firm or corporation, or its officers, agents or employees, to run, place, erect, maintain, or use any electrical apparatus or construction, except as provided in the rules of this act.

* * * * * * *

Rule 16. All generators and motors having a potential of more than three hundred (300) volts shall be provided with a suitable insulated platform or mat so arranged as to permit the attendant to stand upon such platform or mat when working upon the live parts of such generators or motors.

Rule 17. Suitable insulated platforms or mats shall be provided for the use of all men while working on any live part of switchboards on which any wire or appliance carries a potential in excess of three hundred (300) volts.

Rule 18. Every generator, motor, transformer, switch or other similar piece of apparatus and device used in the generation, transmission or distribution of electrical energy in stations or substations, shall be either provided with a name plate giving the capacity in volts and amperes, or have this information stamped thereon in such a manner as to be clearly legible.

Rule 19. In all cases there shall be two switches used at the station or substation in each feeder for the transmission of elec-

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trical energy at constant potential of seven hundred fifty (750) volts or over; one shall be an oil switch so situated as to insure the safety of the person operating the same; the other shall be a disconnecting switch: *Provided*, That oil switches shall not be required in direct current feeders.

Rule 20. When lines of seven hundred fifty (750) volts or over are cut out at the station or substation to allow employees to work upon them, they shall be short-circuited and grounded at the station, and shall in addition, if the line wires are bare, be short-circuited, and where possible grounded at the place where the work is being done.

Rule 21. All switches installed with overhead protection devices, and all automatic overload circuit breakers must have the trip coils so adjusted as to afford complete protection against overloads and short circuits, and the same must be so arranged that no pole can be opened manually without opening all the poles, and the trip coils shall be instantly operative upon closing.

Rule 24. There shall be provided in all stations, plants, and buildings herein specified warning cards printed on red cardboard not less than 2½ by 4½ inches in size, which shall be attached to all switches opened for the purpose of linemen or other employees working on the wires. The person opening any line switch shall enter upon said card the name of the person ordering the switch opened, the time opened, the time line was reported clear and by whom, and shall sign his own name.

Manholes.

Rule 25. No manhole containing any wire carrying a current of over three hundred (300) volts shall be less than six (6) feet from floor to inside of roof; if circular in shape it shall not be less than six feet in diameter; if square it shall be 6 feet from wall to wall: *Provided, however*, That this paragraph shall not apply to any manhole in which it shall not be required that any person enter to perform work: *Provided, further*, That the foregoing provisions of this paragraph shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with this law within the space or location designated by the proper authorities.

Rule 26. All manholes containing any wires or appliances carrying electrical current shall be kept in a sanitary condition, free from stagnant water or seepage or other drainage which is offensive or dangerous to health, either by sewer connection or otherwise, while any person is working on the same.

Rule 27. No manhole shall have an opening to the outer air of less than twenty-six (26) inches in diameter, and the cover of same shall be provided with vent hole or holes equivalent to three square inches in area.

Rule 28. No manhole shall have an opening which is, at the surface of the ground, within a distance of three (3) feet at any point from any rail of any railway or street car track: *Provided, however*, That this shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with the provisions of this paragraph: *Provided*, That in complying with the provisions of this rule only the construction last in point of time performed, placed or erected shall be held to be in violation thereof.

Rule 29. Whenever persons are working in any manhole whose opening to the outer air is less than three (3) feet from the rail of any railway or street car track, a watchman or attendant shall be stationed on the surface at the entrance of such manhole at all times while work is being performed therein.

RULE 30. There shall be provided proper cutout switches on all primary and secondary wires in all manholes where the wires are connected with transformers or other electrical devices therein.

RULE 31. All persons employed in manholes shall be furnished with insulated platforms so as to protect the workmen while at work in the manholes: *Provided*, That this paragraph shall not

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apply to manholes containing only telephone, telegraph or signal wires or cables.

Two workmen, when.

Rule 32. No work shall be permitted to be done on any live wire, cable or appliance carrying more than seven hundred fifty (750) volts of electricity by less than two competent and experienced persons, who, at all times while performing such work shall be in the same room, chamber, manhole or other place in which, or on the same pole on which, such work is being done: *Provided*, That in districts where only one competent and experienced person is regularly employed, and a second competent and experienced person can not be obtained without delay at prevailing rate of pay in said district, such work shall be permitted to be done by one competent and experienced person and a helper who need not be on the same pole on which said work is being done.

No work shall be permitted to be done in any manhole or subway on any live wire, cable or appliance carrying more than three hundred volts of electricity by less than two competent and experienced persons, who at all times while performing such work shall be in the same manhole or subway in which such work is being done.

* * * * *

Copy of law to be posted.

SEC. 2. A copy of this act printed in a legible manner shall be kept posted in a conspicuous place in all electric plants, stations and storerooms.

Change of apparatus already in use.

SEC. 3. All wires, cables, poles, electric fixtures or appliances of every kind or nature being used or operated at the time of the passage of this act shall be changed, and made to conform with the provisions of this act on or before five (5) years from the date of its passage.

Powers of commission.

Provided, however, That the public service commission of Washington shall have power, upon notice and hearings, to order and require the erection of all guards, protective devices, and methods of protection which in the judgment of the commission are necessary and should be constructed previous to the expiration of the time fixed in this section: *Provided, however*, That it shall be lawful to place additions, wires, cables, electrical fixtures or appliances upon existing poles or cross-arms so long as the new construction shall be made to conform to the provisions of this act.

Provided, further, That nothing in this act shall apply to manholes already constructed, except the provisions for guards, sanitary conditions, drainage and safety appliances specified in Rules 20, 24, 26, 29, 30, 31 and 32.

Enforcement.

SEC. 4. It shall be the duty of the public service commission of Washington to enforce all the provisions and rules of this act and it is hereby empowered upon hearing to amend, alter and change any and all rules herein contained, or any part thereof, and to supplement the same by additional rules and requirements, after first giving reasonable public notice and a reasonable opportunity to be heard to all affected thereby: *Provided*, That no rule amending, altering or changing any rule supplementary to the rules herein contained shall provide a less measure of safety than that provided by the rule amended, altered or changed.

A violation of any rule herein contained or of any rule or requirement made by the commission which it is hereby permitted to make shall be deemed a violation of this act.

Orders of commission to be complied with.

SEC. 5. Every public service company, county, city, or other political subdivision of the State of Washington, and all officers, agents and employees of any public service company, county, city, or other political subdivision of the State of Washington, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this act, so long as the same shall be and remain in force. Any public service company, county, city, or other political subdivision of the State of Washington, which shall violate or fail to comply with any provision of this act, or which fails, omits or neglects

Violations by companies and municipalities.

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to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, pursuant to this act, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this act shall be a separate and distinct offense, and in case of a continued violation every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

Violations by individuals.

SEC. 6. Every officer, agent or employee of any public service company, the State of Washington, or any county, city, or other political subdivision of the State of Washington, who shall violate or fail to comply with, or who procures, aids or abets any violation by any public service company, the State of Washington, or any county, city or other political subdivision of the State of Washington, of any provision of this act, or who shall fail to obey, observe or comply with any order of the commission, pursuant to this act, or any provision of any order of the commission, or who procures, aids or abets any such public service company, the State of Washington, or any county, city, or other political subdivision of the State of Washington, in its failure to obey, observe and comply with any such order or provision, shall be guilty of a gross misdemeanor.

CHAPTER 174.—*Employment of women and children—Minimum wages.*

Grounds of law.

SECTION 1. The welfare of the State of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The State of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Employment under detrimental conditions.

SEC. 2. It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance.

Standards.

SEC. 3. There is hereby created a commission to be known as the "Industrial Welfare Commission" for the State of Washington, to establish such standards of wages and conditions of labor for women and minors employed within the State of Washington, as shall be held hereunder to be reasonable and not detrimental to health and morals, and which shall be sufficient for the decent maintenance of women.

Appointment of commission.

SEC. 4. Said commission shall be composed of five persons, four of whom shall be appointed by the governor, as follows: The first appointments shall be made within thirty (30) days after this act takes effect; one for the term ending January 1st, 1914; one for the term ending January 1st, 1915; one for the term ending January 1st, 1916; and one for the term ending January 1st, 1917: *Provided, however*, That at the expiration of their respective terms, their successors shall be appointed by the governor to serve a full term of four years. No person shall be eligible to appointment as a commissioner hereunder who is, or shall have been at any time within five years prior to the date of such appointment a member of any manufacturers' or employers' association or of any labor union. The governor shall have the power of removal for cause. Any vacancies shall be filled by the governor for the unexpired portion of the term in which the vacancy shall occur. The commissioner of labor of the State of Washington shall be ex-officio member of the commission. Three members of the commission shall constitute a quorum at all regular meetings and public hearings.

Expenses.

SEC. 5. The members of said commission shall draw no salaries. The commission may employ a secretary whose salary shall be paid out of the moneys hereinafter appropriated. All claims for

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expenses incurred by the commission shall, after approval by the commission, be passed to the State auditor for audit and payment.

Powers and duties.

SEC. 6. It shall be the duty of the commission to ascertain the wages and conditions of labor of women and minors in the various occupations, trades and industries in which said women and minors are employed in the State of Washington. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all books, pay rolls or other records of all persons, firms and corporations employing females or minors as to any matters that would have a bearing upon the question of wages of labor or conditions of labor of said employees.

Records of employers.

SEC. 7. Every employer of women and minors shall keep a record of the names of all women and minors employed by him, and shall on request permit the commission or any of its members or authorized representatives to inspect such record.

"Minor" defined.

SEC. 8. For the purposes of this act a minor is defined to be a person of either sex under the age of eighteen (18) years.

Hearings.

SEC. 9. The commission shall specify times to hold public hearings, at which times employers, employees or other interested persons may appear and give testimony as to the matter under consideration. The commission shall have power to subpœna witnesses and to administer oaths. All witnesses subpœnaed by the commission shall be paid the same mileage and per diem allowed by law for witnesses before the superior court in civil cases.

Conferences.

SEC. 10. If, after investigation, the commission shall find that in any occupation, trade or industry, the wages paid to female employees are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof. The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission, it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and maintain the workers in health, and to recommend standards of conditions or labor demanded for the health and morals of the employees. The findings and recommendations of the conference shall be made a matter of record for the use of the commission.

Review by commission.

SEC. 11. Upon the receipt of such recommendations from a conference, the commission shall review the same and may approve any or all of such recommendations, or it may disapprove any or all of them, and recommit the subject or the recommendations disapproved of, to the same or a new conference. After such approval of the recommendations of a conference the commission shall issue an obligatory order to be effective in sixty (60) days from the date of said order, or if the commission shall find that unusual conditions necessitate a longer period, then it shall fix a later date, specifying the minimum wage for women in the occupation affected, and the standard conditions of labor for said women; and after such order is effective, it shall be unlawful for any employer in said occupation to employ women over eighteen (18) years of age for less than the rate of wages, or under conditions of labor prohibited for women in the said occupation. The commission shall send by mail so far as practicable to each employer in the occupation in question a copy of the order, and

Orders.

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each employer shall be required to post a copy of said order in each room in which women affected by the order are employed. When such commission shall specify a minimum wage hereunder the same shall not be changed for one year from the date when such minimum wage is so fixed.

Revision of orders.

SEC. 12. Whenever wages or standard conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the commission may at its discretion reopen the question and reconvene the former conference or call a new one, and any recommendations made by such conference shall be dealt with in the same manner as the original recommendations of a conference.

Special licenses.

SEC. 13. For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person. such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

Minors.

SEC. 14. The commission may at any time inquire into wages, and conditions of labor of minors, employed in any occupation in the State and may determine wages and conditions of labor suitable for such minors. When the commission has made such determination in the cases of minors it may proceed to issue an obligatory order in the manner provided for in section 11 of this act, and after such order is effective it shall be unlawful for any employer in said occupation to employ a minor for less wages than is specified for minors in said occupation, or under conditions of labor prohibited by the commission for said minors in its order.

Duty of commissioner of labor.

SEC. 15. Upon the request of the commission the commissioner of labor of the State of Washington shall furnish to the commission such statistics as the commission may require.

Discrimination by employers.

SEC. 16. 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 relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of from twenty-five dollars ($25) to one hundred dollars ($100) for each such misdemeanor.

Penalty.

Violations.

SEC. 17. Any person employing a woman or minor for whom a minimum wage or standard conditions of labor have been specified, at less than said minimum wage, or under conditions of labor prohibited by the order of the commission; or violating any other of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

Complaints.

SEC. 17½. Any worker or the parent or guardian of any minor to whom this act applies may complain to the commission that the wages paid to the workers are less than the minimum rate and the commission shall investigate the same and proceed under this act in behalf of the worker.

Actions by employees.

SEC. 18. If any employee shall receive less than the legal minimum wage, except as hereinbefore provided in section 13, said employee shall be entitled to recover in a civil action the full amount of the legal minimum wage as herein provided for, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage. In such action, however, the employer shall be credited with any wages which have been paid upon account.

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Questions of fact and of law.

SEC. 19. All questions of fact arising under this act shall be determined by the commission and there shall be no appeal from its decision upon said question of fact. Either employer or employee shall have the right of appeal to the superior court on questions of law.

Reports.

SEC. 20. The commission shall biennially make a report to the governor and State legislature of its investigations and proceedings.

Appropriation.

SEC. 21. There is hereby appropriated annually out of any moneys of the State treasury not otherwise appropriated, the sum of five thousand dollars ($5,000) or as much thereof as may be necessary to meet the expenses of the commission.

CHAPTER 179.—*Mothers' pensions—Aid for dependent children.*

Provision for support.

SECTION 1. In every county it shall be the duty of the county commissioners to provide out of the moneys of the county treasurer an amount sufficient to meet the purposes of this law, for the support of women, whose husbands are dead, or are inmates of a penal institution or an insane asylum or who are abandoned by their husbands and such abandonment has continued for more than one year or because of total disability of their husbands, and who are unable to support their children, when such women are destitute and are mothers of children under the age of 15 years and such mothers and children reside in such counties.

Amount.

SEC. 2. The allowance to each of such women shall not exceed fifteen ($15) dollars per month when she has but one child under the age of 15 years, and if she has more than one child under the age of 15 years, it shall not exceed the sum of fifteen dollars a month for the first child, and five dollars a month for each of the other children under the age of 15 years.

Regulations.

SEC. 3. Such allowance shall be made by the juvenile court in the counties where such court is held and elsewhere by the superior court, 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) When by means of such allowance the mother will be able to maintain a home for her child or children; (3) The mother must in the judgment of the court, be a proper person, morally, physically and mentally, for the bringing up of her children; (4) No person shall receive the benefit of this act who shall not have been a resident of a county in which such application is made for at least one year next before the making of such application for such allowance.

Discontinuance.

SEC. 4. Whenever any child shall reach the age of 15 years any allowance made to the mother of such child for the benefit of such child shall cease. The court may in its discretion at any time before such child reaches the age of 15 years, discontinue or modify the allowance to any mother and for any child.

Fraud.

SEC. 5. Any person procuring fraudulently any allowance for a person, not entitled thereto, shall be deemed guilty of a gross misdemeanor.

Procedure.

SEC. 6. In each case where an allowance is made to any woman under the provisions of this act, an order to that effect shall be entered upon the records of the court, making such allowance. Proceedings to obtain the benefit of this act shall be instituted and maintained in the same manner as proceedings are instituted and maintained in the juvenile court and the prosecuting attorney shall render all necessary assistance to applicants under this act and shall appear in every such proceeding and through the probation officer, the charity commissioner or any person having knowledge of the facts, shall carefully investigate the merits of every application to the end that this act may be fairly administered and no person granted relief hereunder except those justly entitled thereto, and no officer of the court or county officer shall receive any fees for any service rendered in carrying out

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the provisions of this act. A certified copy of said order shall be filed with the county auditor of the county in which such child's mother is resident, and thereupon and thereafter and so long as such order remains in force and unmodified it shall be the duty of the county auditor each month to draw his warrant on the current expense fund of the county in favor of the mother for the amount specified in such order, which warrant shall be by the auditor delivered to the mother upon her executing duplicate receipts therefor, one to be retained by the auditor and the other to be filed by the clerk with the other records in the proceedings relating to such child or children. It shall be the duty of the county treasurer to pay such warrant out of funds in the current expense fund of the county.

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WEST VIRGINIA.

CODE—EDITION OF 1899.

CHAPTER 3.—*Protection of employees as voters—Time to vote.*

SECTION 52. Every person entitled to vote at any general national, State or county election, who may be employed by another on the day on which such election shall be held in this State, shall be given some period of four hours, or more if necessary, between the opening and the closing of the polls, on said day, for the purpose of enabling such person to repair to his place of voting to cast his vote and return; and any circuit court, or the judge thereof in vacation, may enforce the provisions of this section by mandate, or otherwise, upon the application of any voter. Every officer of any corporation, owner, superintendent, overseer, foreman or other person, who employs or permits to be employed any person against his will, in violation of this section, shall be guilty of a misdemeanor, and fined not less than fifty, nor more than five hundred dollars. Four hours to be allowed.

CHAPTER 5.—*Protection of employees as voters.*

SECTION 7. * * *; and any corporation which shall, by its officers, agents or otherwise, prevent or attempt to prevent any voter in its employ from attending any election, or from freely exercising his right of suffrage at any election at which he is entitled to vote, by any threat direct or indirect, express or implied, to discharge, or deprive such voter from his employment, or shall discharge or deprive such voter from its employment because of any vote he may cast, or refuse to cast, at any election at which he is entitled to vote, it shall be guilty of a misdemeanor, and shall upon conviction be fined not less than five thousand dollars nor more than twenty thousand dollars for every such offense, at the discretion of the jury. Attempting to influence vote.

CHAPTER 32.—*Employment offices.*

SECTION 2 (as amended by chapter 82, Acts of 1907). No person without a State license therefor shall License required.

* * * * *

(z) carry on the business of a labor agency:

Provided, That nothing in this chapter contained, and no license or payment under the provisions hereof, shall be taken to legalize any act which otherwise may be in violation of law, or exempt any person from any penalty prescribed for such violation.

SEC. 3. Any person violating either of the two preceding sections shall, * * * for every such offense, forfeit not less than ten, nor more than one hundred dollars, and may, at the discretion of the court, be imprisoned in the county jail not exceeding three months. Penalty.

SEC. 109 (as amended by chapter 82, Acts of 1907).

* * * * *

* * * on every license to conduct the business of a labor agency, one hundred dollars; any person or corporation who hires or contracts with laborers, male or female, to be employed by persons other than himself and to be transported out of the State for employment in another State, shall be deemed a labor agency within the meaning of this clause. Fee. Definition.

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CHAPTER 41.—*Exemption of wages—Unlawful assignment of claims.*

Assigning claims for collection outside of State.

SECTION 29a. I. It shall be unlawful for any person to institute, or permit to be instituted, proceedings in his own name, or in the name of any other person, or to assign or transfer, either for or without value, any claim for debt, or liability of any kind, held by him against a resident of this State, for the purpose of having payment of the same, or any part thereof, enforced out of the wages that may be exempted by * * * the Code of West Virginia by proceedings in attachment or garnishment, in courts, or before justices of the peace, in any other State than in the State of West Virginia; or to send out of this State by assignment, transfer, or in any other manner whatsoever, either for or without value, any claim or debt against any resident thereof, for the purpose or with the intent of depriving such person of the right to have his wages exempt from distress levy, or garnishment, according to the provisions * * * of the Code of West Virginia. And the person instituting such suit, or permitting such suit to be instituted or sending, or assigning, or transferring any such claim or debt for the purpose, or with the intent aforesaid, shall be liable in an action of debt to the person from whom payment of the same or any part thereof shall have been enforced by attachment or garnishment, or otherwise, elsewhere than in the State of West Virginia, for the full amount, payment whereof shall have been so enforced, together with interest thereon, and the cost of the attachment or garnishee proceedings, as well as the costs of said action to recover the same.

CHAPTER 144.—*Negligence of employees on public conveyances.*

Negligence causing injury.

SECTION 17. If any driver, conductor or captain of any vehicle or boat, for public conveyance, or any person in charge of such vehicle or boat shall, in the management of such vehicle or boat, willfully or negligently inflict bodily injury on any person, he shall be punished as for a misdemeanor.

CHAPTER 145.—*Intoxication of employees of railroads.*

Intoxication of engineer, etc.

SECTION 30. If any person while in charge of a locomotive engine, running upon the railroad of any corporation, or while acting as the conductor or brakeman of any car or train of cars, on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not exceeding five hundred dollars.

CHAPTER 149.—*Sunday labor.*

Sunday labor forbidden.

SECTION 16. If a person, on a Sabbath day, be found laboring at any trade or calling, or employ his minor children, apprentices, or servants in labor or other business, except in household or other work of necessity or charity, he shall be fined not less than five dollars for each offense. And every day any such minor child, or servant, or apprentice is so employed, shall constitute a distinct offense. * * *

Running trains.

SEC. 17. No forfeiture shall be incurred under the preceding section * * * for running any railroad train or steamboat on the Sabbath day, * * *; and no forfeiture for laboring on the Sabbath day shall be incurred under the said section, by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath and actually refrains from all secular business and labor on that day: *Provided*, He does not compel an apprentice or servant not of his belief to do secular work or business on Sunday, and does not on that day disturb any other person in his observance of the same. And no contract shall be deemed void because it is made on the Sabbath day.

Observance of seventh day.

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APPENDIX.

Employment of children.

(Act, page 1055, as amended by chapter 60, Acts of 1911.)

Age limit.

SECTION 1. No child under the age of fourteen years shall be employed, permitted or suffered to work in, about or in connection with any factory, mill, workshop or manufacturing establishment. It shall be unlawful for any person, firm, or corporation without written permission from the State commissioner of labor or county superintendent of free schools 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 said child resides are actually in session.

Certificates required.

SEC. 2. No child under the age of sixteen shall be employed, permitted or suffered to work in, about or in connection with any of the establishments or occupations named in section one of this act, unless the person, firm or corporation employing such child procures and keeps on file, accessible to any truant officer, inspector of factories or authorized agent of the humane society, an employment certificate as hereinafter prescribed. On termination of employment of a child whose employment certificate is on file, such certificate shall be forthwith returned by the employers to the person who issued the same. The employment certificate shall be issued only by the superintendent of schools, or by persons authorized by him in writing, or where there is no superintendent of schools, then by a person authorized by the local school board: *Provided*, That no member of a school board or other person authorized, as aforesaid, shall have authority to issue such certificates to 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. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined and approved and filed the following papers duly executed:

Who to issue.

Evidence.

1. The school record of such child properly filled out and signed.

2. A passport or duly attested transcript of the school census record, showing the date and place of birth of such child.

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

No employment certificate shall be issued until the child in question has personally appeared before the officer issuing the certificate nor until such officer has satisfied himself that the child can read and write legibly simple sentences in the English language, and that the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sufficiently sound health and physically able to perform the work it intends to do, which shall be stated. In all cases of doubt such development, health and physical fitness shall be determined by a medical officer of the board or department of health, or by a physician appointed by the school board.

Contents of certificate.

Every such employment certificate shall state the race, residence, sex, and the date and place of birth of the child, and that the papers required by the preceding sections have been duly examined, approved and filed. Every such certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued, and it shall show the date of its issue; the school record required by the act shall be signed by the principal or other 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 is able to read and legibly write simple sentences in the

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English language, and has received instruction equivalent to that given in the first four grades of the common schools. Such school record shall also give the date of birth and residence of the child as shown on the records of the school. The employment certificate provided for must be formulated by the State superintendent of free schools and furnished in blank by the clerk of the local school board.

Violations. SEC. 3. Whoever, whether he be the employer, parent, guardian or custodian of any child, employs, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for each and every offense.

Enforcement. SEC. 4. It shall be the duty of the prosecuting attorney to enforce the provisions of this act and to prosecute any person, firm or corporation charged with violation of the same, before any magistrate or court of competent jurisdiction in this State; and it shall be the duty of the truant officers, inspectors of factories and authorized agents of the humane society to expose all violations of this act to the prosecuting attorney. All fines collected for violations of this act shall be paid into the building fund of the school district or independent district in which the offense is committed.

Mine regulations—Weighing coal.

(Page 1055.)

Scales to be provided. SECTION 1. It shall be the duty of every corporation, company or person, engaged in the business of mining and selling coal by weight or measure, to procure and constantly keep on hand at the proper place, the necessary scales and measures and whatever else may be necessary, to correctly weigh and measure the

Testing. coal as mined by such corporation, company or person. And it shall be the duty of the sealer of weights and measures for every county in which coal is so mined and sold, to visit each coal mine operated therein, and where such scales and measures are kept, at least once in each year, and test the correctness of such scales and measures. The owner or operator of such coal mine, or any two or more of the miners working therein, may in writing require his attendance at the place where such scales and measures are kept, at other times, in order to test the correctness thereof, and it shall be his duty to comply with such requests as soon as he can, after receiving such request. If his attendance is required by the owner or operator of such mine, or if by the miners working therein, and the scales or measures tested be found not to be correct, his fee shall be paid by the owner or operators, and if his attendance be required by the miners and the scales or measures tested be found to be correct, his fees shall be paid by them. If in any such county there be no sealer of weights and measures, the duties herein required to be done and performed by such sealer, shall be done and performed by the inspector of mines for the district of which such county forms a part.

Cars to be marked. SEC. 2. Each car used by any such corporation, company or person in removing coal from any coal mine, shall be numbered by consecutive numbers plainly marked, and placed and kept thereon as long as such car is so used. And if the coal from such mine is mined, and the miners are paid according to the weight thereof for mining the same, every such car so used shall be weighed upon such tested scales, and the weight thereof shall be plainly marked and placed thereon as long as such car shall be used as aforesaid. If the coal at any such mine is mined, and the miners thereof are paid for mining the same by measure, the number of bushels of coal such car will hold when loaded to its capacity, shall also be plainly marked, and placed and kept thereon as long as such car is so used as aforesaid. And no car shall be used for the purpose aforesaid, * * * until the provisions of this section are complied with.

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Coal to be weighed before screening.

SEC. 3. All coal so mined and paid for by weight, shall be weighed in the car in which it is removed from the mine before it is screened, and shall be paid for according to the weight so ascertained, at such price per ton as may be agreed on by such owner or operator and the miners who mined the same. And coal mined and paid for by measure, shall be paid for according to the number of bushels marked upon each car in which it is removed from the mine, and before it is screened, and the price paid for each bushel so ascertained shall be such as may be agreed on as aforesaid.

Weighmen.

SEC. 4. Every such corporation, company or person shall employ a weighman, and the miners working in any such coal mine may employ another such weighman, and the two so employed shall supervise the weighing of each car while empty and the weighing of the same when loaded with coal so paid for by weight, and the measuring of the number of bushels therein, when necessary, so paid for by measure. But if the miners fail to employ such weighman, then the person so employed by such corporation, company or person shall perform that duty. Each of the persons so employed before entering upon the discharge of the duties of his employment shall take and subscribe an oath or affirmation that he will honestly and impartially do and perform the duties of his employment, and do equal and exact justice between employers and employees interested in the matter of his employment, to the best of his judgment, skill and ability.

Weights and measures.

SEC. 5. In any county in which the mine inspector is required to act as herein mentioned, the county court of such county shall furnish him with whatever is necessary to enable him to discharge his duties, if such court has procured the weights and measures and balances provided for by chapter fifty-nine of the Code of West Virginia; and if not, the State sealer of weights and measures shall furnish him with whatever may be necessary to enable him to discharge the duties hereby required of him, and the things so furnished him, in either case, shall be returned by him to the person from whom he received them as soon as possible after he has performed the duties for which he received them. But it shall be the duty of every corporation, company or person so engaged in the business of mining coal, to procure and constantly keep on hand a sealed weight, of at least fifty pounds, and a sealed measure of at least one bushel, to be used for the purposes of this act.

Penalty.

SEC. 6. Any corporation, company or person violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall for each offense, be fined not less than twenty-five dollars and not more than five hundred dollars. And the officer, agent or employees of the corporation or company whose duty it was to do or perform the act, or to cause it to be done and performed, which is the subject of the indictment, may be indicted jointly, with said corporation or company, and upon conviction thereof, in the discretion of the court, he may be imprisoned in the county jail not less than ten nor more than sixty days.

Application of law.

SEC. 7. This act shall not apply to any corporation company or person owning or operating a coal mine in which less than ten miners are employed.

This act is constitutional. 36 W. Va. Rep. 802.

Bureau of labor.

(Page 1057.)

Bureau created.

SECTION 1. There * * * hereby is created a State bureau of labor, to be under the control and management of a commissioner to be known as the State commissioner of labor, who is to be appointed as hereinafter provided.

Commissioner.

SEC. 2. The governor shall, with the advice and consent of the senate, appoint a competent person, who is identified with the labor interests of the State, to be State commissioner of labor, who

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shall hold his office * * * for a term of four years and until his successor is appointed and qualified. * * *

Salary, etc. SEC. 3. The commissioner of labor * * * shall receive an annual salary of $1,200 for his services. The commissioner of labor is hereby authorized to employ such assistance and incur such expenses as may be necessary to carry into effect the purposes of this act; but such assistance and expenses shall not exceed $1,200.

Duties. SEC. 4. It shall be the duty of the commissioner of labor to collect, compile and present to the governor, in annual reports, statistical details relating to all departments of labor and the industrial interests of the State, especially in relation to the financial, social, educational and sanitary condition of the laboring classes, and all statistical information that may tend to increase the prosperity of the productive industries of the State. He shall, once at least in each year, visit and inspect the principal factories and workshops of the State; and shall, upon complaint and request of any three or more reputable citizens, visit and inspect any place where labor is employed and make true report of the result of his inspection.

Powers. SEC. 5. The commissioner of labor shall have power, in the discharge of his duties, to enter and inspect any public institution of the State and any factory, workshop or other place where labor is employed. He may furnish a written or printed list of interrogatories, asking information essential to a proper discharge of his duties, to any person, company or corporation employing labor, and require full and complete answers thereto. And if any person, or the officers of any company or corporation shall neglect or refuse to answer, within a reasonable time, any proper question propounded to him by the commissioner of labor; or if any person or the officers of any company or corporation to whom a list of interrogatories has been furnished, shall neglect or refuse to fully and truthfully answer and return the same, such person or such officer of such company or corporation shall be deemed guilty of a misdemeanor. The commissioner of labor shall report to the prosecuting attorney of the proper county all such violations of this act; whereupon said prosecuting attorney shall proceed against the persons guilty thereof, as in other cases of misdemeanor; and any person or any officer or any company or corporation, convicted in such proceedings shall be fined not less than ten dollars nor more than fifty dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or shall be both fined and imprisoned within the above limits.

Answers to inquiries.

Duty of officers. SEC. 6. All State, county, district and city officers shall furnish the commissioner of labor, upon his request, all statistical information relating to labor, which may be in their possession as such officers. The commissioner of labor shall report to the governor, on or before the first day of December in each year, all the statistics he has collected and compiled, with such suggestions as he may deem advisable as to legislation tending to promote and increase the prosperity of the industrial establishments of the State, and to protect the lives and health and to promote the prosperity of the persons employed therein.

Payment of wages.

(Page 1058.)

Payment in money. SECTION 1. It shall be unlawful for any corporation, company, firm or person, engaged in any trade or business, either directly or indirectly, to issue, sell, give or deliver, to any person employed by such corporation, company, firm or person, in payment of wages due such laborer, or as advances for labor not due, any scrip, token, draft, check, or other evidence of indebtedness, payable or redeemable otherwise than in lawful money; and if any such scrip, token, draft, check or other evidence of indebtedness, be so issued, sold, given or delivered to such laborer, it shall be con-

Scrip to be redeemable.

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strued, taken and held in all courts and places, to be a promise to pay the sum specified therein in lawful money by the corporation, company, firm or person, issuing, selling, giving or delivering the same to the person named therein, or to the holder thereof. And the corporation, company, firm or person so issuing, selling, giving or delivering the same, shall, moreover, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars, and, at the discretion of the court, the officer or agent of the corporation, company, or firm, or the person issuing, selling, giving or delivering the same, may be imprisoned not less than ten, nor more than thirty days.

Restriction in trading.

SEC. 2. If any corporation, company, firm or person, shall coerce or compel, or attempt to coerce or compel an employee in its, their or his employment, to purchase goods or supplies in payment of wages due him, or to become due him, or otherwise, from any corporation, company, firm or person, such first named corporation, company, firm or person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the preceding section. And if any such corporation, company, firm or person, shall directly or indirectly, sell to any such employee in payment of wages due or to become due him, or otherwise, goods or supplies at prices higher than the reasonable or current market value thereof at cash, such corporation, company, firm or person, shall be liable to such employee, in a civil action, in double the amount of the charges made and paid for such goods or supplies, in excess of the reasonable or correct value in cash, thereof.

Overcharging for goods.

This act is constitutional. 36 W. Va. Rep. 802.

Payment of wages.

(Page 1059.)

Application of law.

SECTION 1. All persons, firms, corporations, or associations, in this State, engaged in mining coal, ore or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their employees as provided in this act.

Biweekly pay day.

SEC. 2. All persons, firms, companies, corporations or associations, engaged in the business aforesaid, shall settle with their employees at least once in every two weeks unless otherwise provided by special agreement, and pay them the amount due them for their work or services in lawful money of the United States, or by cash order as described and required in the next succeeding section of this act: *Provided*, That nothing herein contained shall affect the right of an employee to assign the whole or any part of his claim against his employer.

Refusal to pay wages.

SEC. 5. If any firm, company, corporation or association shall refuse for the space of twenty days to settle and pay any of their said employees at the intervals of time as provided in section two of this act, or shall neglect or refuse to redeem any cash orders herein provided for, within the time specified, if presented, and suit should be brought for the amount overdue and unpaid, judgment for the amount of said claim proven to be due and unpaid, with legal interest thereon until paid, shall be rendered in favor of the plaintiff in such action: *Provided, further*, That the cash order herein provided for, given for payment of labor, if the laborer continues to hold the same, in case of the insolvency of the company, or person, or firm, or corporation giving same, such laborer shall not lose his lien and preference under existing laws.

Proviso.

Miners' hospitals.

(Page 1089.)

Location.

SECTION 1. There shall be established, and maintained at the expense of the State, three hospitals, to be known as miners' hos-

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pitals, and located as follows: One in the Flat Top coal region, either in McDowell or Mercer County, which shall be known as Miners' Hospital No. 1; one in the New River coal region, either in Fayette or Kanawha County, which shall be known as Miners' Hospital No. 2; one in the Fairmont coal region, in the county of Marion, which shall be known as Miners' Hospital No. 3. The actual or specific location of each of said hospitals is to be determined by the respective boards hereinafter provided for.

Boards of directors.

SEC. 2 (as amended by chapter 57, Acts of 1901). Each of said hospitals shall be under the control of a board of directors, as hereinafter provided. The governor shall, on the tenth day of March, 1901, or as soon thereafter, as convenient, and every four years thereafter, nominate, and by and with the advice and consent of the senate appoint, four directors for each of said three boards, whose term of office shall begin on the first day of April next after their appointment and continue for four years and until their successors are appointed and qualified. Not more than three of the directors of any of said boards shall belong to the same political party. No person shall be appointed a director who is not a citizen and voter of this State. Each director before entering on the discharge of the duties of his office shall take the oath prescribed by law, which oath shall be filed in the office of the secretary of state. The term of office of the directors now in office shall expire on the thirty-first day of March, nineteen hundred and one.

Sites.

SEC. 3. Each of said boards shall, within a reasonable time after their appointment, select a site for the loctaion [location] of their respective hospitals at the points respectively named in the first section. Such location shall be convenient for railroad transportation and contain at least one acre of land, and when so selected the said board shall respectively cause the land so selected to be conveyed to the State by apt and proper deeds of conveyance, and shall cause the same to be recorded in the proper county: *Provided*, That the land for the sites aforesaid shall be donated to the State free of cost.

Admission.

SEC. 5 (as amended by chapter 51, Acts of 1903). It shall be the duty of the board of directors of each of these hospitals to admit, under their rules and regulations, persons requiring hospital care; and to treat free of charge persons accidentally injured, in this State, while engaged in their usual employment or occupation, but preference at all times to be given to persons accidentally injured.

Reports.

SEC. 7. Each of said boards shall, on the first day of January, of each year, make a report to the governor showing the condition of the hospital under its charge, the number of patients which may have been treated during the next preceding year, an itemized statement of the costs of running the hospital, and any other information which the board may deem proper to report, or which the governor may require to be reported; and the governor shall, at any time, call upon the said board for information and report as to any matter which he desires to be advised, and upon such demand being made, it shall be the duty of the said boards to make the report and furnish the information so requested by the governor.

Hours of labor on public works.

(Page 1146.)

Eight hours a day's labor.

SECTION 1. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics, who may be employed by or on behalf of the State of West Virginia.

Unlawful to require longer service.

SEC. 2. The service and employment of all laborers and mechanics who are now or may hereafter be employed by or on behalf of the State of West Virginia or by any contractor or subcontractor upon any of the public works of the State of West Virginia is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the West Virginia State government or any such contractor or subcontrac-

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tor whose duty it shall be to employ, direct or control the service of such laborers or mechanics to require or permit any such laborers or mechanics to work more than eight hours in any calendar day, except in case of extraordinary emergency.

Penalty.

SEC. 3. Any officer or agent of the State of West Virginia or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the State of West Virginia who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

ACTS OF 1901.

CHAPTER 8 (as amended by chapter 74, Acts of 1909).—*Protection of employees on street railways.*

Inclosed vestibules.

SECTION 1. * * * 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 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 requires the constant services, care or attention of any person or persons upon the platforms of any such car, to require or permit such services, attention or care, of any of its employees, or any other person or persons, unless such person, partnership or corporation, its officers or superintending or managing agents, have first provided the platforms of said cars with a proper and sufficient enclosure constructed of wood, iron, glass or similar suitable material, sufficient to protect such employees from exposure to the winds and inclemencies of the weather.

Violations.

SEC. 2. And any person, partnership or corporation, owning, operating, 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 this act, shall be found guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars. Each day that said person or persons, partnership or corporation, cause any of their said employees to operate such car or cars in violation of the aforesaid provisions of this act, or cause a car or cars to be used or operated in violation of this act, shall be deemed a separate offense: *Provided*, That the provisions of this act shall not apply to cars used and known as trailing cars.

Enforcement

SEC. 3. It is hereby made the duty of the prosecuting attorney of the county in which any such street railway is situated and operated, upon information given him by any creditable person or persons, or upon knowledge that he may possess, that any person, partnership or corporation, has violated any of the provisions of this act, to promptly prosecute such person, members of such partnership or corporation, for such violation.

CHAPTER 14.—*Employment of children—Certain employments forbidden.*

Acrobatic and immoral occupations.

SECTION 2. 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, or 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 who shall take, receive or employ such child for

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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 any place where any obscene, indecent or illegal, exhibition takes place, shall be guilty of a misdemeanor, and shall be fined not less than five dollars, nor more than one hundred dollars, for each offense.

Mendicant employments.

SEC. 3. 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 child 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 State, and whosoever shall take, receive, hire, employ, use or have in custody, any 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 this State, or for any mendicant business whatever, shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than one hundred dollars.

Employment in saloons, etc.

SEC. 4. 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 it in any dance house, 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 shall be fined not less than five dollars nor more than one hundred dollars for each offense.

CHAPTER 15.—*Free public employment offices.*

Bureau authorized.

SECTION 1. The commissioner of labor is hereby authorized to organize and establish, in connection with the bureau of labor, a free public employment bureau, for the purpose of receiving applications from persons seeking employment and applications from persons seeking to employ labor.

No fees to be charged.

SEC. 2. No compensation or fee shall be charged or received directly or indirectly from persons applying for work, information or help through said department. The commissioner of labor is hereby authorized to employ such assistance, and incur such expense as may be necessary to carry into effect the purpose of this act. But such assistance and expense shall not exceed five hundred dollars per annum.

Expenses.

SEC. 3. The expenses of the employment bureau shall be paid in the same manner and way as other expenses of the bureau of labor, and there is hereby appropriated five hundred dollars to carry out the provisions of this act.

CHAPTER 19.—*Inspection and regulation of factories, etc.*

Guards for machinery.

SECTION 1. In all manufacturing, mechanical and other establishments, in this State, where the machinery, belting, shafting, gearing, drums and elevators, are so arranged and placed as to be dangerous to persons employed therein, while engaged in their ordinary duties, shall be safely and securely guarded when possible, and if not possible, the notices of the danger shall be conspicuously posted in such establishments, and no minor or female

Cleaning moving machinery.

of any age shall be permitted to clean any of the mill gearing or machinery in such establishments while the same is in motion.

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Hatchways, etc.

SEC. 2. The opening of all hatchways, elevators and wellholes, upon each floor of every manufacturing, mechanical, mercantile or public building in this State, shall be protected by good and sufficient trapdoors, self-closing hatches, or strong guardrails at least three feet high. All due vigilance shall be used to keep such trapdoors closed at all times, except when in actual use.

Wash rooms, etc.

SEC. 3. In every factory, workshop or establishment, in this State, where females are employed, where unclean work of any kind has to be performed, suitable places shall be provided for such females to wash and to change clothing, and stairs in use by females shall, in all such establishments, be properly screened, and separate water-closets shall be provided for the use of employees of either sex, in all manufacturing, mechanical, mercantile and other establishments in this State where persons of both sexes are employed.

Seats for female employees.

SEC. 4. In every manufacturing, mechanical, mercantile and other establishments, in this State, wherein females are employed, there shall be provided, and conveniently located, seats sufficient to comfortably seat such females; and during such times as such females are not necessarily required by their duties to be upon their feet, they shall be allowed to occupy the seats provided.

Sanitation.

SEC. 5. And all establishments, to which this act applies, must be kept in a clean condition; the sanitary and hygienic regulations shall be such as will not endanger or be injurious to the lives or health of the employees employed therein.

Penalty.

SEC. 6. Any person or persons, firm or corporation of any manufacturing, mechanical, mercantile or other establishments, business or calling, in this State, to which this act applies, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, in any court of competent jurisdiction in this State, shall be fined not less than twenty dollars nor more than one hundred dollars, and in default of payment of such fine shall be imprisoned until such fine and costs are fully paid.

Enforcement.

SEC. 7. It shall be the duty of the commissioner of labor or his assistant to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or court of competent jurisdiction in this State.

CHAPTER 20.—*Mine regulations—Weighing coal.*

Checkweighman.

SECTION 1. When the amount of wages paid to any of the persons employed in any manufacturing, mining, or otherwise public enterprise employing labor, depend upon the amount produced by weight or measure, the persons so employed may, at their own cost, station or appoint at each place appointed for the weighing or measuring of the products of their labor a checkweighman or measurer, who shall in all cases be appointed by a majority ballot of the workmen employed at the works where he is appointed to act as such checkweighman or measurer.

Mode of payment.

SEC. 2. Every corporation, company, or person engaged in the business of mining coal in this State, where such checkweighman is employed by the miners working at such mines, shall furnish such checkweighman with a check or number and pay the said checkweighman for all coal placed to his check or number same per ton as is paid to the miners. Each of the persons so employed to see the weighing of said coal before entering upon the dscharge of the duties of his employment shall take and subscribe an oath before a justice of the peace or a notary public, that he will honestly and impartially do and perform the duties of his employment and do equal and exact justice between employers and employees to the best of his judgment, skill and ability.

Oath.

Application of law.

SEC. 3. This act shall apply to all weights, balances, steelyards, and weighing machines and measures used in any factory, mine, mill or otherwise industrial concerns, for determining the wages payable to any person employed according to the mineral or otherwise products produced by them through their labors.

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Checkweighman not necessary, when.

SEC. 4. Where the weighman is mutually selected by the consent of a majority of the miners working in any mine and the operator or agent of said company, it shall not be considered necessary to employ said checkweighman, but at any time that either of the parties to said agreement should become dissatisfied with said weighman they may dismiss him on ten days' notice or the miners may employ a checkweighman. Any corporation, company, or person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined for each and every offense not less than ten nor more than two hundred dollars.

It shall be the duty of every court in each county, in which any such coal mine is operated and in which a grand jury is impaneled, to give this act in charge to the grand jury.

CHAPTER 31.—*Mine regulations—Inspection, etc., of oil.*

Illuminating oil.

SECTION 1. Only animal, vegetable or paraffine oil or other oil as free from the evolution of smoke as a standard cottonseed oil, when burned in a miner's torch, shall be used in any open lamp or torch for illuminating purposes in any coal mine in this State, and kerosene and blackstrap oil, or a mixture of kerosene and blackstrap, shall not be used in miners' torches for illuminating purposes in any coal mine in this State; except that a mixture of mineral oil (other than blackstrap oil) and vegetable oil can be used upon machinery used as a motive power to haul coal in any mine in this State, and except, further, that a mixture of mineral and vegetable oil can be used for all stationary lights.

Cottonseed oil.

SEC. 2. A standard cottonseed oil shall have the following test:

(1) It shall be free from mineral oils or mineral-oil compounds.

(2) It shall be tested in a glass tube one and one-half inches in diameter by eight inches deep, and the oil shall be at a temperature of sixty degrees Fahrenheit when the test is made, and shall not exceed twenty-four degrees Tagliabue hydrometer.

Test.

SEC. 3. If the oil to be tested is below forty-five degrees Fahrenheit temperature, it must be slowly heated until it reaches eighty-five degrees temperature. Should the oil be above forty-five degrees temperature and below sixty-five degrees it must be heated to seventy degrees, when, in either case, it must be well shaken and allowed to cool gradually to a temperature of sixty degrees, when the test must be made.

Readings.

SEC. 4. In testing the gravity of oil the hydometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading.

Allowance.

SEC. 5. Where the oil is tested in difficult circumstances an allowance of one-half of one degree may be made for error of parallax.

Branding.

SEC. 6. All oil sold to be used for illuminating purposes in the mines of this State shall be contained in barrels, casks or packages, branded conspicuously with the name and address of the manufacturer of said oil, the specific gravity of the same and the date of shipment.

Penalty.

SEC. 7. Any person, firm, or corporation, either by themselves or an agent or employee, which shall sell or offer for sale for illuminating in any mine, in this State, any oil or any mixture or compound of oils which does not comply with the tests as prescribed in section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Use of untested oil.

SEC. 8. And any miner or employee in any mine, or employee of any mine operator or mine owner, who shall knowingly use or permit to be used for illuminating purposes in any mine, in this State, any oil other than that prescribed in section one of this act shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars for each and every offense; and in default of payment of such fine within twenty days from

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the day of conviction shall be given a sentence in the county jail for a period of not less than ten nor more than sixty days.

Inspectors to secure tests.

SEC. 9. It shall be the duty of the district mine inspectors wherever they have reason to believe that oil is being used, or sold or offered for sale, in violation of the provisions of this act, to take samples of the same and have them tested under the direction of the chief mine inspector; and if they are found to be inferior to the quality prescribed by this act, the inspector shall make complaint to the prosecuting attorney of the county in which the offense is committed, who shall forthwith commence proceedings against the offender in any court of competent jurisdiction. Any miner, mine employee, firm, corporation or their agents, who shall refuse to permit the mine inspector to examine his or their oil used for or sold for illuminating purposes in the coal mines, in this State, shall be guilty of a violation of this act, and may be taken before any justice of the peace and fined five dollars or imprisoned in the county jail for ten days for each offense.

ACTS OF 1904—EXTRA SESSION.

CHAPTER 3.—*Sale of intoxicants to employees.*

Whom employer may sue.

SECTION 20. Every * * * employer * * * who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action, severally or jointly, against any person who shall, by unlawfully selling or giving of intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons; and persons owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that intoxicating liquors are to be sold therein, or, who having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors that have caused, in whole or in part, the intoxication of any person, shall be liable, severally and jointly, with the person or persons selling or giving intoxicating liquors aforesaid, for all damages sustained, and for exemplary damages. * * *

ACTS OF 1905.

CHAPTER 76.—*Fire escapes on factories, etc.*

What buildings to have fire escapes.

SECTION 1. Every building or structure in this State of three or more stories in height, used as a factory or workshop, and in which ten or more persons are employed above the first story, or any hotel three or more stories in height, or any other building of more than three stories in height occupied or used as a tenement house, shall be provided with one or more suitable and substantial metallic fire escapes or ladders, reaching from the top of the first story to the cornice, and placed on the outside of the building. At each story above the first there shall be one or more metallic balconies substantially attached to the building and to the fire escape. Such fire escapes and balconies shall be in number, size, capacity, design and location as shall be necessary to furnish reasonable means of escape to all persons employed in the building in case of fire.

Duty of owner.

SEC. 2. It shall be the duty of the owner of every such building to equip the same as hereinbefore provided, within six months after the passage of this act. And thereafter no building as is described in the first section shall be used as a factory or workshop in which ten or more persons are employed above the first story, or a hotel three or more stories in height, until the same is so equipped. The word "owner" as used in this section shall include the person in whom is vested the legal title to the building.

Inspection.

SEC. 3. It shall be the duty of the mayor, the sergeant or chief of police, and the fire marshal of every city, town or village, annually to inspect every such building therein as described in the

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first section. They shall make inspection of any such building at any other time that they deem proper, and shall promptly make inspection of any such building whenever complaint thereof may be made to them in writing by any person. They shall serve written notice upon the owner, or his agent, of every such building not so provided with adequate fire escapes to provide the same within thirty days thereafter. It shall be the duty of the owner of such building to comply with such notice and to provide such adequate fire escapes within thirty days thereafter.

Violations. SEC. 4. Any such owner violating any of the provisions of this act shall be subject to a fine of not less than one hundred dollars ($100), nor more than two hundred dollars, ($200), which may be recovered before any justice or court having jurisdiction. Each week of failure to comply with the notice mentioned in section three shall be deemed a separate and distinct offense. And in addition, if any such owner shall fail for the space of sixty days after the receipt of such notice to provide adequate fire escapes, the building may be declared a nuisance in the manner prescribed in section twenty-eight of chapter forty-seven of the Code of West Virginia. If any officer shall fail to perform any duty required of him by this act, or shall violate any of its provisions, he shall be fined not less than twenty-five dollars, ($25), nor more than fifty dollars, ($50), to be recovered before any justice or court having jurisdiction.

ACTS OF 1907.

CHAPTER 59.—*Hours of labor of employees on railroads.*

Limit of eight hours. SECTION 1. It shall be unlawful for any person, corporation or association, operating a railroad within this State to permit any person employed by them, or on their railroad, in the capacity of telephone or telegraph operator, whose duty it is to space or block trains or engines, or handle train orders governing the movement of trains or engines, or handling interlocking switches governing the movement of trains or engines, to permit such telephone or telegraph operator so employed to be on duty more than eight

Provisos. hours in any twenty-four consecutive hours: *Provided,* That the provisions of this act shall apply only to such parts of a railroad where three or more passenger trains pass each way in twenty-four consecutive hours, or where ten or more freight trains pass each way in twenty-four consecutive hours, or at any office where said telegraph or telephone operators are employed twenty or more hours in twenty-four consecutive hours: *And provided, further,* That in case of necessity caused by the sickness of any such operators or by an accident on such railroad, such telephone and telegraph operators may be permitted to be on duty for a period of twelve consecutive hours in any twenty-four consecutive hours, but such extension of time shall extend only for a period long enough to enable such railroad company to supply the required number of operators at such office, and shall in no case extend over a period of more than two days, nor under this provision shall it be lawful for any telegraph or telephone operator to be on duty twelve consecutive hours in any twenty-four consecutive hours for more than three times in any calendar month; but nothing in this act shall prevent any such company and operator agreeing to a longer day than eight hours, but in no case shall any such operator be permitted to be on duty longer than twelve consecutive hours in any twenty-four consecutive hours under such agreement.

Violations. SEC. 2. Any person, corporation or association convicted of violating the provisions of this act shall be guilty of a misdemeanor and pay a fine of one hundred dollars for the first offense, and for each offense committed after the first conviction hereunder, pay a fine of three hundred dollars.

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CHAPTER 78.—*Mine regulations.*

Department of mines.

SECTION 1. There is hereby created an executive department to be known as the "Department of Mines" which shall have for its purpose the supervision of the execution and enforcement of all State laws pertaining to the inspection of mines, heretofore and hereafter enacted for the safety of persons employed within or at the mines within this State, and the protection of mine property and other property used in and in connection therewith; and the said department of mines shall be in charge of an official to be known as the chief of the department of mines, who shall have full charge of said department, and who shall superintend and direct the inspection of mines as herein provided and as provided by any other State law not in conflict with this act.

Chief to keep records.

The chief of the department of mines shall keep a record of all inspections made by himself and the district mine inspectors, which shall be a permanent record properly indexed; the record of the department of mines shall at all times be open to inspection by any citizen of this State, and upon the request of the governor of the State the chief of the department of mines shall lay said records before said officer, also maps of mines furnished the chief of the department of mines by the district mine inspectors; any chief of the department of mines who shall violate any of the provisions of this act shall, upon conviction, be fined not less than twenty-five nor more than two hundred dollars, and may in the discretion of the court be imprisoned in the county jail not exceeding one year.

Qualifications of chief.

The chief of the department of mines shall be a male citizen of West Virginia, and shall be a competent person, having had at least eight years' experience in the working, ventilation and drainage of coal mines in this State, and having a practical and scientific knowledge of all noxious and dangerous gases found in such mines, and to enable the said chief of the department of mines to perform his duties he shall have the same authority to visit, enter and examine, the mines as is conferred upon the district mine inspector, and he shall have the authority to call the assistance of any one of the district mine inspectors to any district in the State.

The present chief mine inspector of this State, who according to this act, is designated as chief of the department of mines, shall continue in office under the title of chief of the department of mines until July one, one thousand nine hundred and nine, the expiration of the term for which he was appointed as chief mine inspector, or until his successor shall be duly appointed and qualified, unless sooner removed as provided by law; and the governor of this State, shall with the consent of the senate, appoint a chief of the department of mines whose term of office shall begin July one, one thousand nine hundred and nine, and shall be for four years, or until his successor shall be duly appointed and qualified; and the governor, with the consent of the senate, shall each four years thereafter, appoint a chief of the department of mines for the term of four years or until his successor be appointed and qualified.

Salary.

The salary of the chief of the department of mines shall be twenty-four hundred dollars, and traveling expenses, which shall be paid monthly out of the State treasury upon a requisition upon the State auditor, properly certified by the chief of the department of mines.

Inspectors.

SEC. 2. Within thirty days after this act becomes a law the chief of the department of mines shall appoint such an additional number of district mine inspectors, which with those now in office, shall give one inspector for each mining district within the State, as hereinafter provided, whose term of office shall expire the first day of July, one thousand nine hundred and nine, or when their successors be appointed and qualified, unless sooner removed as provided by law, and he shall direct or prescribe in which of said districts each of said inspectors shall serve; and he shall

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each four years thereafter appoint one inspector for each of said districts.

The salary of each district mine inspector shall be eighteen hundred dollars per annum, and actual expenses; such salary and expenses shall be paid monthly out of the State treasury upon the approval of the chief of the department of mines: *Provided,* That before payment of such expenses shall be made to the inspector he shall file an account of such expenses, verified by his affidavit, showing that they accrued in the discharge of his official duties; every person so appointed district mine inspector must be a citizen of West Virginia, having a practical knowledge of mining and the proper ventilation and drainage of mines and a knowledge of the gases met with in coal mines, and must be a miner of at least six years' experience in coal mines, or having otherwise been engaged as an employee for six years within coal mines, and he shall not while in office, be interested as owner, operator, agent, stockholder, superintendent or engineer of any coal mine, and he shall be of good moral character and temperate habits. An inspector of mines shall be removed from office by the chief of the department of mines of this State for incompetency, neglect of duty, drunkenness, malfeasance and for other good causes.

Monthly reports.

Each of the district mine inspectors shall report in writing monthly to the chief of the department of mines the number and condition of all mines inspected by him during each month and shall deliver to the operator or operators of each mine inspected a certificate of inspection, and shall post a duplicate certificate at a prominent place of the operating company where it may be conveniently read by any of the mine employees; said duplicate certificate shall remain posted until a subsequent certificate is issued by the district mine inspector, and he shall visit each mine in his district at least once in every three months, or oftener if called upon in writing by ten men engaged in any one mine, or the owner, operator or superintendent of such mine and make a personal examination of the interior of all mines, and outside of the mine where any danger may exist to the workmen, in their respective districts, and shall particularly examine into the condition of the mines as to ventilation, drainage and general safety and shall make a report of such examinations, and he shall see that all the provisions of the mining statutes are strictly carried out; and it shall be unlawful for any district mine inspector to appoint any deputy or other person to do and perform any work required of such inspector; any mine inspector failing to comply with the requirements of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars and be dismissed from office; the chief of the department of mines and the district mine inspectors shall each before entering upon the discharge of his duties take oath of office prescribed by the constitution and shall furnish bond in the sum of two thousand dollars, with security to be approved by the governor, conditioned upon the faithful discharge of his duty, a certificate of which oath and bond shall be filed in the office of the secretary of state. Vacancies in the office of the department of mines or district mine inspector shall be filled by appointment for the unexpired term.

Annual reports.

SEC. 3. Each district mine inspector shall, for each year ending the thirtieth day of June, make a written report to the chief of the department of mines of his proceedings, stating therein the number of mines in his district, the improvements made in and at the mines, the extent to which this act is obeyed or violated, and such other information in relation to mines and mining as he may deem of public interest, or as may be required of him by the chief of the department of mines; he shall also suggest or recommend such legislation on the subject of mining as he may think necessary; such report shall be filed with the chief of the department of mines on or before the thirtieth day of September next succeeding the year for which it was made; the chief of the department of mines shall annually make a full and complete writ-

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ten report of his proceedings to the governor of the State for the year ending the thirtieth of June; such report shall include the reports of the district mine inspectors, the number of visits and inspections made in the State by the district inspectors, the quantity of coal and coke produced in the State, the number of men employed, number of mines operated, ovens in and out of blast, improvements made, prosecutions, etc., and such other information in relation to the subject of mines, mining inspection and needed legislation as he may deem of public interest and beneficial to the mining interests of the State; such report shall be filed with the governor on or before the thirtieth day of December next succeeding the year for which it was made, and such report shall be printed upon the requisition of the governor and in order that the report shall be annually printed and distributed among the operators, miners and citizens of the State, the sum of fifteen hundred dollars annually is hereby appropriated out of the State treasury for this special purpose.

Districts.

SEC. 4 The chief of the department of mines, by and with the approval of the governor, shall within thirty days after this act becomes a law, divide the State into twelve mining districts in such a manner as to equalize as far as practicable the work of each district inspector.

Maps.

SEC. 5. The operator or agent of every coal mine shall, within six months after the passage of this act, make or cause to be made, unless already made and filed, an accurate map or plan of such mine, on a scale to be stated thereon, of one hundred or two hundred feet to the inch; such map or plan shall show the openings or excavations, the shafts, slopes, entries, airways with darts or arrows showing direction of air currents, headings, rooms, pillars, etc., and such portions of such mine or mines as may have been abandoned, the general inclination of the coal strata, and so much of the property lines and the outcrop of the coal seam of the tract of land on which said mine is located, as may be within one thousand feet of any part of the workings of such mine; a true copy of such map or plan, shall within the six months aforesaid be delivered by such operator to the inspector of his district, to be preserved among the records of his office and turned over to his successor in office; but it is provided that in no case shall any copy of the same be made without the consent of the operator or his agent; and the original map, or a true copy thereof, shall be kept by such operator at the office of the mine, and open at all reasonable times for the examination and use of the inspector, and such operator shall, twice within every twelve months, and not more than seven months apart, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, the property lines and outcrop as above provided; and he shall immediately thereafter notify the inspector of his district who shall forward to the said operator, or his engineer the maps held by such inspector to be extended as above required.

Failure to furnish maps.

SEC. 6. If the operator or agent of any coal mine shall neglect or fail to furnish to the mine inspector of his district any copy of map or extension thereof as provided in preceding section of this act, the mine inspector is hereby authorized to cause a correct survey and map or plan of said coal mine or the extension thereof to be made at the expense of the operator of such mine, the cost of which shall be recoverable from said operator as other debts are recoverable by law; and if at any time the chief of the department of mines have reason to believe that such map or plan or extension thereof furnished in pursuance of the preceding section, be materially incorrect such as will not serve the purpose for which it was intended, he may have survey and map or plan or the extension thereof made or corrected and the expense of making such survey and map or plan or extension thereof under the direction of said chief of the department of mines, shall be paid by the operator and the same may be col-

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lected as other debts are recoverable by law; and if found correct the expense thereof to be paid by the State.

New openings. SEC. 7. After the passage of this act each operator of a coal mine, before making any additional mine openings, shall furnish the district mine inspector of the district in which the mine is located, a plan of the proposed openings and mine development.

Duty of mine foremen. SEC. 8. After six months from and after the passage of this act, it shall be the duty of the mine foreman or the assistant mine foreman of every coal mine in this State to see that every person employed to work in such mine shall, before beginning to work therein, be instructed as to the particular danger, incident to his work in such mine, and furnished a copy of the mining law and rules of such mine.

Inexperienced workmen. Every inexperienced person so employed shall work under the direction of the mine foreman, his assistant or such other experienced worker as may be designated by the mine foreman or assistant until he is familiar with the danger, incident to his work, and it shall be unlawful for the operator, agent or mine foreman of any coal mine, to employ any person to work in said mine, or permit any persons to be in said mine for the purpose of working therein, unless they are in communication with at

Two outlets. least two openings or outlets, separated by natural strata, of not less than one hundred feet in breadth, if the mine be worked by shaft, and of not less than fifty feet in breadth at the outlets, if worked by slope or drift; to each of said outlets there shall be provided from the interior of the mine, a safe and available roadway properly drained, which shall at all times, while the mine is in operation, be kept free from all obstructions that might prevent travel thereon in case of an emergency, and if either of said outlets be by shaft, it shall be fitted with safe and available appliances, such as stairs or hoisting machinery, which shall at all times, when the mine is in operation, be kept in order and ready for immediate use, whereby persons employed in the mine may readily escape in case of an accident.

Application. This section shall not apply to any mine while work is being prosecuted with reasonable diligence in making communication between said outlets, necessary repairs and removing obstructions, so long as not more than twenty persons are employed at any one time in said mine; neither shall it apply to any mine, or part of a mine, in which a second outlet has been rendered unavailable by reason of the final robbing of pillars, preparatory to abandonment, so long as not more than twenty persons are employed therein at any one time.

For violations of this section the operator, agent or mine foreman, shall, upon conviction, be find [fined] not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten or [nor] more than ninety days, in the discretion of the court.

Speaking tubes. SEC. 9. The operator or agent of every coal mine worked by shaft shall forthwith provide, and hereafter maintain, a metal tube from the top to the bottom of such shaft suitably adapted to the free passage of sound through which conversation may be held between persons at the top and at the bottom of the shaft, also the ordinary means of signaling, and an approved safety catch and a sufficient cover overhead on every carriage used for lowering or hoisting persons, and at the top of the shaft an improved safety gate, and an adequate brake on the drum of every machine used to lower or hoist persons in such shaft; and the said operator or

Hoists. agent shall have the machinery used for lowering or hoisting persons into or out of the mine kept in safe condition and inspected once in each twenty-four hours, by some competent person; and there shall be cut out or around the side of the hoisting shaft or driven through the solid strata at the bottom thereof a traveling way of not less than five feet high and three feet wide to enable a person to pass the shaft in going from one side of it to the other without passing over or under the cage or other hoisting apparatus.

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Any operator or agent who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court.

Hoisting engineer.

SEC. 10. No operator or agent of any coal mine, worked by shaft or slope, shall place in charge of any engine, used for lowering into or hoisting out of said mine persons employed therein, any but competent and sober engineers; and no engineer in charge of such machinery shall allow any person except such as may be deputed for that purpose by the operator or agent, to interfere with any part of the machinery; and no person shall interfere with or intimidate the engineer in the discharge of his duties; and in no case shall more than ten persons ride on any cage or car at one time, and no person shall ride on a loaded cage or car in any shaft or slope.

Slopes, etc.

All slopes, engine planes or motor roads used by persons in any mine, shall be made of sufficient width to permit persons to pass moving cars with safety, or refuge holes of ample dimensions, and not more than sixty feet apart, shall be made on one side of said slope, engine plane or motor roads; such refuge holes shall be kept free from obstructions, and the roof and side thereof shall be made secure and be kept whitewashed at all times; no person shall travel on foot to or from his work upon any slope, engine plane or motor roads when other good roads are provided for that purpose.

For violation of the foregoing provisions of this section the operator or agent or miner shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

The duty referred to in the second paragraph of this section devolves upon the foreman, and the owner is not liable for injury resulting from the absence of refuge holes. 73 S. E. 289.

Ventilation.

SEC. 11. The operator, agent or mine foreman of every coal mine, whether worked by shaft, slope or drift, shall provide and hereafter maintain for every such mine ample means of ventilation, affording no less than one hundred cubic feet of air per minute for each and every person employed in such mine, and as much more as the district mine inspector may require, which shall be circulated around the main headings and cross headings and working places, to an extent that will dilute, render harmless and carry off the noxious and dangerous gases generated therein; and as the working places shall advance breakthroughs for air shall be made not to exceed eighty feet apart in pillars, or brattice shall be used, so as to properly ventilate the face, and all the breakthroughs between the intake and return airways not required for the passage of air shall be closed with stoppings substantially built with suitable material, which shall be approved by the district mine inspector, so as to keep the working places well ventilated.

After six months from the passage of this act, not more than sixty persons shall be permitted to work in the same air current: *Provided*, That a larger number, not exceeding eighty persons may be allowed by the district mine inspector where, in his judgm[e]nt, it is impracticable to comply with the foregoing requirement.

No operator, agent or mine foreman shall permit any person to work where they are unable to maintain at least one hundred cubic feet of air per minute, but this shall not be construed to prohibit the operator from employing men to make the place of employment safe and to comply with this requirement: *Provided, further*, That while the repair work necessary to get the mine in condition to comply with the law [sic], no person or persons shall be permitted to enter that part of the mine affected except those actually employed in doing the necessary repair work.

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Sprinkling. In all mines, accumulation of fine dry coal dust, shall as far as practicable, be prevented and such dust shall be kept properly watered down.

For violation of the foregoing provisions of this section the operator, agent or mine foreman, shall upon conviction, be fined not less than fifty nor more than five hundred dollars or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Powder. No miner or other employee shall take into any mine in this State any larger quantity of powder or other explosive than he may reasonably expect to use in any one shift, and all powder shall be carried into the mine in metallic cannisters [canisters] of a capacity not to exceed five pounds; any person violating this provision shall upon conviction, be fined five dollars for each offense or imprisoned in the county jail not exceeding ten days.

Gaseous mines. SEC. 12. In all mines generating fire damp and where there is every reason to believe that gas will be encountered in the future workings and developments of the mine, the minimum ventilation shall be one hundred and fifty cubic feet per minute for each and every person employed therein and as much more as one or more of the district mine inspectors may deem requisite and all stoppings on the main entries shall be substantially built with suitable material, which shall be approved by the district mine inspector, so as to keep the working places well ventilated; doors on main haulways shall be avoided in gaseous mines where practicable, and overcasts built of masonry or other incombustible material and of ample strength shall be adopted, and where doors are used they must be built in a substantial manner and hung so as to close automatically when unobstructed.

For violation of the foregoing provisions of this section the operator, agent or mine foreman, shall upon conviction, be fined not less than fifty nor more than five hundred dollars or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Abandoned workings. All old unused workings and abandoned parts of the mines must be protected by such safeguards as will prevent the dangerous overflow of any standing gas therein, and all avenues leading thereto shall be so arranged and conducted so as to give cautionary notice to all such workmen in such mines of the danger in entering therein; and in order to secure the safety of the workmen in general against the danger in said abandoned or worked out parts of the mines, notices shall be put up and kept standing, as far as practicable, which shall afford warning to all such workmen not to enter such parts of said mine; and in addition thereto, all persons, other than those specially charged with that duty, are hereby forbidden to enter such abandoned parts of such mines where gas may be found.

It shall be unlawful for any miner, after having exploded in any working place sixty cubical inches or more of powder, in one or more blasts, in any mine known to generate gas in large quantities, to enter such working place and attempt to resume work in any manner whatever with a naked light in less than twenty minutes after the blast has been exploded.

And for violation of these provisions of this act, such person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars and be confined in the county jail not less than ten days nor more than one year. In all mines where explosive gas, or other gas of a dangerous or poisonous nature, is known to generate in dangerous quantities, the workmen shall be immediately instructed to withdraw from the mine in case of the stoppage of the fan, or heavy falls of the roof which may obstruct the main intake or return airway until such obstruction is removed.

Fans. SEC. 13. And it shall be unlawful in all mines where gas is being generated in dangerous quantities to use any other mechanical power for ventilation purposes except fan power, and

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the fan shall be kept in operation night and day unless written permission be granted by the chief of the department of mines or the district mine inspector in whose district the mine is situated; but no mine operator shall be required to keep such fan going where it is necessary to shut down for the purpose of repairing machinery or doing other work in the mines which may make it necessary.

Fire boss.

It shall be the duty of every mine owner or operator in this State whose mine or mines are known to generate fire damp or other dangerous gas or gases, in dangerous quantities to employ a "fire boss" or "bosses" where necessary, who shall be a citizen or citizens of this State, and have such knowledge of fire damp and other dangerous gases as to be able to detect the same with the use of safety lamps, and shall have a practical knowledge of the subject of the ventilation of mines and the machinery and appliances used for that purpose, and be a person with at least three years' experience in mines generating gases; it shall be the duty of said fire boss or bosses where employed in said gaseous mines to prepare a danger signal with suitable color at the mine entrance, and no person except the mine owner, operator or agent, and only then in case of necessity, shall pass beyond this danger signal until the mine has been examined by the fire boss, and the same or certain parts thereof reported by him to be safe; it shall further be the duty of said fire boss or bosses to go into all the working places of such mine or mines where gas is known to exist, or liable to exist in dangerous quantities, and carefully examine the same with a safety lamp, and do, or cause to be done, whatever may be necessary to remove from such working place or places, all dangerous gases and make the same safe for persons to enter therein as workmen in such mine or mines; such examination and removal of said gases shall begin within three hours before the time each shift commences work and it shall be the duty of the said fire boss at each examination to leave evidence of his presence at the face of every working place examined, and if the mine is safe he shall remove the danger signal, or change the color thereof to safety, in order that the employees may enter said mine and begin work; in the performance of the duties on the part of the fire boss or bosses they shall have no superior officer, but all the employees working inside of said mine or mines shall be subordinate to said fire boss or bosses in this particular work; the fire boss shall upon having completed the examination of the mine before each shift, make a written record of the condition of the mine within a book having a form prescribed by the chief of the department of mines, which record shall at all times be kept at the mine subject to the inspection of the district mine inspector or chief of the department of mines; it shall be unlawful for any person to enter said mine or mines for any purpose at the beginning of work upon each shift therein until such signal or warning has been given by said fire boss or bosses on the outside of said mine or mines as to the safety thereof, as herein provided, except under the direction of said fire boss or bosses, and then for the purpose of assisting in making said mine safe; and each person who shall enter such mine except as aforesaid, before such notice or signal has been given, or any operator, agent or fire boss who shall violate the provisions of this section, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail not less than sixty days nor more than one year.

Safety lamps.

SEC. 14. Mines in which explosive gas is generated in dangerous quantities from the coal or adjacent strata shall be worked exclusively by the use of locked safety lamps, and no open lamp nor torch shall be used except as may be permitted in writing by the district mine inspector; the safety lamps used for examining any mine or which may be used for working therein, shall be furnished by, and be the property of the operator of the mine, and shall be in the charge of some person to be designated by the

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"fire boss" and at least two safety lamps shall be kept at every coal mine whether such mine generates fire damp or not.

Any operator, agent or other person who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court.

Mine foreman.

SEC. 15. In order to better secure the proper ventilation of every coal mine and promote the health and safety of persons employed therein, the operator or agent shall employ a competent and practical inside overseer, to be called mine foreman, who shall be a citizen of this State, and an experienced coal miner, or any person having five years' experience in a coal mine, who shall keep a careful watch over the ventilating apparatus and the airways, traveling ways, pumps and drainage; and shall see that as the miners advance their excavations, proper break throughs are made, to properly ventilate the mine, and that all loose coal, slate and rock overhead in the working places and along the haulways be removed or carefully secured so as to prevent danger to persons employed in such mines; and that sufficient props, caps and timbers, as nearly as possible of suitable dimensions, are furnished for the places where they are to be used, and such props, caps and timbers shall be delivered and placed at such points as the rules for the government of each respective mine provide for them to be delivered; and every workman in want of props, cap pieces and timbers shall notify the mine foreman, or such other person who may be designated for that purpose, at least one day in advance giving the length and number of props or timbers and cap pieces he requires; but in case of an emergency the timbers may be ordered immediately upon the discovery of any danger; and it shall be the duty of each miner to properly prop and secure his place in order to make the same secure for him to work therein. The said mine foreman shall have all water drained and hauled out of the working places where the same is practicable, before the miners enter and said working places kept dry as far as practicable while the miners are at work; it shall be the duty of the mine foreman to see that the crosscuts are made as required by law and that the ventilation shall be conducted through said crosscuts into the rooms by means of check doors placed on the entries or other suitable places, and he shall not permit any room to be opened in advance of the ventilation current. 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 act he shall order the workmen working such places to cease work at once until the law is complied with.

Duties.

And the mine foreman shall measure the air current at least twice each month at the inlet and outlet and at or near the faces of the advanced headings and shall keep a record of such measurements in a book having a form prescribed by the chief of the department of mines. An anemometer shall be provided for this purpose by the operator of the mine.

Assistants.

And in mines in which the operations are so extensive that all the duties devolving upon the mine foreman can not be discharged by one man, competent persons having had three years' experience in a coal mine may be designated and appointed as assistants, who shall act under the mine foreman's instruction, and shall be responsible for their conduct in the discharge of their duties under such designation or employment.

Shelter holes.

On all haulways space not less than ten feet long and two feet six inches wide, between the wagon and the rib, shall be kept open at distances not exceeding one hundred feet apart, in which shelter from passing wagons may be had; it shall further

Bore holes.

be the duty of the mine foreman to have bore holes kept not less than twelve feet in advance of the face, and, where necessary, on sides of the working places that are being driven toward and in dangerous proximity to an abandoned mine or part of mine

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suspected of containing inflammable gases or which is filled with water; on all haulways where hauling is done by machinery of any kind, the mine foreman shall provide a proper system of signals and a conspicuous light, and also for the carrying of a conspicuous light on the front and rear of every trip or train of cars when in motion in a mine, and when hoisting or lowering of men occurs before daylight in the morning or at evening after darkness, at any mine operated by shaft, the said mine foreman shall provide and maintain at the shaft mouth a light of stationary character sufficient to show the landing and all surrounding objects distinctly, and sufficient light of a stationary character shall be located at the bottom of the shaft so that persons coming to the bottom may clearly discern the cages and other objects closely contiguous thereto; no cages on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute; no mine cars either empty or loaded, shall be hoisted while men are being lowered or hoisted, and no cage having an unstable self-dumping platform shall be used for the carrying of workmen unless the same is provided with some device by which the same may be securely locked when men are being hoisted or lowered into the mine.

Provisions for accidents.

At every mine where ten men are employed underground it shall be the duty of the operator thereof to keep always on hand at the mine a properly constructed stretcher, a woolen and a waterproof blanket, and all necessary requisites which may be advised by medical practitioner employed by the company, and if as many as one hundred and fifty men me [be] employed, two stretchers with the necessary equipments as above advised; the mine foreman, or his assistant, shall visit and examine every working place in the mine, every alternate day while the miners of such places are at work and shall direct that each and every working place shall be secured by props or timbers whenever necessary, which shall be placed and used by the miners working therein as in this act provided, to the end that such working places shall be made safe, and the said mine foreman shall not permit nor shall anyone work in a place known to be unsafe unless it be for the purpose of making it safe. The mine foreman shall notify the operator or agent of the mine of his inability to comply with any of the requirements of this section, and it shall then become the duty of any operator or agent to at once attend to the matter complained of by the mine foreman, so as to enable him to comply with the provisions hereof if the same can be practically done. Any operator or agent of any coal mine, or other person who shall neglect to comply with the requirements of this section shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than ninety days at the discretion of the court. Any mine foreman or employee failing to comply with this section shall, upon conviction, be fined not less than five dollars, nor more than fifty dollars, or imprisoned in the county jail not less than ten days nor more than ninety days, in the discretion of the court.

While the employment of the foreman required by this section relieves the employer from a large degree of responsibility, the statute must be strictly complied with to produce this result. One who is not a citizen can not be employed, nor the same person act as both superintendent and foreman. Thus the employer is liable for the foreman's failure to perform his statutory duty of instructing an inexperienced workman whom he has hired in his capacity as superintendent. 78 S. E. 673.

Access to mines.

SEC. 16. The operator or agent of every coal mine shall furnish the inspector proper facilities for entering such mine and making examinations or obtaining information; and if any inspector shall discover that any mine does not, in appliances for the safety of the persons employed therein, conform to the provisions of this act, or that by reason of any defect or practice in or at such mine the lives or health of persons employed therein, are endangered, he shall immediately, in writing, notify such operator or agent

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thereof, stating in such notice the particulars in which he considers such mine to be defective or dangerous and if he deem it necessary for the protection of the lives or health of the persons employed in such mine, he shall, after giving notice of one day to the said operator or agent, in writing notify immediately the chief of the department of mines, who shall immediately examine the mine reported to be unsafe, and if upon such examination the mine reported to be unsafe is in fact found to be in an unsafe condition, the chief of the department of mines shall forthwith order the mine to be closed until it is placed in a safe and proper condition for mining operations; the owner or operator of any mine so closed may apply to the circuit court wherein such mine is located, or the judge thereof in vacation, by petition for an order directing said mine to be reopened, and such court or the judge thereof in vacation shall immediately hear and determine the matters arising upon such petition, and if upon full hearing thereof the court or the judge thereof in vacation shall find that said mine is in a reasonably safe condition, the prayer of said petition shall be granted; but notice of said hearing shall be given to the district mine inspector or the chief of the department of mines three days at the least before said hearing; and in all such hearings the attorney general shall appear for the State and defend the same.

Employment of women and children.

SEC. 17. No boy under fourteen years of age, nor female person of any age shall be permitted to work in any coal mine, and in all cases of doubt, the parents or guardians of such boys shall furnish affidavits of their ages; any operator, agent or mine foreman who shall knowingly violate the provisions of this section or any person knowingly making a false statement as to the age of any boy under fourteen years of age, applying for work in any coal mine shall, upon conviction, be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Injuring appliances, etc.

SEC. 18. No miner, workman or other persons, shall knowingly injure any shaft, lamp, instrument, air course, or brattice, or obstruct or throw open airways or carry matches or open lights in the places worked by safety lamps or disturb any part of the machinery or appliances, open a door used for directing ventilation and not close it again, or enter any part of a mine against caution, or disobey any order given in carrying out any of the provisions of this act, or do any other act whereby the life or health of any person employed in the mine or the security of the mine is endangered; any person who shall violate the provisions of this section shall, upon conviction, be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court; when any operator of a mine shall in any manner refuse to furnish all supplies necessary for the mine foreman to comply with the requirements of this act after being so requested so to do and by reason of such refusal, loss of life or injury may result to any employee, a right of action for damages may ensue against the operator of the mine wherein such employee has not contributed to his own injury or loss.

Interfering with employment.

SEC. 19. Nor shall any person or persons, or combination of persons, by force, threats, menaces, or intimidation of any kind, prevent or attempt to prevent from working in or about any mine, any person or persons who have the lawful right to work in or about the same, and who desires so to work; but this provision shall not be so construed as to prevent any two or more persons from associating together under the name of Knights of Labor, or any other name they may desire, for any lawful purpose, or for using moral suasion or lawful argument to induce anyone not to work in and about any mine; any person or persons who shall violate the provisions of this section shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than ninety days, in the discretion of the court.

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Accidents to be reported.

SEC. 20. Whenever by reason of any explosion or other accident in any coal mine, or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the superintendent of the colliery, and in his absence, the mine foreman in charge of the mine, to give notice forthwith, by mail or otherwise, to the inspector of the district, stating the particulars of such accident; and if anyone is killed thereby, to the coroner of the county also, or in his absence or inability to act, to any justice of the peace; and the said inspector shall, if he deem it necessary from the facts reported, immediately go to the scene of such accident and make such suggestion and render such assistance as he may deem necessary for the future safety of the men and investigate the cause of such explosion or accident, and make a record thereof, which he shall preserve with the other records of his office; and to enable him to make such investigation, he shall have the power to compel the attendance of witnesses, and to administer oaths or affirmations; and the costs of such investigation shall be paid by the county in which such accident occurred, in the same manner as the costs of the coroner's inquests are now paid; if the coroner or justice shall determine to hold an inquest upon the body of any person killed, as aforesaid, he shall impanel a jury, no one of whom shall be directly or indirectly interested, and the inspector of mines, or the chief of the department of mines, if present at such inquest, shall have the right to appear and testify and to offer any testimony that may be relevant and to question and cross-question any witness; and the coroner or justice shall deliver to the inspector a copy of the testimony and verdict of the jury; any operator, agent, superintendent, or mine foreman who shall fail to perform the duty provided in this section shall, upon conviction, be guilty of a misdemeanor, and shall be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Investigation.

Reports by operators.

SEC. 21. The operator or agent of every coal mine shall annually, during the month of July, mail or deliver to the chief of the department of mines, a report for the preceding twelve months, ending with the thirtieth day of June; such report shall state the names of the operators and officers of the mine, the quantity of coal mined and such other information, not of a private nature, as may from time to time be required by the chief of the department of mines; blank forms of such reports shall be furnished by the chief of the department of mines. At any time any person, company or corporation operating a coal mine shall transfer the ownership of any mine to another person, company or corporation, the person, company or corporation transferring such ownership shall within thirty days make a report to the chief of the department of mines of such change, and a statement of the tons of coal produced since the first of July, last, previous to the date of such sale or transfer of such mine or mines; any operator or agent failing to furnish the reports as required in this section shall be guilty of a misdemeanor and upon conviction, shall be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Working in prohibited places.

SEC. 22. Any operator, agent, superintendent or mine foreman having in charge any mine, who shall knowingly permit any person to work in any part of a mine in violation of instructions issued by the mine inspector, made in compliance with the requirements of this act, shall upon conviction be fined not less than fifty nor more than one hundred dollars for each person permitted to work in violation of such instructions, and any employees who shall work in violation of such instructions shall, upon conviction, be fined not less than ten nor more than fifty dollars.

Blasting.

SEC. 23. In any mine in which solid shooting is done the district mine inspector is authorized to prescribe the conditions under which such solid shooting may be done.

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Steam locomotives.

SEC. 24. No steam locomotive shall be used in mines where men are actually employed in the extraction of coal, except by the consent of the district mine inspector, but this shall not be construed to prohibit any mine owner from operating a steam locomotive through any tunnel, haulway or part of a mine that is not in actual operation and furnishing coal; any operator or agent who violates this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Rules to be adopted.

SEC. 25. There shall be adopted by the operator of every mine in this State special rules for the government and operation of his mine or mines, covering all the work pertaining thereto in and outside of the same, which however, shall not be in conflict with the provisions of the mining laws of this State; such rules when established shall be printed on cardboard, in the language spoken by ten or more employees, and shall be posted up in the drum house, tipple or some other conspicuous place about the mines where the same may be seen and observed by all the employees at such mines, and when said rules are so posted the same shall operate as a notice to all employees at such mine of their acceptance of the contents thereof; and it shall be the duty of each mine operator to furnish a printed copy of said rules to each of his employees when requested by either or any of them; any operator or agent who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Enforcement.

SEC. 26. In all prosecutions under this act the circuit court, criminal court and justices of peace have concurrent jurisdiction with the right of appeal to circuit court.

Application.

SEC. 27. The provisions of this act shall apply only to coal mines in which five or more persons are employed in a period of twenty-four hours; but no mine employing less than ten men shall be required to employ a mine foreman.

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WISCONSIN.

STATUTES OF 1911—ACTS OF 1913.[1]

Protection of employees as voters.

SECTION 94–19. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employees, any printed or written matter containing any threat, notice or information, that in case any particular ticket of a political party or organization or candidate shall be elected, or any measure referred to a vote of the people, shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his workmen or employees. Threats, etc., forbidden.

Industrial commission.

SECTION 170. The salaries of the following named officers of, and persons employed by, the State are fixed at the annual sum for each respectively herein following, to wit: Salaries.

* * * * *

26 (added by chapter 772, Acts of 1913). (1) Each member of the industrial commission five thousand dollars.

(2) The secretary, clerks, stenographers and all other employees under the industrial commission shall receive such salary or compensation as shall be fixed by the said commission.

(3) The commissioners and all employees and subordinates of the commission shall receive all actual and necessary expenses incurred in the performance of their official duties.

(4) All payments under this subsection shall be charged to the appropriation for the industrial commission.

Employment of children—School attendance.

SECTION 439a. Any person having under his control any child between the ages of seven and fourteen years, or any child between the ages of fourteen and sixteen years not regularly and lawfully employed in any useful employment or service at home or elsewhere, * * * shall cause such child to be enrolled in and to attend some public, parochial or private school regularly (regular attendance for the purpose of this statute shall be an attendance of twenty days in each school month, unless the child can furnish some legal excuse), in cities of the first class during the full period and hours of the calendar year (religious holidays excepted) that the public, parochial or private school in which such child is enrolled may be in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year, and all children subject to the provisions of this act shall be enrolled in some public, parochial or private school within one school month after the commencement of the school term in the district in which such children reside, except that in cities of the first class such children shall be enrolled at the time of the opening of the school which Attendance required.

[1] All statutes amended or created by the Acts of 1913 have been given their proper place in the Code.

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they will attend (and the word "term," for the purpose of this act, shall be construed to mean the entire time that school is maintained during the school year); * * *.

Enforcement of laws.

SEC. 439ca. Any truant officer within this State shall have power to visit factories, workshops, mercantile establishments and other places of employment in their respective localities and ascertain whether any minors are employed therein contrary to law. They may require that the age and school certificates and lists of minors who are employed in such factories, workshops, mercantile establishments and other places of employment, shall be produced for their inspection, and they shall report all cases of such illegal employment to the school authorities of their respective cities, towns, villages or districts and to the * * * [industrial commission]. Such truant officer shall receive no compensation from the State for performing such services.

Accident prevention—Instruction of children.

Instruction required.

SECTION 447g (added by chapter 218, Acts of 1913). 1. It shall be the duty of each teacher in a public school in the State of Wisconsin to devote not less than thirty minutes in each month during which such school is in session to instructing the pupils thereof as to ways and means of preventing accidents.

2. The State superintendent of public instruction shall prepare and publish at the expense of the State a book conveniently arranged in chapters or lessons for the purpose of the instruction provided in this section and shall furnish a copy thereof to each teacher required to give such instruction.

3. The members of the boards of education, school directors, trustees, or other bodies or persons having control of the schools of a township, village or city, shall cause a copy of this section to be printed in the manual or handbook prepared for the guidance of teachers, where such manual is in use.

Mothers' pensions—Aid for dependent children.

Provision for support.

SECTION 573f (as amended by chapter 669, Acts of 1913). 1. The county superintendent of poor, the superintendent of poor, in any city or village, the chairman of any town or any relative or friend of any child under the age of fourteen years, who is neglected, destitute, abandoned, homeless or in any manner dependent upon the public for support, or whose parent or parents, or person occupying the position of a parent, for any reason are unable without aid, properly to maintain, bring up or educate such child, may make an application by verified petition to the juvenile court in counties having such courts, and in other counties, to the county court or any municipal court of the county in which such child may reside, to determine the status of such child and to grant aid to it or to its parents or person occupying the position of a parent or guardian as provided in this section, * * *.

3. If the court shall find upon such hearing that such child is neglected, destitute, abandoned, homeless or in any manner dependent upon the public for support, or that the parent or parents of such child are unable properly to maintain, bring up or educate such child, and, if in the discretion of the court, it is manifestly for the best interest of said child that it remain in the home of the parent or parents or other person occupying the position of a parent or guardian of such child, it shall enter an order directing the county treasurer to pay, at stated periods, to such officer or person as the court may designate or to the parent, or person occupying the position of a parent or guardian and for the benefit of such child, such sum as shall be deemed sufficient, payments to continue for a limited time or until further order of the court: *Provided*, That such sum shall in no case exceed the sum of twelve dollars per month for a single child and four dollars per month for each additional child in the same family but such sum when granted may be increased temporarily by the court in case

Amount.

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of sickness or unusual condition: *And provided further*, That the court in its discretion may order the amount of aid to be given in supplies instead of in money. * * *

Civil service—Labor service.

Appointments, etc.

SECTION 990–2. After the passage of sections 990–1 to 990–32, inclusive, appointments to, and promotions in the civil service of this State shall be made only according to merit and fitness, to be ascertained as far as practicable by examinations, which so far as practicable, shall be competitive. After the expiration of six months from the passage of sections 990–1 to 990–32, inclusive, no person shall be appointed, transferred, removed, reinstated, promoted or reduced as an officer, clerk, employee or laborer in the civil service under the government of this State, in any manner, or by any means, other than those prescribed in sections 990–1 to 990–32, inclusive.

Applications.

SEC. 990–11. The civil service commission shall require persons applying for admission to any examination provided for under sections 990–1 to 990–32, inclusive, 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 nationality, 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 five previous years.

(5) Such other information as may reasonably be required touching the applicant's merit and fitness for the public service.

* * * * * * * * Applicants for positions in the recognized mechanical trades must have had practical experience for such periods as the commission may prescribe. * * *

Classes.

SEC. 990–12. The offices, positions and employments in the classified service of the State shall be arranged by the civil service commission in five classes to be designated as the exempt class, the competitive class, the noncompetitive class, the labor class and legislative employees.

Labor class.

SEC. 990–21. 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 according to rules and regulations determined by said commission except in cases of temporary employment. There may be separate lists of applicants for different kinds of labor or employments and the commission may establish separate labor lists for various localities, institutions and departments. Where the labor service of any institution or department extends to separate localities the commission may provide separate registration lists for each district or locality. 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 they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the employment for which he applies.

Removals, etc.

SEC. 990–22. No subordinate or employee in the competitive class, noncompetitive class, or the labor class of the civil service of the State, who shall have been appointed under the provisions of sections 990–1 to 990–32, inclusive, or the rules made pursuant thereto, shall be removed, suspended for more than fifteen days, discharged, or reduced in pay or position, except for just cause, which shall not be religious or political. In all cases of removal the appointing officer shall, at the time of such action, furnish to the subordinate his reasons for the same and allow him a reasonable time in which to make an explanation.

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The reasons for removal and the answer thereto shall be filed in writing with the commission.

Contracts of employment—Investigation.

Investigation of contracts.

SECTION 1021o. Whenever complaint shall be made to the bureau of labor and industrial statistics that any contracts or agreements existing between employers and employee, or any rules imposed by employers upon employees are unjust or unfair, or whenever said bureau shall have reason to believe that such injustice or unfairness exists, said bureau shall have authority to investigate all such contracts, agreements and rules, whether written or understood.

Duty of employers.

SEC. 1021p. It shall be the duty of every employer of labor to furnish copies of all contracts or agreements provided for in section 1021o upon the demand of any officer, agent or employee of the bureau of labor authorized to investigate said contracts and agreements.

Violations.

SEC. 1021q. Every person, firm or corporation violating any of the provisions of sections 1021o to 1021r, inclusive, or refusing to permit the investigation of the contracts or agreements referred to in sections 1021o and 1021p, or who shall misrepresent any of the provisions of said contracts or agreements, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Reports.

SEC. 1021r. It shall be the duty of the bureau of labor and industrial statistics to publish annually, in such form as it may deem fit, for the information of the public, all of the available facts obtained under section 1021o, but said publication shall not exceed two hundred and fifty pages.

Accidents and occupational diseases to be reported.

Duty of physicians—Accidents;

SECTION 1022–53. It shall be the duty of all physicians and surgeons practicing in this State to report within thirty days to the local registrar of vital statistics of the district, any accident to any person whom they are called upon to care for professionally when such person is thereby incapacitated from pursuing his usual vocation for a period of two weeks or more, using such form of certificate as may be provided by the State bureau of vital statistics.

Certain diseases.

SEC. 1022–53m. 1. Every medical practitioner in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the secretary of the State board of health and bureau of vital statistics 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.

Penalty.

2. If any medical practitioner fails to comply with the provisions of this section, he shall be liable to a fine not exceeding ten dollars.

Enforcement.

3. It shall be the duty of the commissioner of labor and industrial statistics to enforce the provisions of this section, and he may call upon the State and local boards of health for assistance.

Occupational diseases—Investigation by board of health.

Health officer.

SECTION 1407a–2 (added by chapter 674, Acts of 1913). 1. The secretary and executive officer of the State board of health shall hereafter be designated and known as the State health officer. * * *

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Sanitary districts.

SEC. 1407a–3 (added by chapter 674, Acts of 1913). 1. The State board of health shall from time to time divide the State into five sanitary districts. They shall appoint for each such district a deputy State health officer. Such deputy State health officers shall possess the same qualifications required of the State health officer. * * *

Deputies.

Investigations.

3. Such deputy State health officer shall also make careful inquiry, when required by the State board of health, as to the effects of the different kinds of employment upon the health of employees and operators, with special reference to tuberculosis and to lead and phosphorous poisoning and other industrial diseases, and in all such investigations and inquiries he shall have the power to administer oaths in regard to all matters pertaining thereto. * * *

Inspection and regulation of factories, etc.—Cuspidors.

Duty of owners, etc.

SECTION 1416–4a. 1. It shall be the duty of the owner and occupant, and every person in charge of any * * * factory, workshop * * * to keep the same in a clean and sanitary condition. In order to promote the general health, whenever ordered by the local health department or board, it shall be the duty of every such person to furnish and place in an efficient manner, in every such building, a reasonable number of cuspidors, as required or prescribed by the order of said health department or board, and to thoroughly cleanse and disinfect the same daily, except when such building is closed to the public or is not in ordinary use.

Cuspidors.

2. The type of cuspidors to be used and a reasonable system, method or manner of cleansing and disinfecting the same may be prescribed by the local health department or board: *Provided*, That any cuspidors and system so prescribed shall be reasonably inexpensive, and shall be such as to fulfill the requirements of the highest sanitary efficiency.

Local boards of health.

3. The powers and duties conferred upon all local health departments or boards by this section shall be in addition to all powers and duties already conferred upon such boards, and this section shall not be construed as lessening or abrogating such powers and duties in any manner.

Violations.

4. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five nor more than one hundred dollars.

Spitting on floors.

SEC. 1418m. 1. Spitting * * * upon the floor of any * * * store, factory, or of any building which is used in common by the public, * * * is hereby forbidden.

Notice.

2. The corporations or persons owning or having the management or control of any such building, store, factory, * * * are hereby required to keep permanently posted in each of said places a sufficient number of notices forbidding spitting upon the floors and calling attention to the provisions of this section.

Cuspidors.

3. The corporations or persons owning or having the management or control of such buildings, stores, factories, * * * are hereby required to provide sufficient and proper receptacles for expectoration, and also to provide for the cleansing and disinfection of said receptacles at least once every twenty-four hours.

Violations.

4. Any violation of any of the provisions of this section or failure or neglect to comply with said provisions, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not more than six months, or by both fine and imprisonment.

Employment of intemperate drivers on public conveyances.

Intemperate drivers not to be employed.

SECTION 1592. 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

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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 five dollars per day for all the time during which he shall have kept such driver in such employment.

Intoxication of driver.

SEC. 1593. If any driver, while actually employed in driving such coach or vehicle, shall be guilty of intoxication the owner or person having the charge or control of such coach or other vehicle shall, on receiving written notice of the fact, signed and sworn to by any passenger who witnessed the same, forthwith discharge such driver from such employment; and every person who shall retain or have in such service, within six months after the receipt of such notice, any driver who shall have been so intoxicated shall forfeit five dollars per day for all the time during which he shall keep any such driver in such employment after receiving such notice.

Liabilities of employers for injuries to employees.

Actions for injuries.

SECTION 1636jj. 1. In any action brought by an employee or his legal representative to recover for personal injuries, if it appear that the injury was caused by the negligent omission of his employer to guard or protect his machinery or appliances, or the premises or place where said employee was employed, in the manner required in the foregoing subsection,[1] the fact that such employee continued in said employment with knowledge of such omission, shall not operate as a defense.

Statutory duty absolute.

2. The duty to guard or protect the machinery or appliances, or the premises or place where said employee was employed, in the manner required in the foregoing section, as well as the duty of maintaining the same after installation, shall be absolute. The exercise of ordinary care on the part of the employer shall not be deemed a compliance with such duties.

Street railways.—Safety appliances.

What cars to have brakes.

SECTION 1636q. 1. Every person, partnership, or corporation owning or operating a street or interurban car line shall provide and equip each and every motor car weighing over forty thousand pounds net or empty weight, used for the transportation of passengers or freight, and added to the service from and after the passage of this act [section], with air brakes of modern design, to be approved by the railroad commission.

Construction of act.

2. Nothing herein contained shall limit or restrict the power of the railroad commission to order air brakes upon other cars.

Violations.

3. Any such corporation neglecting or refusing to comply with any of the foregoing provisions shall forfeit and pay a penalty to the State of not less than twenty-five dollars nor more than one hundred dollars, and each day's operation of one or more cars in violation of this act [section] shall be considered a separate offense.

Railroads—Arrangement of cars and engines.

Wooden cars between steel cars.

SECTION 1636g–10 (added by chapter 630, Acts of 1913). 1. It shall be unlawful for any railroad company in this State to cause, allow, or permit any mail, mail-apartment, express, baggage or passenger car or coach constructed principally of wood to be used or drawn in any passenger train between the engine and any two or more steel cars or coaches, or other cars or coaches of substantially the same weight as steel passenger cars or coaches, included in any such train run or operated wholly between points in this State after January 1, 1914: *Provided*, That the railroad commission of Wisconsin may further extend the time upon application of any railroad company so affected for good cause shown.

[1] Repealed. See secs. 2394–48 and 2394–49.

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2. Any railroad company violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than two thousand dollars. Violations.

Payment of wages in scrip.

SECTION 1636–13. All corporations or individuals paying wages in time checks or other paper than legal money, shall make such time checks or paper payable in some designated place of business in the county in which the work was performed or at the office of such corporation or individual if within the State of Wisconsin, or at any bank within said State. Scrip to be payable in designated place.

Any corporation or individual failing to comply with the terms of the above section [paragraph] shall upon conviction thereof be fined not to exceed one hundred dollars nor less than ten dollars.

Inspection and regulation of bakeries.

SECTION 1636–61 1. All buildings occupied for bakeries and confectionery establishments, and all buildings or rooms connected with, or part of such bakeries or confectionery establishments and used for storage of goods that are intended to be used in the preparation of the products of such establishments or for storage of the products of such establishments shall be well drained, and all plumbing therein, if any, shall be constructed in accordance with well-established sanitary principles and of good workmanship; and the rooms thereof used for the manufacture, storage, or sale of bread and other foods products, or for the storage of goods that are intended to be used in the preparation of such bread and other food products, shall be light, dry, and airy. * * * Sanitation of bakeries, etc.

2. No water-closet, earth closet, privy, urinal or ash pit shall be within the bake room or any other room used in the manufacture of bread or other food products in any bakery or confectionery establishment. All water-closets, urinals or privies connected with, part of, or within any building used as a bakery or confectionery shall be so arranged that gases or odors out of said closets, urinals, or privies can not enter into any room used in the production or storage of food in any bakery or confectionery, and such closets, privies, or urinals shall be equipped with efficient natural or mechanical means of removing all odors or gases into the outer air. Location of water-closets, etc.

SEC. 1636–62. 1. All bakeries and confectioneries shall be provided with ample toilet facilities apart from the utensils used in the preparation of said foods to enable the workmen employed therein to keep their persons clean. Said bakeries and confectioneries shall also be provided with a separate place to enable the workmen to change their clothes and keep the same in a proper condition. * * * The air within such bakery or confectionery establishment shall at all times be kept pure and free from noxious odors and harmful gases. Toilet rooms.

2. No room used as a bakery or confectionery shall be used as a habitation or sleeping place by any person, and such rooms used as bakeries or confectioneries shall not be used for any purpose except those incidental to the manufacture, storage, or sale of the products of such bakery or confectionery establishments.

3. All persons engaged in the manufacture of bread or other food products in bakery or confectionery establishments shall provide themselves with caps and slippers or shoes and an external suit of washable material, and wear these garments while engaged in the preparation, packing, or handling of food in or about bakeries or confectioneries, said garments to be used for that purpose only and to be kept at all times in a clean condition. Clothing.

4. No food shall be prepared, handled, or cared for in any unclean manner or near any filthy object in any bakery or con- Cleanliness.

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Diseased persons.

fectionery establishment, nor by any person wearing filthy clothing, nor by any person afflicted with a loathsome or venereal disease. * * * No person shall befoul any room or any utensil used in the preparation of food in any bakery or confectionery establishment.

* * * * *

Basements.

SEC. 1636–63. After the passage of this act no new bakery or confectionery establishment shall be established or operated in a room the floor of which is more than five feet below the level of the street, sidewalk or adjacent ground, nor in any room the ceiling of which is less than eight feet high from the floor and no bake shop nor confectionery shall be reopened in such a room where the same has not been used for a period over six months.

This section is constitutional. 125 N. W. 99.

Contagious, etc., diseases.

SEC. 1636–64. No person shall work or be employed in or about any bakery or confectionery establishment for the manufacture of food products during the time in which a case of contagious or infectious disease exists in the house in which such person resides, and not thereafter until such house has been properly disinfected: *Provided*, That such persons may be employed if the local board of health issue a certificate in writing that no danger of public contagion or infection would result from the employment of said person in such establishment.

Notice of required changes.

SEC. 1636–65. 1. If in the opinion of the * * * [industrial commission] it is necessary to have some action taken or that alterations, additions, or changes are required in or upon any premises occupied and used, or for which application for license to be occupied and used as bakeries or confectioneries, has been filed, in order to conform to the provisions of law for the regulation of bakeries and confectionery establishments, he [it] shall serve a written notice, either personally or by registered mail upon the owner of, manager, or officer operating such bakery or confectionery establishment, requiring such action to be taken or such alterations, changes, or additions to be made within thirty days: *Provided, however*, That if the required alteration[s] can not be made with reasonable diligence within thirty days, the * * * [industrial commission] shall extend the time for making such alterations, changes, or additions such reasonable time as may be required to complete the additions, changes, or alterations if due diligence is used, such extension of time in no case to exceed ninety days from receipt of notice, however.

Duty of occupants.

2. It shall be the duty of every occupant, whether owner or lessees [lessee] of any premises used as a bakery or confectionery establishment for the manufacture of food products to carry out the provisions of sections 1636–61 to 1636–67, inclusive, and make, or cause to be made, all changes, additions, and alterations necessary therefor.

Inspection.

SEC. 1636–66 (as amended by chapter 772, Acts of 1913). 1. It shall be the duty of the industrial commission and boards of health, both State and local, to see that the provisions of sections 1636–61 to 1636–67, inclusive, are enforced. The industrial commission shall inspect and ascertain the sanitary condition of the bakery and confectionery establishments of the State and of such rooms, buildings, or apartments for which application for license to establish or operate a bakery or confectionery establishment therein has been filed, and shall examine such plans and specifications for buildings, rooms, or apartments to be occupied and used as bakery or confectionery establishments, as may be submitted to it with reference to the laws for their sanitary regulation, and shall require such action to be taken as may be needed to have bakery and confectionery establishments conform to the provisions of law.

Operating without license.

SEC. 1636–67. 1. Any person who shall use any room, building, or apartment for the purpose of establishing or operating a bakery or confectionery establishment therein without first securing a license permitting him so to do, as provided by sections 1636–61

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to 1636–67, inclusive, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both.

Violations of law or orders.

2. Any person operating a bakery or confectionery establishment for the manufacture of bread and other food products, who, by himself or his servant or agent, or as the servant or agent for any firm or corporation, shall violate or fail to comply with any of the provisions of section 1636–61, or of subdivision 1, 2, or 3 of section 1636–62, or of subdivision 2 of section 1636–65, or of section 1636–63, thirty days after notice in writing shall have been served upon him personally or sent through registered mail to him by the * * * [industrial commission] or some agent or officer of the board of health, requiring such person to take such action or to make or cause to be made such changes, repairs, or alterations in such bakery or confectionery establishment as may be necessary to have such bakery or confectionery establishment conform to the provisions of law for their sanitary regulation; or if the required changes, repairs, or alterations could in the exercise of reasonable diligence not be made or completed within thirty days, after such additional time as may have been necessary to complete the required action, change, repairs, or alterations has expired, not to exceed ninety days, however, from the receipt of notice in any case; and any person, who by himself or his servant or agent, or as the servant or agent of any firm or corporation shall violate or fail to comply with the provisions of section 1636–64 after one day's notice in writing has been served upon such person by any of the officers herein mentioned to discontinue his employment in or about such bakery or confectionery establishment; and any person who by himself or his servant or agent, or as the servant or agent of any firm or corporation shall violate or fail to comply with the provisions of subdivisions 4 * * * of section 1636–62, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty, nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both.

Manufactures in tenements.

License required.

SECTION 1636–71. No room or apartment in any tenement or dwelling house or in a building situated in the rear of any tenement or dwelling house, shall be used for the purpose of manufacturing, altering, repairing or finishing therein, for wages or for sale, any coats, vests, knee pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waist bands, underwear, neckwear, knit goods of all kinds, furs, fur trimmings, fur garments, skirts, shirts, purses, feathers, cigarettes, cigars or umbrellas, unless a license is secured therefor as provided in this act. Application for such a license shall be made to the * * * [industrial commission] by any family or a member thereof or any person, firm or corporation, desiring to manufacture, alter, repair or finish any such articles in any room or apartment in any tenement or dwelling house or by any person, firm or corporation desiring to perform such work in any building in the rear of any tenement or dwelling house. Such application shall describe the room or apartment, shall specify the number of persons to be employed therein, and shall be in such form as the * * * [industrial commission] may determine. Blank applications shall be prepared and furnished by the * * * [industrial commission]. Before any such license is granted, an inspection of the room, apartment, or building sought to be licensed, must be made by the * * * [industrial commission]. If the * * * [industrial commission] ascertain that such room, apartment or building, is in a clean and proper sanitary condition, and that the articles specified in this section may be manufactured therein under clean and healthful condition[s], he shall grant a license permitting the use of such room, apartment

Applications.

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or building for the purpose of manufacturing, altering, repairing or finishing such articles. Each license shall state the maximum number of persons who may be employed in the room or rooms to which such license relates. The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in each room or apartment mentioned in such license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of six o'clock in the morning and six o'clock in the evening, and unless by a special written permit of the * * * [industrial commission], not less than four hundred cubic feet for each person employed therein between the hours of six in the evening and six in the morning, but no such permit shall be issued unless such room or apartment has suitable light at all times during such hours, while such persons are employed therein. Such license must be posted in a conspicuous place in the room or apartment to which it relates. It may be revoked by the * * * [industrial commission] if the health of the community or of the employees requires it, or if it appears that the rooms or apartments, to which such license relates, are not in a healthy and proper sanitary condition. Every room or apartment in which any of the articles named in this section 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 * * * [industrial commission] for the purpose of ascertaining whether said garments or articles or any parts thereof are clean and free from vermin and every matter of infectious or contagious nature. No person, firm or corporation, shall hire, employ or contract with any member of a family or any person, firm or corporation not holding a license therefor, to manufacture, alter, repair or finish any of the articles named in this section in any room or apartment in any tenement or dwelling house or in any room or apartment in any building, situated in the rear of a tenement or dwelling house as aforesaid; and no person, firm or corporation shall receive, handle or convey to others or sell, hold in stock or expose for sale, any goods mentioned in this section unless made under the sanitary conditions and in accordance with this act. This section shall not 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 such person or for family use.

Air space.

License to be posted.

Sanitation.

Revocation of license.

SEC. 1636–72. Whenever the * * * [industrial commission] in his [its] judgment revokes or refuses to grant a license to any person or persons because of the unhealthy or unsanitary conditions in or surrounding the place where any of the aforesaid goods are or are to be manufactured, the person or persons aggrieved by such decision may appeal to the board of health of such city, village or town wherein said license was refused or revoked. The board of health after receiving a written notice of the appeal from the person or persons aggrieved, shall immediately investigate the conditions and surroundings of the place wherein any of the goods are or are to be manufactured as mentioned in the aforesaid, [sic] and if they find that a license can be granted without injuring or impairing the public health, then such finding shall be immediately reported in writing to the * * * [industrial commission] who shall thereupon grant such license.

Separation of workrooms from living rooms.

SEC. 1636–73. The * * * [industrial commission] may when he deems it necessary, require that all rooms or apartments used for the purpose of manufacturing, altering, repairing or finishing therein, any of the aforesaid goods or articles as mentioned in section 1636–71 shall be separate from and have no door, window or other opening into any living or sleeping room of any tenement or dwelling and that no such rooms or apartments shall be used at any time for sleeping purposes and shall contain no bed, bedding or cooking utensils. He may further require or direct a separate outside entrance to the room or apartments where the work is carried on, and if such work is carried on above the first floor,

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then there may be directed a separate and distinct stairway leading thereto and every such room or apartment shall be well and sufficiently lighted, heated and ventilated by ordinary, or if necessary, by [mechanical appliance. He may also require suitable closet arrangements for each sex][1] employed as follows: Where there are ten or more persons and three or more to the number of twenty are of either sex, a separate and distinct water-closet, either inside the building with adequate plumbing 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 such sex up to the number of fifty persons, and above that number in the same ratio, and all such closets shall be kept strictly and exclusively for the use of the employees and employer and [or] employers. All closets shall be regularly disinfected and the * * * [industrial commission] may require all other necessary changes or any process of cleaning, painting or whitewashing which they may deem necessary, before the issuing of the license. Water-closets.

SEC. 1636–74. Any person, firm or corporation, by themselves or by their agents or managers, contracting for the manufacturing, altering, repairing or finishing of any of the articles mentioned in section 1636–71, or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, 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. Such register shall be subject to inspection on demand, by the commissioner of labor and industrial statistics, factory inspector or assistant factory inspector, and a copy thereof shall be furnished at his request. Register.

SEC. 1636–75. If the * * * [industrial commission] find that infectious or contagious diseases exist in a workshop, room or apartment of a tenement or dwelling house or of a building in the rear thereof in which any of the articles specified in section 1 [sec. 1636–71] of this act 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, and such board shall issue such order as the public health may require. Such board may condemn and destroy all such infectious article or articles manufactured or in the process of manufacture under unclean or unhealthful conditions. Infectious diseases.

SEC. 1636–76. The owner, lessee or agent of a tenement or dwelling house or of a building in the rear of a tenement or dwelling house shall not permit the use thereof for the manufacture, repair, alteration or finishing of any of the articles mentioned in sections 1636–71 to 1636–77, inclusive, contrary to the provisions of said sections. If a room or apartment in such tenement or dwelling house or in a building in the rear of a tenement or dwelling house be so unlawfully used, the * * * [industrial commission] shall serve a notice thereof upon such owner, lessee or agent. Unless such owner, lessee or agent shall cause such unlawful manufacture to be discontinued within thirty days after the service of such notice or within fifteen days thereafter, institutes and faithfully prosecutes proceedings for the dispossession of the occupant of a tenement or dwelling house or of a building in the rear of a tenement or dwelling house who unlawfully manufactures, repairs, alters or finishes such articles in any room or apartment therein, he shall be deemed guilty of a violation of said sections as if he himself was engaged in such unlawful manufacture, repair, alteration or finishing. Owner not to permit unlawful use.

SEC. 1636–77. Any person, firm or corporation, agent or manager of any corporation who whether for himself or for such firm or Penalty.

[1] The matter in brackets was omitted in the compilation but appears in the law as enacted.

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corporation or by himself or through agents, servants or foremen shall violate any of the provisions of sections 1636–71 to 1636–77 shall upon conviction thereof be fined in any sum not less than twenty dollars nor more than one hundred dollars for each offense, or imprisoned not less than twenty or more than sixty days or both, and in all prosecutions brought by or under the direction of the * * * [industrial commission] for the violation of sections 1636–71 to 1636–77, he shall not be held to give security for costs or adjudged to pay any costs but in all cases where the accused be acquitted or is found to be indigent, the costs shall be paid out of the county treasury of the county in which the proceedings are brought the same as the costs in all other cases of misdemeanor.

Inspection and regulation of cigar factories.

Location. SECTION 1636–101. No shop or place wherein cigars are manufactured shall be located below the ground floor.

Surface space. SEC. 1636–102. Each employee in any shop or place wherein cigars are manufactured, shall, while actually employed, be allowed to use twenty square feet of surface space, unobstructed to the ceiling.

Air space. SEC. 1636–103. Every room wherein cigars are manufactured shall contain at least seven hundred cubic feet of air space. It shall in every part be not less than eight feet in height, from floor to ceiling, every window shall have not less than twelve square feet in superficial area, and the entire area of window surface shall not be less than twelve per cent of the floor space of such room.

Ventilation. SEC. 1636–104. Every room in which cigars are manufactured while work is carried on shall be so ventilated that the air shall not become impure and injurious to the health of the persons employed therein, and it shall wherever necessary, by the means of air shafts or other ventilation, be so changed as to render harmless all gases, dust and other impurities generated in the process of manufacturing cigars. All windows are to be kept open for thirty minutes before working hours and for thirty minutes after working hours.

Cleanliness. SEC. 1636–105. Every such shop or place in which one or more persons are employed and every such factory in which five or more persons are employed, shall be kept clean. The dust must be removed from work tables and floors once every day, the floors scrubbed at least once a week and one cuspidor provided for every two employees.

Hours of labor of minors. SEC. 1636–106. No person under eighteen years of age shall be employed or permitted to work in a cigar shop or a cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

Dressing rooms, etc. SEC. 1636–107. Where men and women are employed there shall be separate dressing rooms and water-closets for the different sexes.

Penalty. SEC. 1636–108. Any person violating any provision of sections 1636–101 to 1636–109, inclusive, shall be punished by fine not exceeding twenty-five dollars and no less than ten dollars for the first offense, and by fine not exceeding fifty dollars, and no less than twenty-five dollars for the second and each following offense.

Enforcement. SEC. 1636–109. The * * * [industrial commission] shall have full power and it shall be his duty to enforce all the provisions of sections 1636–101 to 1636–109, inclusive, but no prosecution shall be instituted for any violation of sections 1636–102, 1636–103 and 1636–104, unless the employer or manufacturer, or the firm has been notified by a notice sent in a registered letter for at least four weeks prior to a prosecution, requiring the necessary changes in the factory or workshop, and such request has not been complied with.

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Guards on dangerous machinery—Corn shredders—Wood saws.

Guards required on corn shredders, etc.

SECTION 1636–131. Any person, firm, or corporation who shall sell, offer or expose for sale, or use any machine to be operated by steam, or other power, for the purpose of husking or shredding corn or corn stalks shall provide such machine with safety or automatic feeding devices for the protection from accident by the snapping rollers, husking rollers, and shredding knives of any person using or operating such machine in the discharge of their duty, and such machine shall be so guarded that the person feeding said machine shall be compelled to stand at a safe distance from the snapping rollers; and any person, firm, or corporation operating such machine shall maintain thereon such safety or automatic feeding devices. The duty to equip such machine with safety or automatic feeding devices, as well as the duty to maintain the same, shall be absolute; and the exercise of ordinary care on the part of such person, firm, or corporation operating such machine shall not be deemed a compliance with such duty; and in case any person in the employ of such person, firm, or corporation operating such machine continues in such employment when such device has not been installed and maintained, as above provided, such employee shall not be deemed guilty of a want of ordinary care, on account of so continuing in such employment.

Duty absolute.

Old machines, etc.

SEC. 1636–131m (as amended by chapter 773, Acts of 1913). No person, firm or corporation shall use, operate or permit to be used or operated any such machine purchased prior to June 12, 1909, unless during all the time such machine shall be used and operated it shall be in charge of a competent person whose sole duty shall be to oversee and attend to the operation and use of the same; nor use, operate or permit to be used or operated any such machine whatever while the safety devices or guards are detached.

Sale.

SEC. 1636–133. No such machine shall be sold or offered or exposed for sale unless the said machine shall have plainly marked upon it the name and location of the person, firm or corporation manufacturing the same.

Violations.

SEC. 1636–134. Any such person, firm or corporation who shall violate any of the provisions of sections 1636–131 to 1636–135, inclusive, shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars for each offense.

Enforcement.

SEC. 1636–135. It shall be the duty of the * * * [the industrial commission] to enforce the provisions of sections 1636–131 to 1636–135, inclusive: *Provided*, That nothing therein contained shall be construed to authorize such * * * [the industrial commission] to select or compel the adoption of any particular or special safety device, and that the question of the reasonable safety of any such device used by any manufacturer shall be subject to judicial determination.

Guards on wood saws.

SEC. 1636–136. No person, firm or corporation shall offer or expose for sale any machine for the purpose of sawing wood unless the said machine shall be provided with reasonable safety devices for the protection from accidents from saws, gears, knuckles, belts, set screws or other dangerous parts.

Not to be detached while in use.

SEC. 1636–137. It shall be unlawful for any person, firm or corporation owning such machine to use, operate or permit to be used or operated any such machine while the safety devices or guards are detached.

Violations.

SEC. 1636–138. Any such person, firm or corporation who shall violate any of the provisions of sections 1636–136 to 1636–139, inclusive, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each offense.

Enforcement

SEC. 1636–139. Upon complaint to * * * [the industrial commission], it shall be his [its] duty to enforce the provisions of sections 1636–136 to 1636–139, inclusive.

Wages as preferred claims—In assignments.

What preferences void.

SECTION 1693a. * * * All * * * assignments which shall contain or give any preference to one creditor over another,

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except for the wages of laborers, servants and employees earned within six months prior to the making thereof, shall be void as to the preference, but valid for all other purposes. * * *

Wage debts to be paid first after taxes, etc.

SEC. 1700. * * * before making any dividend the assignee shall pay all taxes assessed upon the property assigned, which remain unpaid, and the compensation due all laborers, servants and employees for labor or personal services performed for the assignor within six months next preceding the making of the assignment, the claims for which shall be paid by him next after the payment of unpaid taxes and assessments, debts due the United States or this State, the expenses of the assignment and the execution of the trust.

One who goes from place to place erecting and repairing machinery is an employee within the meaning of this statute; likewise bookkeepers and salesmen, though paid by the month or year and whether their compensation is usually called salary or wages. 47 N. E. 915.

One doing work under contract at job or piece rates is not an employee. 64 Wis. 525.

Employment of women and children.

Definitions.

SECTION 1728–1 (added by chapter 381, Acts of 1913). The following terms as used in sections 1728–1 to 1728–4, inclusive, shall be construed as follows:

(1) The term "place of employment" shall mean and include any manufactory, mechanical or mercantile establishment, laundry, restaurant, confectionary [sic] store, or telegraph or telephone office or exchange, or any express or transportation establishment.

(2) The term "employment" shall mean and include any trade, occupation or process of manufacture, or any method of carrying on such trade or occupation in which any female may be engaged, or for any place of employment, as herein defined.

(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 or place of employment, as herein defined.

(4) The terms "order," "general order," "special order," "safe," "safety," and "welfare" shall be construed as defined in section 2394–41 of the Statutes.

Commission to fix hours of labor.

SEC. 1728–2 (added by chapter 381, Acts of 1913). No female shall be employed or be permitted to work in any place of employment or at any employment for such period or periods of time during any day, night or week, as shall be dangerous or prejudicial to the life, health, safety or welfare of such female. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classification, and to issue general or special orders fixing a period or periods of time, or hours of beginning and ending work during any day, night or week, which shall be necessary to protect the life, health, safety or welfare of any female, or to carry out the purposes of sections 1728–1 to 1728–4, inclusive, of the Statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394–41 to 2394–70, inclusive, of the Statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1728–1, 1728–2, 1728–3, and 1728–4 of the Statutes, and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394–41 to 2394–70, inclusive, of the Statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1728–1, 1728–2, 1728–3 and 1728–4 of the Statutes. Until such time as the industrial commission shall so investigate, ascertain, determine and fix, and shall issue general or special orders thereon, the periods of time specified in the attached schedule shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of females.

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Schedule.

Schedule of hours.

At daywork, more than ten hours in any one day, or more than fifty-five hours in any one week.

At nightwork, more than eight hours in any one night, or more than forty-eight hours in any one week.

Daywork is work done between six o'clock a. m., and eight o'clock p. m., of the same day: *Provided*, That employment not more than one night in the week after eight o'clock p. m. shall not be considered nightwork.

Nightwork is done between eight o'clock p. m. and six o'clock a. m. of the following day.

Less than one hour during each day or night for dinner or other meals.

Schedule of hours to be posted.

SEC. 1728–3 (added by chapter 381, Acts of 1913). Every employer shall post in a conspicuous place in each of the several departments in or for which women are employed, a list on a printed form furnished by the industrial commission, stating the names and hours required of each woman during each day of the week, the hours of commencing and stopping work, and the period allowed for dinner or other meals. Such list need not be posted where time records are kept for inspection by the said commission for a period of at least six months prior to such inspection or where any other substitute equally effective for the enforcement of sections 1728–1 to 1728–4, inclusive, is approved by the commission.

Evidence of violation.

SEC. 1728–4 (added by chapter 381, Acts of 1913). The employment of any female in any such employment or place of employment, as defined in section 1728–1, 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 [secs. 1728–1 to 1728–4]. Every day for each female employed, and every week for each female employed, during which any employer shall fail to observe or to comply with any order of the commission, or to perform any duty enjoined by sections 1728–1 to 1728–4, inclusive, of the Statutes, shall constitute a separate and distinct offense.

Certificates required.

SEC. 1728a (as amended by chapter 466, Acts of 1913). 1. No child between the ages of fourteen and sixteen years shall be employed, required, suffered or permitted to work at any time in any factory or workshop, store, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service, or the delivery of any merchandise or at any gainful occupation, or employment, directly or indirectly, unless there is first obtained from the * * * [industrial commission] or from the judge of the county court or municipal court or from the judge of a juvenile court where such child resides, a written permit authorizing the employment of such child within such time or times as the said * * * [industrial commission], county judge, municipal judge, or judge of a juvenile court may fix: *Providing*, That such times shall not conflict with those designated in subsection 1, of section 1728c, and that no officer herein mentioned shall have power to delegate the duty of granting permits to any subordinate officer or other person.

Dangerous occupations.

2. No employer shall employ, require, permit or suffer any minor or any female to work in any place of employment, or at any employment dangerous or prejudicial to the life, health, safety or welfare of such minor, or such female, or where the employment of such minor may be dangerous or prejudicial to the life, health, safety or welfare of other employees or frequenters. It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classifications of employments and places of employment, minors and females, and to issue general or special orders prohibiting the employment of such minors or females in any employment or place of employment dangerous or prejudicial to the life, health, safety or wel-

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fare of such minor or such female, and to carry out the purposes of sections 1728a to 1728j, inclusive, of the Statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or enjoin the enforcement thereof, shall be made pursuant to the proceedings in sections 2394–41 to 2394–70, inclusive, of the Statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of section 1728a to 1728j, inclusive, of the Statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394–41 to 2394–70, inclusive, of the Statutes; and the penalties therein shall be applied to and be imposed for any violation of sections 1728a to 1728j, inclusive, of the Statutes. Until such time as the said commission shall so investigate, ascertain, determine and fix the classifications provided in this section, the employments and places of employment designated in the following schedule shall be deemed to be dangerous or prejudicial to the life, safety, health or welfare of minors under the ages specified, or of females, or dangerous or prejudicial to the life, health, safety or welfare of other employees or of frequenters, where such minor may be employed. The terms "place of employment," "employment," "employer," "employee," "frequenter," "deputy," "order," "local order," "general order," "special order," "welfare," "safe," and "safety," as used in this section, shall be construed as defined in section 2394–41 of the Statutes.

Schedule of dangerous occupations.

Schedule of employments or places of employment dangerous or prejudicial to the life, health, safety or welfare of minors, or children under the ages specified, or to frequenters, or to females.

Minors under 21.

(*a*) Minors under twenty-one years of age:

In cities of the first, second and third class, before six o'clock in the morning and after eight o'clock in the evening of any day, as messenger for a telegraph or messenger company in the distribution, transmission or delivery of messages or goods.

Under 18.

(*b*) Minors under eighteen years of age:

(1) Blast furnaces; in or about.

(2) Boats and vessels engaged in the transportation of passengers or merchandise; pilot; fireman; engineer.

(3) Docks; in or about.

(4) Dusts; operating or using any emery, tripoli, rouge, carborundum, stone carborundum, any abrasive or emery polishing or buffing wheel, where articles of the baser materials, as of iridium, are manufactured.

(5) Electric wires; on the outside, erection and repair of electric wires.

(6) Elevators; in, the running or management of any elevators, lifts or hoisting machines.

(7) Explosives; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded or stored.

(8) Matches; in dipping, dyeing or packing.

(9) Mine or quarry; in or about.

(10) Oiling or cleaning; in oiling or cleaning dangerous or hazardous machinery in motion.

(11) Railroads; switch tending, gate tending, or track repairing; as brakeman, fireman, engineer, motorman, conductor, telegraph operator.

(12) Wharves; in or about.

(13) No female under eighteen years of age shall be employed as a messenger by any telegraph or telephone company, firm or corporation, or by any company, firm, corporation or individual engaged in similar business.

Under 16.

(*c*) Children under sixteen years of age:

(1) Bakeries; dough brakes or cracker machinery of any description.

(2) Belts; adjusting belts (in motion); sewing belts (in any capacity).

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(3) Boilers; operating any steam boiler or steam-generating apparatus.
(4) Bowling alleys; as pin boys.
(5) Building trades; on scaffolding, or on a ladder or in heavy work.
(6) Burnishing machines in any tannery or leather manufacturing.
(7) Corrugating rolls in roofing or washboard factories
(8) Dusts; occupations causing dust in injurious quantities.
(9) Emery or polishing wheel for polishing metal.
(10) Immoral purposes; manufacture of goods for.
(11) Iron and steel, wire or iron straightening machinery, punchers or shears.
(12) Laundry machinery.
(13) Liquors; in or about any store, brewery, distillery, bottling establishment, hotel barroom, saloon, saloon dining room or restaurant, any place in connection with a saloon or a similar place of any name, or in or about any dance hall, bowling alley, pool room, beer garden, or similar place of any name, in which strong, spirituous or malt liquors are made, bottled, sold or given away.
(14) Machinery; oiling or assisting in oiling, wiping or cleaning any machinery in motion.
Operating or assisting in operating or taking material from any circular or bandsaw, or any crosscut saw or slasher, or other cutting or pressing machine from which material is taken from behind.
(15) Paints and poisons;
Manufacture of paints, colors or white lead.
Manufacture of any composition in which dangerous or poisonous acids are used.
Manufacture or preparation of compositions of dangerous or poisonous dyes.
Manufacture or preparation of compositions with dangerous or poisonous gases.
Manufacture or preparation of compositions of lye or in which the quantity thereof is injurious to health.
(16) Presses; cylinder or job, boring or drill.
(17) Rubber; washing, grinding or mixing mill of calendar rolls in rubber manufacturing.
(18) Stamping machines;
In sheet-metal and tinware manufacturing.
In washer and nut factory.
In lace, paper and leather manufacturing.
(19) Theater or concert hall.
(20) Tobacco; in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared.
(21) Woodworking; wood shaper, wood jointer, planer, sandpaper, wood-polishing or wood-turning machine.
(22) Wool, cotton, hair, upholstering; carding machine, or machine used in picking wool, cotton, hair, or any upholstering material.
(23) Any other employment dangerous to life or limb, injurious to the health, or depraving to the morals.

(d) Females: Women.

(1) Any female child in any capacity where such employment compels her to remain standing constantly.
(2) Any female in or about any mine or quarry.

3. No child under the age of fourteen years shall be employed, required, suffered or permitted to work at any time in any factory, manufacturing establishment or workshop, store, hotel, restaurant, or bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service, delivery of merchandise or at any gainful occupation or employment, directly or indirectly, except as provided in this section. Age limit.

4. No child under the age of fourteen years shall be employed, required, permitted or suffered to work at any gainful occupation or employment at any time except that during the vacation of the Vacation employment.

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public or equivalent school in the town, district or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, mercantile establishment, warehouse, telegraph, telephone or public messenger service in the town, district or city where it resides and not elsewhere: *Provided*, That it shall have first obtained a permit in the same manner and under the same conditions set forth for employment during the regular session of the school, except that for such vacation permit no proof of educational qualification shall be necessary.

A permit of employment, though duly granted, does not authorize employment in the occupations forbidden in this section, and employment in violation thereof is negligence per se. 124 N. W. 299.

Public performances.

SEC. 1728a–1. No child under sixteen years of age shall be employed, required, suffered or permitted to play on any musical instrument, or to sing or perform in a circus, theatrical or musical exhibition, concert or festival, or in any public place, unless there is first obtained from the * * * [industrial commission], county judge, municipal judge or the judge of a juvenile court where the child resides, if such child is a resident of this State, and by a county judge, municipal judge, or judge of a juvenile court of this State if such child is not a resident of the State, a written permit authorizing the appearance of such child at such places, at times as the said * * * [industrial commission], county judge, municipal judge or judge of a juvenile court may fix: *Provided*, That it appears to the satisfaction of such * * * [industrial commission], county judge, municipal judge, or judge of a juvenile court, that the appearance of such child shall not be detrimental to its morals, health, safety, welfare or opportunities for education equivalent to that of the common schools: *Provided, also*, That a child under fourteen years of age shall be accompanied by a parent or guardian, approved by the said * * * [industrial commission], county judge, municipal judge or judge of a juvenile court. But the provisions of this section shall not prevent the education of children in music or their employment as musicians, or participants, in a church, chapel, school or school exhibition or any home-talent exhibition given by people of the local community.

Contents of permits.

SEC. 1728a–3. 1. The permit required by section 1728a of the Statutes shall state the name, the date and place of birth of the child, and describe the color of hair and eyes, the height and weight, and any distinguishing facial marks of such child, and that the papers required in subsection 2 hereof have been duly examined, approved and filed.

2, The following evidence, records and papers shall be filed before such permit is issued:

Evidence of age, etc.

(1) Evidence showing that such child is fourteen years of age in one of the following forms:

(a) A duly attested transcript of the birth certificate, filed as prescribed by law with the register of vital statistics, or other officer charged with the duty of recording births.

(b) A certificate of a person in charge of a public school in the State or elsewhere, having a course of not less than eight years, or of a school in the State other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which school a record of the attendance of such child has been kept, showing that such child is a graduate of such school, and that according to the records kept in such school, such child is at least fourteen years of age; or

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

(d) If such proof does not exist or can not be secured as provided in subdivisions (a), (b) or (c), of subdivision (1) hereof, then such proof as may be satisfactory to the official issuing such permit may be filed in lieu thereof.

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Literacy.

(2) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons, a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating also the date of the birth of such child, and the number of years it has attended school. Such certificate shall contain the further statement that such child has attended the public school, or some other school having a substantially equivalent course, as required by law, within the twelve months next preceding the date of such certificate, or next preceding the fourteenth birthday of such child; that such child is able to read and write simple sentences in the English language, and is familiar with the fundamental operations in arithmetic up to and including fractions, and that it has received during such one-year period, instructions in spelling, reading, writing, English grammar and geography; or in lieu of such statement relative to its educational attainments, that such child has passed successfully the fifth grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least seven years. It shall be the duty of such superintendent, principal or clerk to issue certificate upon receipt of any application in behalf of any child entitled thereto.

Statement by employer.

(3) A letter written on such regular letterhead or other business paper used by the person, stating the intention of such person, firm or corporation to employ such child, and signed by such person, firm or corporation, or by some one duly authorized by them.

Complaints.

SEC. 1728a–4. 1. For the purposes of sections 1728a to 1728j, inclusive, the commissioner of labor, factory inspector, any assistant factory inspector, truant officer, any police officer or any private citizen may make complaint of the violation of any provision of sections 1728a to 1728j, inclusive.

Investigation.

2. When complaint is made by truant officer, police officer or any private citizen to the * * * [industrial commission], the * * * [industrial commission] shall investigate or cause to be investigated such complaint, and if pursuant to any such investigation, a violation of any of the provisions of sections 1728a to 1728j, inclusive, shall be found, the * * * [industrial commission] shall prosecute or cause to be prosecuted any such violation.

Statements as to employment.

SEC. 1728a–6. 1. Every person, firm or corporation, agent or manager of any firm or corporation, employing minors in any factory or workshop, store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service within this State, in addition to filing the certificate of intention to employ with the * * * [industrial commission], shall file with the officer signing such permit, a statement of actual employment of such minor, the date of employment, and that the necessary permit has been duly received and filed, shall keep said permits on file in the same place where such minor is employed, and subject at all times to the inspection of * * * [industrial commission], and shall post a list of said employees with said information at or near the principal entrance to the factory, or other building where such children are employed: *It is further provided*, That upon the termination of employment of any minor, said employer shall return within twenty-four hours the permit for employment of such minor to the person and place, designated by the * * * [industrial commission], with a statement of reasons for the termination of said employment.

Special inspection.

2. Every person, firm or corporation, desiring to become the employer of children under the age of eighteen years, shall file with the * * * [industrial commission] a statement of this fact, in order that a special inspection of his factory, workshop, bowling alley, store, hotel or mercantile establishment, restaurant, bakery, laundry, telegraph, telephone or public messenger service may be made or caused to be made by the * * * [industrial commission].

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Certificates. SEC. 172Sa–11. No person shall employ a minor over fourteen years of age in any city, village or town in which a public evening school or continuation school, for the industry in which the minor is to work, is maintained, unless he receives and places on file a written permit issued by the * * * [industrial commission], or from the judge of a juvenile court where such child resides, authorizing the employment of the minor, as provided in section 172Sb of the Statutes, and certifying either to his ability to read at sight and write legibly simple sentences in the English language, or that he is a regular attendant at the public evening school or continuation school.

Acts of parents. SEC. 172Sa–12. No parent, guardian or custodian shall permit a minor over fourteen years of age who has not the certificate referred to in section 172Sa–11 to be employed.

Weekly statements. SEC. 172Sa–13. Any minor over fourteen years of age, required by section 172Sa–11 to attend an evening school or continuation school, shall furnish to his employer each week during its session a record showing that he is a regular attendant at the evening school or continuation school. The employer shall file all records of attendance with the minor's permit to work, and no minor, subject to sections 172Sa–11 to 172Sa–17, inclusive, shall be employed unless the records of attendance or absence for valid cause during the previous week be on file.

Physician's certificate. SEC. 172Sa–14. Upon presentation by a minor of a certificate signed by a registered practicing physician, showing that his physical condition, or the distance necessary to be traveled, would render the required school attendance, in addition to his daily labor, prejudicial to his health, the * * * [industrial commission], may issue a permit authorizing his employment for such period as he may determine.

Evening schools. SEC. 172Sa–15. No permit issued under section 172Sa shall excuse any minor from attendance at evening school, or evening continuation school.

Violation by employers; SEC. 172Sa–16. Any person, firm or corporation, agent or manager of any corporation, who whether for himself or for such firm or corporation, or by himself or through agents, servants or foremen, shall violate or fail to comply with any of the provisions of sections 172Sa–11 to 172Sa–14, inclusive, of the Statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars for each offense. Any corporation which by its agents, officers or servants shall violate or fail to comply with any of the provisions of sections 172Sa–11 to 172Sa–15, inclusive, shall be liable to the same penalty which may be recovered against such corporation in action for debt or assumpsit, brought before any court of competent jurisdiction.

By parents. SEC. 172Sa–17. Any parent or guardian who suffers or permits a minor to be employed, or suffered or permitted to work in violation of sections 172Sa–12 and 172Sa–13 of the Statutes, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars.

Registers. SEC. 172Sb. 1. Every person, firm or corporation, agent or manager of any firm or corporation employing minors in any factory or workshop, store, office, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service within this State shall keep a register in the place where such minor is employed, and subject at all times to the inspection of any * * * [industrial commission] or truant officer, in which register shall be recorded the name, age, date of birth and place of residence, of every child employed, permitted or suffered to work therein, under the age of sixteen years.

Permit required. 2. No person, firm or corporation, agent or manager of any firm or corporation shall hire or employ, permit or suffer to work in any mercantile establishment, factory or workshop, store, office, hotel, restaurant, bakery, laundry, telegraph, telephone or public messenger service, any child under sixteen years of age, unless there is first provided and placed on file in such mercantile estab-

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lishment, factory, workshop, store, office, hotel, restaurant, bakery, laundry, telegraph, telephone or public messenger service office, a permit granted by the * * * [industrial commission], or county judge, municipal judge or judge of a juvenile court of the county where such child resides.

Limit of eight hours.

SEC. 1728c (as amended by chapter 584, Acts of 1913). 1. No child under the age of sixteen years shall be employed, required, permitted or suffered to work at any gainful occupation other than domestic service or farm labor for 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 six o'clock in the evening, nor more than six days in any one week: *Provided*, That employment not to exceed eight hours and thirty minutes in any one day may be permitted to children on condition that the children so employed shall be free from labor after twelve o'clock noon on Saturday: *Provided*, That no child so employed shall be permitted to work more than forty-eight hours in any one week, including at least four hours of attendance at continuation school, nor between six o'clock in the evening and seven o'clock in the morning. A dinner period of not less than thirty minutes shall be allowed during each day. During such dinner period the power shall be shut off from machinery operated by children, and no work shall be permitted: *Provided*, Nothing in sections 1728a to 1728j, inclusive, shall be construed to interfere with the employment of children as provided in sections 1728a–1 and 1728u of the Statutes.

Nightwork.

List to be posted.

2. Each employer shall post in a conspicuous place in each of the several departments in or for which minors are employed, a list on a printed form furnished by the * * * [industrial commission], stating the names, ages and the hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end.

Evening schools.

SEC. 1728c–1 (as amended by chapter 584, Acts of 1913). 1. Whenever any day continuation classes, industrial school or commercial school, shall be established in any town, village or city in this State for minors between the ages of fourteen and sixteen, working under permit as now provided by law, every such child, residing within any town, village or city in which any such school is established, shall attend such school in the daytime not less than five hours per week for six months in each year, until such child becomes sixteen years of age, or four hours per week for eight months, as may be determined by the local board of industrial education, and every employer shall allow all minor employees over fourteen and under sixteen years of age a reduction in hours of work of not less than the number of hours the minor is by this section required to attend school.

2. The total number of hours spent by such minors at work and in the before-mentioned schools shall together not exceed the total number of hours of work for which minors over fourteen and under sixteen years of age may by law be employed, except when the minor shall attend school a greater number of hours than is required by law, in which case the total number of hours may be increased by the excess of the hours of school attendance over the minimum prescribed by law.

3. Employers shall allow the reduction in hours of work at the time when the classes which the minor is by law required to attend, are held whenever the working time and the class time coincide.

4. Any violation of this section shall be punished as is provided in the case of [a] violation of section 1728a of the Statutes.

Prosecutions.

SEC. 1728d (as amended by chapter 584, Acts of 1913). 1. It shall be the duty of the industrial commission to enforce all the provisions of the Statutes regulating or relative to child labor, and to prosecute violations of the same before any justice of the peace or other court of competent jurisdiction in this State. It shall be the duty of the said industrial commission and truant

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officers, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by sections 1728a to 1728j, inclusive. The industrial commission, for the purpose of the enforcement of sections 1728a to 1728j, inclusive, shall have the power of truant officers to enforce all legal requirements relating to school attendance.

Jurisdiction. 2. The justices of the peace in the various counties of the State of Wisconsin shall have criminal jurisdiction of actions brought for violations of all statutes regulating or relative to child labor, notwithstanding any statute depriving such justices of the peace in any county of such jurisdiction. Nothing contained herein, however, shall deprive the municipal courts and other courts of record of concurrent jurisdiction, nor shall anything contained herein be construed to give justices of the peace in cities of the first class jurisdiction of such actions.

Physical unfitness. SEC. 1728e. 1. The * * * [industrial commission], or county judge, municipal judge or judge of a juvenile court, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they may be employed.

Permits in duplicate. 2. All permits provided for under sections 1728a to 1728j, inclusive, shall be issued upon blanks furnished by the * * * [industrial commission] and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the * * * [industrial commission], together with a detailed statement of the character and substance of the evidence offered prior to the issue of such permit. Such statement so forwarded shall be upon blanks furnished by the * * * [industrial commission], and shall contain such details as to such evidence, and shall fully reveal its character and substance as indicated in such blank.

Revocation. 3. Whenever it shall appear to the * * * [industrial commission] that any permit has been improperly or illegally issued, or that the physical or moral welfare of such child would be best served by the revocation of the permit he [it] may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child and the child holding such permit of such revocation.

Farm labor. 4. Nothing contained in sections 1728a to 1728j, inclusive, shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child.

Definitions. SEC. 1728g. The words "manufacturing establishment," the word "factory" or the word "workshop," as used in sections 1728a to 1728j, inclusive, shall each be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned or assorted, stored or packed, in whole or in part, for sale, for wages, or directly or indirectly, for gain or profit.

Violations. SEC. 1728h. 1. 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 violates or fails to comply with any of the provisions of section 1728a, 1728b, 1728c, 1728d, 1728e, 1728f, 1728g, 1728h, 1728i, 1728a-1, 1728a-3, 1728a-4, or 1728a-6, or hinders or delays the * * * [industrial commission], or truant officers, or any or either of them, in the performance of their duties, or refuses to admit or locks out any such officer from any place required to be inspected by said sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, or imprisoned in the county jail not longer than thirty days.

2. Any corporation which, by its agents, officers or servants violates or fails to comply with any of the provisions of the sections specified in subsection 1 shall be liable to the above penalties, which may be recovered against such corporations in action for debt or assumpsit brought before any justice of the peace or other court of competent jurisdiction.

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3. Any person, being the owner or lessee of any opera house, theater or moving-picture house, or any similar place of any name, or having in whole or in part, the management or control thereof, shall be responsible for any violation of sections 1728a to 1728j, inclusive, on the premises, of such opera house, theater or moving picture house or similar place of any name.

4. Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation, or by himself or through agents, servants or foreman fails to return the employment permit of any child in violation of section 1728a–6, shall be liable in action to such child whose permit is not returned, for two dollars for each day during which such failure continues.

5. The failure of any person, firm or corporation, agent or manager of any firm or corporation, to produce for inspection to the * * * [industrial commission], truant officers, the employment permit hereinbefore described, shall be prima facie evidence of illegal employment of minor before any justice of the peace or other court of competent jurisdiction. The presence of any minor in any factory, workshop, place of employment or in or about any mine, or the presence of any minor at any time other than those on the posted hours of labor, as hereinbefore provided, or in any establishment employed at any work listed as dangerous or forbidden employments, shall be prima facie evidence of the employment of such child.

Acts of parents.

SEC. 1728i. Any parent or guardian, who suffers or permits a child to be employed, at any gainful occupation, directly or indirectly, or suffered or permitted to work in violation of sections 1728a to 1728j, inclusive, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars or by imprisonment in the county jail for not longer than thirty days.

Evidence.

SEC. 1728j. When in any proceeding in any court under sections 1728a to 1728j, inclusive, there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed with the court. In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

Seats for females to be provided.

SEC. 1728l. Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in the State of Wisconsin 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.

Any person or corporation who shall violate the provisions of this section shall, upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than thirty dollars for each and every offense.

Employment of labor—Protection of employees as voters.

Notice of discharge required, when.

SECTION 1728m. Any person 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 except for incapacity or misconduct, unless in case of a general suspension of labor in his or its shop or factory or in the department thereof wherein such employee is engaged.

Threatening voters.

SEC. 1728n. No person shall, by threatening to discharge a person from his employment or threatening to reduce the wages of a person or by promising to give employment at higher wages to a person, attempt to influence a qualified voter to give or withhold his vote at an election.

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Employment of children—Street trades.

Licenses for performances theatrical, etc., withheld, when.

SECTION 1728o. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats, contortionists or in any feats of gymnastics or equestrianism, when in the opinion of the board of officers authorized to grant licenses such children are employed in such manner as to corrupt their morals or impair their physical health.

Penalty.

SEC. 1728o–1. Any person who shall violate any of the provisions of sections 1728m, 1728n and 1728o shall, upon conviction, be fined in a sum not exceeding one hundred dollars.

Definition.

SEC. 1728p. The term "street trade," as used in sections 1728p to 1728za, inclusive, shall mean any business or occupation in which any street, alley, court, square or other public place is used for the sale, display or offering for sale of any articles, goods or merchandise. No boy under the age of twelve years, and no girl under the age of eighteen years, shall in any city of the first class distribute, sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place.

Age of newsboys and girls.

Boys in street trades.

SEC. 1728q. No boy under fourteen years of age, shall, in any city of the first class, work at any time, or be employed or permitted to work at any time, as a bootblack or in any other street trade, or shall sell or offer any goods or merchandise for sale or distribute handbills or circulars or any other articles, except newspapers, magazines or periodicals as hereinafter provided.

Girls.

SEC. 1728r. No girl under eighteen years of age shall, in any city of the first class, work at any time, or be employed or permitted to work at any time, as a bootblack or at any other street trades or in the sale or distribution of handbills or circulars or any other articles upon the street or from house to house.

Permits and badges.

SEC. 1728s (as amended by chapter 483, Acts of 1913). No boy under sixteen years of age shall, in any city of the first class, distribute, sell, or expose or offer for sale any newspapers, magazines or periodicals in any street or public place or work as a bootblack, or in any other street or public trade, or sell or offer for sale or distribute any handbills or other articles, unless he complies with all the legal requirements concerning school attendance, and unless a permit and badge, as hereinafter provided, shall have been issued to him by the board of education. No such permit and badge shall be issued until the officer issuing the same shall have received an application in writing therefor, signed by the parent or guardian or other person having the custody of the child, desiring such permit and badge, and until such officer shall have received, examined and placed on file the written statement of the principal or chief executive officer of the public, private or parochial school, which the said child is attending, stating that such child is an attendant at such school with the grade such child shall have attained, and provided that no such permit and badge shall be issued, unless such officer issuing it is satisfied that such child is mentally and physically able to do such work besides his regular school work as required by law.

Evidence.

SEC. 1728t (as amended by chapter 483, Acts of 1913). Before any such permit is issued, the board of education shall demand and be furnished with proof of such child's age by the production of a verified baptismal certificate or a duly attested birth certificate, or, in case such certificate can not be secured, by the record of age stated in the first school enrollment of such child. Whenever it appears that a permit was obtained by wrong or false statements as to any child's age, the officer who granted such permit shall forthwith revoke the same. After having received, examined and placed on file such papers, the officer shall issue to the child a permit and badge. The principal or chief executive officer of schools, in which children under sixteen years of age are pupils, shall keep a complete list of all children in their school to whom a permit and badge has been issued, as provided in sections 1728p to 1728za, inclusive.

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Permit to state what.

SEC. 172Su (as amended by chapter 483, Acts of 1913). Such permit shall state the place and date 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 and weight and any distinguishing facial marks of such child, and shall further state that the papers required by the preceding 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 shall be signed in the presence of the officer issuing the same by the child in whose name it is issued: *Provided*, That in case of carrier boys working on salary for newspaper publishers delivering papers, a card of identification shall be issued to such carriers by the board of education which they shall carry on their person, and exhibit to any officer authorized under sections 1728p to 1728za, inclusive, who may accost them for a disclosure of their right to serve as such carriers: *And provided further*, That in case of the illness or absence of any boy who shall belong to the regular delivery or distributing force of any newspaper at the time when such delivery or distribution of newspapers is to be made, if there shall be no other boy who has a permit and badge, as provided herein, ready to make the delivery and distribution, such delivery and distribution may be made for a period which shall not exceed seven days, by any other boy over the age of twelve years, who shall have complied with all the other requirements of sections 1728p to 1728za, inclusive, except the requirement of a permit and badge; in such cases, a written certificate, stating the facts, on blank form furnished by the board of education, signed by the circulation or business manager of such newspaper or its authorized representative shall be issued to such boy for a period not to exceed seven days. Copies of all such certificates shall be furnished the board of education within twenty-four hours after issue.

Carriers.

Proviso.

Badges.

SEC. 1728v (as amended by chapter 483, Acts of 1913). The badge provided for herein shall be such as the board of education shall designate and shall be worn conspicuously in sight at all times in such position as may be designated by the said board of education by such child while so working. No child to whom such permit and badge or identification card are issued shall transfer the same to any other person. No badge shall be issued except on deposit of a fee of twenty-five cents. Such fee shall be refunded upon return of the badge.

Nightwork.

SEC. 1728w (as amended by chapter 483, Acts of 1913). No boy under sixteen years of age shall, in any city of the first class, sell, expose or offer for sale any newspapers, magazines or periodicals after the hour of seven-thirty o'clock in the evening or before five o'clock in the morning; and no child under sixteen years of age shall distribute, sell, expose or offer for sale any newspapers, magazines or periodicals or shall work as a bootblack or in any street or public trades or distribute handbills or shall be employed or permitted to work in the distribution or sale or exposing or offering for sale of any newspapers, magazines or periodicals or as a bootblack or in other street or public trades or in the distribution of handbills during the hours when the public schools of the city where such child shall reside are in session: *Provided*, That any boy between the ages of fourteen and sixteen years, who is complying and shall continue to comply with all the legal requirements concerning school attendance, and who is mentally and physically able to do such delivery besides his regular school work, shall be authorized to deliver newspapers between the hours of four and six in the morning.

Work during school hours.

Proviso.

Enforcement.

SEC. 1728x (as amended by chapter 483, Acts of 1913). The board of education or any person acting under its direction shall enforce the provisions of sections 1728p to 1728za, inclusive, and said board is hereby vested with all powers requisite therefor.

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The said board is hereby authorized to use any funds provided for by section 435e of the statutes in the administration of this act.

Revocation of permit.

SEC. 1728y. The permit of any child, who in any city of the first class distributes, sells or offers for sale any newspapers, magazines or periodicals in any street or public place or works as a bootblack, or in any other street trade, or sells or offers for sale or distributes any handbills or other articles in violation of the provisions of sections 1728p to 1728za, inclusive, or who becomes delinquent or fails to comply with all the legal requirements concerning school attendance, shall forthwith be revoked for a period of six months and his badge taken from said child. The refusal of any child to surrender such permit, and the distribution, sale or offering for sale of newspapers, magazines or periodicals or any goods or merchandise, or the working by such child as a bootblack or in any other street or public trade, or in distributing handbills or other articles, after notice, by any officer authorized to grant permits under this law of the revocation of such permit and a demand for the return of the badge, shall be deemed a violation of sections 1728p to 1728za, inclusive. The permit of said child may also be revoked by the officer who issued such permit, and the badge taken from such child, upon the complaint of any police officer or other attendance officer or probation officer of a juvenile court, and such child shall surrended his permit and badge upon the demand of any police officer, truancy or other attendance officer or probation officer of a juvenile court or other officer charged with the duty of enforcing sections 1728p to 1728za, inclusive.

Second violation by children.

In case of a second violation of sections 1728p to 1728za, inclusive, by any child, he shall be brought before the juvenile court, if there shall be any juvenile court in the city where such child resides, or, if not, before any court or magistrate having jurisdiction of offenses committed by minors and be dealt with according to law.

Violations by parents, etc.

SEC. 1728z (as amended by chapter 483, Acts of 1913). Any parent or other person who employs a minor under the age of sixteen years in peddling without a license or who, having the care or custody of such minor, suffers or permits the child to engage in such employment, or to violate sections 1728p to 1728za, inclusive, shall be punished by a fine not to exceed fifty dollars nor less than ten dollars, or by commitment to the county jail for not more than thirty days or less than ten days.

Certificates required.

SEC. 1728za. No badge shall be issued for a boy selling papers between the ages of twelve and sixteen years by the * * * [industrial commission], except upon certificate of the principal of either public, parochial or other private school attended by said boy, stating and setting forth that said boy is a regular attendant upon said school.

Loitering forbidden.

No boy under the age of sixteen years shall be permitted by any newspaper publisher or printer or persons having for sale newspapers or periodicals of any character, to loiter or remain around any salesroom, assembly room, circulation room or office for the sale of newspapers, between the hours of nine in the forenoon and three in the afternoon, on days when school is in session. Any newspaper publisher, printer, circulation agent or seller of newspapers shall upon conviction for permitting newsboys to loiter or hang around any assembly room, circulation room, salesroom or office where papers are distributed or sold, shall be punished by a fine not to exceed one hundred dollars nor less than twenty-five dollars, or by commitment to the county jail for not more than sixty days or less than ten days.

Employment of labor.

Eight hours a day's labor.

SECTION 1729. In all engagements to labor in any manufacturing or mechanical business, where there is no express contract to the contrary, a day's work shall consist of eight hours and all engagements or contracts for labor in such cases shall be so con-

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strued; but this shall not apply to any contract for labor by the week, month or year.

Time of payment of wages.

SEC. 1729a. All wages or compensation for labor or service, unless there shall be a written contract to the contrary, shall be paid weekly or biweekly in cash: *Provided*, That this section shall not apply to agricultural laborers, commercial travelers, persons employed on commission, traveling employees of railway or express companies, persons employed in logging camps, or in driving, running or manufacturing logs or lumber, nor to any person whose occupation is such as to render him inaccessible on the regular pay day. Whenever any person engaged in lumbering or building or in the manufacture of lumber, shall defer the payment of all or any part of the wages due employees, after the same become due, such employer shall, on demand, give his employees written evidence of indebtedness for the amount so due them, which shall be payable at a date agreed upon and be negotiable. Any such employer who shall refuse to give such evidence of indebtedness for money earned, shall forfeit not more than fifty dollars.

Proviso.

Evidence of indebtedness.

Contract must contain what.

SEC. 1729m. 1. Each and every contract hereafter made for the erection, construction, remodeling or repairing of any public building or works, to which the State or any officer or agent thereof 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, agent or other person, doing or contracting to do all or a part of the work contemplated by the contract, shall be permitted to work more than eight hours in any one calendar day, except in cases of extraordinary emergencies.

Extraordinary emergencies.

2. The phrase "extraordinary emergencies," as used in this section, shall mean and include only such as grow out of the necessity of protecting property or human life when endangered by reason of an attack by the public enemy or endangered from fire, flood or storm.

Scope of law.

3. This section shall apply only to such work as is actually performed on the premises on which such buildings or works are being erected, constructed, remodeled or repaired.

Violations.

SEC. 1729n. 1. Any officer, any member of any board or commission or any agent of the State of Wisconsin or any person acting under or for such officer, agent, board, commission or member thereof, or any contractor, subcontractor, corporation, copartnership, firm or person, or any agent thereof, who violates any of the provisions of sections 1729m and 1729n of the Statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

2. Any person, who as an officer or a member of a board or commission, or as agent of such officer, board or commission, who executes a contract violating any of the provisions of sections 1729m and 1729n of the Statutes, shall be deemed to be the party who has violated the provisions of sections 1729m and 1729n of the Statutes, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishment herein provided for.

3. Any contractor, subcontractor, corporation, copartnership, firm or person, or any agent thereof, who after executing a contract under the provisions of sections 1729m and 1729n of the Statutes shall allow or permit any laborer, workman or mechanic in his, its or their employ, or in the employment of any contractor, subcontractor, agent or other person under his, its or their control or direction, to work more than eight hours in any one calendar day, except in cases of extraordinary emergencies, shall be deemed to have violated the provisions of sections 1729m and 1729n of the Statutes and shall be subject to the punishment herein provided for.

Proof.

4. Whenever it shall be ascertained that any laborer, workman, mechanic or other person worked more than eight hours in any

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calendar day in violation of subsections 1 and 2, of section 1729m, the proof of such fact shall be prima facie proof that such laborer, workman, mechanic or other person was so required or permitted to work.

Influencing by false statements.

SEC. 1729o. 1. It shall be unlawful for any person, partnership, company, corporation, association or organization of any kind, doing business in this State, directly or through any agent or attorney, to induce, influence, persuade or engage any person to change from one place to another in this State, or to change from any place in any State, Territory or county to any place in this State, to work in any branch of labor, through or by means of knowingly false representations, whether spoken, written or advertised in printed form, concerning the kind or character of such work, the compensation therefor, the sanitary conditions relating to or surrounding it, or the existence or nonexistence of any strike, lockout or other labor dispute affecting it, and pending between the proposed employer or employers and the persons then or last theretofore engaged in the performance of the labor for which the employee is sought.

Penalty.

2. Any violation of this section shall be deemed a misdemeanor and shall be punished by a fine of not less than fifty dollars, nor more than one thousand dollars, or by imprisonment in the State prison for not more than one year, or by both such fine and imprisonment.

Employment of women and children—Minimum wages.

SECTION 1729s–1 (added by chapter 712, Acts of 1913). The following terms as used in sections 1729s–1 to 1729s–12, inclusive, shall be construed as follows:

Definitions

(1) The term "employer" shall mean and include every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(2) The term "employee" shall mean and include every person who is in receipt of or is entitled to any compensation for labor performed for any employer.

(3) The term "wage" and the term "wages" shall each mean any compensation for labor measured by time, piece or otherwise.

(4) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(5) The term "living wage" shall mean compensation for labor paid, whether by time, piecework or otherwise, sufficient to enable the employee receiving it to maintain himself or herself under conditions consistent with his or her welfare.

Living wage required.

SEC. 1729s–2. Every wage paid or agreed to be paid by any employer to any female or minor employee, except as otherwise provided in section 1729s–7, shall be not less than a living wage.

Violation.

SEC. 1729s–3. Any employer paying, offering to pay, or agreeing to pay to any female or minor employee a wage lower or less in value than a living wage shall be deemed guilty of a violation of sections 1729s–1 to 1729s–12, inclusive, of the Statutes.

Determination of living wage.

SEC. 1729s–4. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classifications, and to issue general or special orders, determining the living wage, and to carry out the purposes of sections 1729s–1 to 1729s–12, inclusive, of the Statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394–41 to 2394–70, inclusive, of the Statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections * * * [1729s–1 to 1729s–12, inclu-

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sive] of the Statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394–41 to 2394–70, inclusive, of the Statutes, and the penalties therein shall apply to and be imposed for any violation of sections * * * [1729s–1 to 1729s–12, inclusive], of the Statutes.

Investigation of complaints.

SEC. 1729s–5. After July 1, 1913, the industrial commission may, upon its own initiative, and after July 1, 1914, the industrial commission shall, within twenty days after the filing of a verified complaint of any person setting forth that the wages paid to any female or minor employee in any occupation are not sufficient to enable such employee to maintain himself or herself under conditions consistent with his or her welfare, investigate and determine whether there is reasonable cause to believe that the wage paid to any female or minor employee is not a living wage.

Advisory wage board.

SEC. 1729s–6. If, upon investigation, the commission finds that there is reasonable cause to believe that the wages paid to any female or minor employee are not a living wage, it shall appoint an advisory wage board, selected so as fairly to represent employers, employees and the public, to assist in its investigations and determinations. The living wage so determined upon shall be the living wage for all female or minor employees, within the same class as established by the classification of the commission.

Special licenses.

SEC. 1729s–7. The industrial commission shall make rules and regulations whereby any female or minor unable to earn the living wage theretofore determined upon, shall be granted a license to work for a wage which shall be commensurate with his or her ability. Each license so granted shall establish a wage for the licensee, and no licensee shall be employed at a wage less than the rate so established.

Indenture.

SEC. 1729s–8. 1. All minors working in an occupation for which a living wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of sections 2377 to 2386, inclusive, of the Statutes.

Definition.

2. A "trade" or a "trade industry" within the meaning of this act shall be a trade or an industry involving physical labor and characterized by mechanical skill and training such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine and declare what occupations and industries are included within the phrase a "trade" or a "trade industry."

Application.

3. All minors working in an occupation for which a living wage has been established for minors but which is not a trade industry, who have no trade, shall be subject to the same provisions as minors between the ages of fourteen and sixteen as provided in section 1728c–1 of the Statutes.

Exceptions.

4. The industrial commission may make exceptions to the operation of subsections 1 and 2 of this section where conditions make their application unreasonable.

Registry.

SEC. 1729s–9. Every employer employing three or more females or minors shall register with the industrial commission, on blanks to be supplied by the commission. In filling out the blank he shall state separately the number of females and the number of minors employed by him, their age, sex, wages, and the nature of the work at which they are employed, and shall give such other information relative to the work performed and the wages received as the industrial commission requires. Each employer shall also keep a record of the names and addresses of all women and minors employed by him, the hours of employment and wages of each, and such other records as the industrial commission requires.

Discharge, etc.

SEC. 1729s–10. Any employer who discharges or threatens to discharge, or in any way discriminates, or threatens to discriminate against any employee because the employee has testified or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, is guilty of a misdemeanor, and upon

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conviction thereof shall be punished by a fine of twenty-five dollars for each offense.

Violations. SEC. 1729s–11. Each day during which any employer shall employ a person for whom a living wage has been fixed at a wage less than the living wage fixed shall constitute a separate and distinct violation of sections 1729s–1 to 1729s–12, inclusive, of the Statutes.

Investigation. SEC. 1729s–12. Any person may register with the industrial commission a complaint that the wages paid to an employee for whom a living wage has been established, are less than that rate, and the industrial commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

Antitrust law—Labor organizations exempt.

Labor unions not included. SECTION 1747h. * * * nothing therein shall be construed to affect labor unions or any other association of laborers organized for the purpose of promoting the welfare of its members, nor associations or organizations intended to legitimately promote the interests of trade, commerce or manufacturing in this State.

Railroads—Safety appliances—Accidents—Reports.

Safety measures to be adopted. SECTION 1797–9a. It shall be the duty of every railroad to adopt reasonably adequate safety measures and install, operate, and maintain reasonably adequate safety devices for the protection of life and property.

Power of commission. If, after investigation, the [railroad] commission shall determine that public safety requires the installation, operation, and maintenance of a block system or other safety device or measure by any railroad, the commission may, after notice and hearing as provided in section 1797–12, order such railroad to install, operate, and maintain a block system or other safety device or measure as may be necessary to render the operation of such railroad reasonably safe.

Rules, etc. SEC. 1797–9b. The commission may establish reasonable rules, regulations, specifications, and standards for the installation, operation, and maintenance of all safety devices and measures.

Medical emergency cases. SEC. 1797–10f (added by chapter 469, Acts of 1913). 1. It shall be unlawful for any steam railroad company engaged in the transportation of passengers or freight of any kind whatsoever to run or attempt to run any passenger or freight train upon which passengers or employees may ride or travel that is not equipped with at least one medical emergency case which shall contain the following specified articles: two gauze bandages and two triangular pieces of gauze eighteen inches wide, and one pound of absorbent cotton.

Violations. 2. Any such railroad company violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, and any person or employee of such railroad who shall remove, or destroy or cause the removal or destruction of such articles after the railroad company has complied with the provisions of this act [section 1797–10f], shall be subject to the same penalty as provided herein against the railroad company.

Information to be published. SEC. 1797–20. * * * The commission shall also ascertain the gross and net income of the railroad from all sources in detail; the amounts 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. * * *

Reports required. SEC. 1797–30. It shall be the duty of every railroad company to report to the railroad commission all collisions, derailments, or other accidents resulting in injury to persons, equipment, or roadway arising from the operation of such railroad. The railroad

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commission shall issue such rules concerning the reporting of accidents as may be required, and may also, if it deems that public interests require, cause an investigation of any accident. 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.

Accidents to be reported.

SEC. 1797m–101. 1. Every public utility shall, whenever an accident attended with loss of human life occurs within this State upon its premises or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission.

Investigation.

2. 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.

Scope of law.

SEC. 1806m (as amended by chapter 386, Acts of 1913). 1. The provisions of this section 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.

Cabooses and other cars.

2. From and after the first day of June, 1914, it shall be unlawful, except as otherwise provided in this act [section 1806m], 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 said caboose or other car shall be of constructive strength equal to that of the sixty-thousand-pound capacity freight cars, and shall be provided with a door in each end thereof, and outside platforms 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 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 said step. Said caboose shall have cupola, necessary closets and windows.

Cars repaired to be equipped.

3. Whenever any such caboose cars or other cars now in use by such common carriers as provided by subsection 1 hereof shall after this section goes into effect be brought into any shop for general repairs, it shall be unlawful to again put the same into service by such common carrier within this State unless it be equipped as provided in subsection 2 of this section.

Exceptions.

4. The provision of this section shall not apply to the use of caboose cars operated in yards, and in transfer service, and in case of unusual and unforeseen demands of traffic caboose cars not constructed in compliance with this section may be used temporarily: *Provided*, That the railroad company desiring to use the same shall apply to and obtain an order from the railroad commission granting the privilege to temporarily use the same.

Regulations.

5. The railroad commission shall have power to limit or prescribe the maximum height of any caboose to be used upon any railroad operating in or through this State and said 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 section: *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 section.

Violation.

6. Any common carrier as provided in subsection 1 of this section violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be

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fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Powers of commission.

7. In addition to the powers heretofore granted to the railroad commission of Wisconsin, the said commission is hereby specifically empowered, authorized and directed immediately after the passage of this section, to investigate the conditions and efficiency of caboose cars now in use on railroads in this State, and if found upon investigation that it is impossible for any railroad company to comply with subsections 2, 3, 4, 5 and 6 of this section said commission shall have the power to grant to such company the right to construct a caboose which in their judgment will comply as near as possible with subsection 2 of this section and which, in their judgment, will be safe and convenient for the employees and traveling public, but in no case shall said commission grant permission to any railroad company to construct a caboose that has less than two four-wheel trucks.

Frogs to be guarded.

SEC. 1809b. Every railroad corporation shall erect and maintain sufficient guards or blocks at the front and rear of every frog in its track. If any such corporation, its officers, agents or servants shall violate or fail to comply with any of the provisions of this section or fail to sufficiently guard such frogs, it shall, for each and every such violation or failure, forfeit not less than fifty dollars nor more than five hundred dollars, one-half to the person prosecuting, and shall in addition be liable to the person injured for all damages sustained thereby, whether such person shall be a servant or agent of such corporation or not, and notwithstanding such violation or failure shall arise or occur through the negligence of some other agent or servant thereof.

This section does not do away with the defense of contributory negligence. 80 Wis. 299.

Telltales.

SEC. 1809e. Whenever in the State of Wisconsin there shall be over, above or across any of the tracks of any railroad bridge, crossing, viaduct or other obstruction of a height of less than seven feet above the roof of any freight car used on or hauled over said road, or wherever there shall be upon any railroad in the State of Wisconsin any bridge or other structure that shall have over or above any track of said road a transverse beam, girder, rod or other obstruction at a height of less than that above mentioned, it shall be the duty of the officers of such railroad, to erect and keep in repair at or near such bridge, crossing, viaduct or other obstruction telltales made and placed as provided for in section 1809f.

Construction.

SEC. 1809f. The telltales mentioned in section 1 of this act [section 1809e] shall consist of a transverse rod, beam or timber placed across the track or tracks of said railroad at such a height and at such distance from the bridge or other obstruction as the railroad commission of Wisconsin shall direct, and from said rod or beam shall be suspended straps, ropes or cords of such size and of such length and of such material as the railroad commission of Wisconsin shall direct; the said straps, ropes or cords shall be attached to said transverse rod or beam at a distance not greater than nine inches from each other for a space of eight feet directly over the track; said telltales shall be placed upon both sides of such bridge, viaduct or other obstruction.

Violation.

SEC. 1809g. Any railroad company, lessee or other person or persons operating any railroad that shall refuse or neglect to erect the telltales required by this act [secs. 1809e–1809i] for the space of sixty days after notice from the railroad commissioner requiring erection of such telltales shall be liable to a penalty of not less than fifty nor more than one hundred dollars, to be recovered in an action to be brought by the attorney general in the name of the State of Wisconsin in the county wherein such bridge or obstruction may be situated, and for every twenty days' delay thereafter in erecting such telltales, such company or person

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shall be liable to the same penalty to be collected as above provided.

Reports.

SEC. 1809h. * * * every railroad or other company operating a line of railroad within the State shall file with the railroad commission of Wisconsin at its office in Madison a verified statement showing the location of each bridge, crossing, viaduct, or other obstruction across any track or tracks of said road at a height less than seven feet above the roof of any car used on or hauled over said road, and on or before the 30th day of June in each year it shall be the duty of such railroad or other company operating a line of railroad within this State to file with the railroad commission of Wisconsin a like verified report together with a statement showing whether or not the provisions of sections 1809e to 1809i, inclusive, have been fully complied with.

Risks not assumed.

SEC. 1809i. An employee of a railroad corporation who is injured by or because of the existence of any bridge, viaduct or other obstruction over, above or across any of the tracks of said railroad at a height less than that provided in sections 1809e to 1809i, inclusive, which has not been protected by the erection of telltales, as provided in sections 1809e to 1809i, inclusive, shall not be considered to have assumed the risk of such injury, although he continues in the employ of such corporation after the existence of such unguarded bridge, viaduct or other obstruction has been brought to his knowledge.

Age limit of eighteen years for telegraph operators.

SEC. 1809j. 1. It shall be unlawful for any common carrier by railroad, carrying freight or passengers between points within this State, to employ any telegraph operator, except an assistant under an experienced operator, who shall not have attained the age of eighteen years and who shall not have had actual experience as a telegraph operator, or who shall not have had at least six months' actual experience under the tutorship of an experienced railroad telegraph operator, or who shall not have been graduated from a school of telegraphy having at least a six months' course.

Experience.

Violation.

2. Any common carrier by railroad or any of its officers or agents who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense.

Limit of sixteen hours' labor for certain employees.

SEC. 1809l. It shall be unlawful for any common carrier, its officers or agents, to require or permit: (1) Any employee 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.

Exemptions.

SEC. 1809m. The provisions of sections 1809l to 1809o, inclusive, 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 agents in charge of such employee at the time said employee left the terminal and which could not have been foreseen nor to the crews of wrecking or relief trains.

Enforcement.

SEC. 1809n. The railroad commission shall fully investigate all cases of violation of sections 1809l to 1809o, inclusive, and shall lodge with the proper district attorneys information of such violations as may come to its knowledge. The commission shall have the power to employ such inspectors or other persons as may be necessary to enforce the provisions of sections 1809l to 1809o, inclusive. To enforce the provisions of sections 1809l to 1809o, inclusive, the railroad commission and its agents or employees shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers.

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Violations. SEC. 1809o. Any common carrier or any of its officers or agents violating any of the provisions of section 1809l is declared to 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 one thousand dollars.

Crews for passenger trains; SEC. 1809r. It shall be unlawful for any railroad company doing business in the State of Wisconsin to run over its road, or part of its road, outside of the yard limits, any passenger train with three cars or less, with less than a full passenger crew, consisting of one engineer, one fireman, one conductor and one brakeman; for more than three cars, two brakeman [brakemen]; and on trains of more than three cars the said brakeman [brakemen] shall not be required to perform the duties of the baggage-master or express agent while on the road. Nothing in this section shall apply to trains picking up a car or cars between terminals in this State, or to trains propelled by electricity.

Freight trains. SEC. 1809s. It shall be unlawful for any railroad company in the State of Wisconsin to run over its road, or any part thereof, outside of yard limits, any freight train of three cars or more with less than a full train crew consisting of five persons: one engineer, one fireman, one conductor, and two brakemen.

Violations. SEC. 1809t. Any superintendent or train master or their assistants or any other officer, or employee of any railroad company doing business in the State of Wisconsin, operating more than twenty-five miles of road who shall send out on the road, or cause to be sent out on the road, outside of yard limits, any passenger train or any freight train whose crew consists of less than the number required in sections 1809r and 1809s, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars for each offense.

Enforcement. SEC. 1809u. The circuit courts of the several counties of this State shall have jurisdiction of offenses under sections 1809r to 1809u, inclusive.

Power of headlight prescribed. SEC. 1809v. 1. It shall be the duty of every corporation operating any steam railroad of more than fifty miles of track within this State, to equip * * * every locomotive, power vehicle, power car, and other equipment used as the equivalent of or in place of locomotives, except such as are used exclusively for switching service or in railroad yards and not elsewhere, with a 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 * * * to maintain and use such headlights upon every such locomotive, vehicle, car or other equipment, when the same is operated at nighttime.

Violations. 2. Any corporation violating any of the provisions of this section 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 for each offense, and in addition shall be liable for all damages resulting in whole or in part, directly or indirectly, from such violation.

Switching crews. SEC. 1809w (added by chapter 63, Acts of 1913). 1. It shall be unlawful for any railway company in the State of Wisconsin to establish, enforce or permit unreasonable conditions pertaining to or affecting the employment of switching crews in or about yard limits, or to require or permit any switching crew to consist of less than such reasonable number of employees, as shall be necessary to protect the life, health and safety of such employees or the public.

Enforcement. 2. It shall be the duty of the railroad commission, and it shall have power, jurisdiction and authority to investigate, ascertain and determine such reasonable conditions of employment, and such reasonable number of employees in each switching crew in or about each switching yard in the State and to issue such lawful orders as may be necessary to comply with the purpose of this section.

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3. If any railroad shall violate any provision of this section, or shall do any act herein prohibited, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission, or any judgment or decree made by any court upon its application, for every such violation, failure, or refusal, such railroad shall forfeit and pay into the State treasury a sum of not less than fifty dollars, or more than five hundred dollars for each offense. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or other person acting for or employed by any railroad, acting within the scope of his employment, shall in every case be deemed to be the act, omission or failure of such railroad. Violations.

Liability of railroad companies for wage debts of predecessors.

SECTION 1815a. Whenever any railroad corporation shall become the successor of a preexisting railway corporation which operated a railroad in this State and was indebted to its employees of whatever grade for services performed by them within six months prior to its disposal of its road such first-mentioned railway company shall be liable for the amount then due such employees. Successors liable for what.

Liability of railroad companies for injuries to employees.

SECTION 1816 (as amended by chapter 644, Acts of 1913). Every railroad company shall be liable for damages for all injuries whether resulting in death or not, sustained by any of its employees, subject to the provisions hereinafter contained regarding contributory negligence and assumption of risk on the part of the injured employee: Injuries caused by—

(1) When such injury is caused by a defect or insufficiency in any locomotive, engine, car, rail, track, roadbed, machinery, or appliance used by its employees in and about the business of their employment. Defects;

(2) When such injury shall have been sustained by any officer, agent, servant or employee of such company, while engaged in the line of his duty as such and which such injury shall have been caused in whole or in greater part by the negligence of any other officer, agent, servant or employee of such company, in the discharge of, or by reason of the failure to discharge his duties as such. Negligence of coemployees.

(3) In all actions hereafter brought against such railroad company under or by virtue of any of the provisions of this section to recover damages for personal injuries to any 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, 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 railroad company of any statutes enacted for the safety of employees contributed to the injury or death of such employee: *Provided further*, That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or 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 statutes enacted for the safety of employees contributed to the injury or death of such employee. Contributory negligence to be measured. Effect of violation of statute. Assumption of risk.

(4) Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any railroad company to exempt itself from any liability created by this section shall to that extent be void: *Provided*, That in any action brought against any such railroad company under or by virtue of any of the provisions of this section such railroad company may set off Contracts exempting from liability. Offsets.

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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 was brought.

Questions for jury. 5. In all cases under this section the question of negligence and contributory negligence shall be for the jury.

Contracts, etc., not a bar. 6. No contract or receipt between any employee and a railroad company, no rule or regulation promulgated or adopted by such company, and no contract, rule or regulation in regard to any notice to be given by such employee shall exempt such corporation from the full liability imposed by this section.

Definitions. 7. The phrase "railroad company," as used in this section, shall be taken to embrace any company, association, corporation or person managing, maintaining, operating, or in possession of a railroad in whole or in part within this State whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

Pleading statute. 8. In any action brought in the courts in this State by a resident thereof, or the representative of a deceased resident, to recover damages in accordance with this section, where the employee of any railroad company owning or operating a railroad extending into or through this State and into or through any other State or States shall have received his injuries in any other State where such railroad is owned or operated, and the contract of employment shall have been made in this State, it shall not be competent for such railroad company to plead or prove the decisions or statutes of the State where such person shall have been injured as a defense to the action brought in this State.

Exemptions. 9. The provisions of this section shall not apply to employees working in shops or offices.

The object of this statute is to afford reasonable protection to railroad employees by requiring a degree of care commensurate with the dangers of the business, and it does not deny to railroad companies the equal protection of the law. The provisions of subdivision 5 do not confer judicial powers on juries, and the section is constitutional. 119 N. W. 309. It does not apply to electric railways. 113 N. W. 636.

Railroads—Hours of labor of operators.

Limit of eight hours. SECTION 1816m. 1. It shall be unlawful for any corporation or a receiver operating a line of railroad, in whole or in part, in the State of Wisconsin, or any officer, agent or representative of such corporation or receiver, to require or permit any operator to remain on duty for more than one period of eight consecutive hours, and when said operator shall have been on duty for said eight hours he shall be relieved and not required or permitted again to go on duty until he has had at least sixteen consecutive hours off duty in any twenty-four hours: *Provided*, This provision shall not apply in case of casualty upon such railroad; in which case said operator may be required or permitted to be on duty not more than one period of twelve consecutive hours in any twenty-four hours, or not to exceed three days of said twelve successive hours each at one time.

Definitions. 2. The term "operator" shall include train dispatchers, and shall be defined and construed to mean an employee who, by the use of the telegraph or telephone dispatches, or reports, transmits, receives or delivers orders pertaining to or affecting the movement of cars, engines, or trains, or who handles such cars, engines, or trains by or under what is known and termed the block system; the term "block system" shall be defined and construed to mean reporting cars, engines, or trains to another office or offices and to the train dispatcher registering the same and operating one or more order or signal devices, and manipulating signal devices affecting the movement of cars, engines, or trains from stations or towers in railroad yards or on main tracks.

Enforcement. 3. Whenever the railroad commission shall learn of any violation of this section by any company or by an officer or agent of any such company, it shall be the duty of the railroad commission to investigate such violation at once and it shall have power

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to require such company to immediately provide such additional employees as are necessary to comply with the provisions of this section.

4. The failure to comply with any of the provisions of this section shall subject the corporation or receiver or any officer, agent or representative of such corporation or receiver to a penalty of not less than one thousand dollars nor more than five thousand dollars for each offense, * * * Violation.

SEC. 1819. 1. If any railroad corporation, its officers, agents or servants, violate or fail to comply with any provisions of sections 1798 to 1817, inclusive, such corporation shall for every violation or failure, forfeit not less than ten nor more than one thousand dollars, and be liable to the person injured for all damages sustained thereby. Violation.

2. All forfeitures recovered shall inure to the State.

Protection of employees on street railways.

SECTION 1862b. Every person, partnership or corporation owning or operating a street car line in this State, the cars upon which are propelled by steam, cable or electricity, shall provide all closed winter cars with a suitable protection constructed of wood, iron, glass or other material sufficient to protect the employees engaged in operating any such cars from exposure to the inclemencies of the weather, such protection to be maintained from the first day of November to the first day of April in each year: *Provided*, That such protection shall be so constructed as not to obstruct the vision of the person operating such car. Any such person, partnership or corporation owning, operating, superintending or managing any such line of street railway or the managing or superintending officer or agent thereof who shall be found guilty of a willful refusal to comply with this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars. Each day that any of said persons cause or permit any of their employees to operate such cars in violation of the provisions of this section or cause or permit cars to be used or operated in violation hereof shall be deemed a separate offense: *Provided*, That the provisions of this section shall not apply to cars used and known as trailing cars. It is hereby made the duty of the attorney of any municipality in which such street railway is situated and operated, upon information given to him by any person of any violation of this section, to promptly prosecute such person, partnership or corporation. Platforms to be inclosed, when. Proviso.

Accident insurance.

SECTION 1960 (as amended by chapter 601, Acts of 1913). 1. On and after the first day of January, 1914, no policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall be issued or delivered to any person in this State until a copy of the form thereof and of the classification of risks and the premium rates pertaining thereto have been filed with the commissioner of insurance; nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the said commissioner shall sooner give his written approval thereto. * * * Form of policy to be filed.

* * * * *

3. Every such policy 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: Standard provisions.

(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 poli- Change of occupation.

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cies which do so provide. * * * (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): (1) 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.

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. * * *

Conditions to be definite.

SEC. 1966–42. No casualty corporation issuing employer's liability policies shall condition the same upon compliance by the assured with "any law or ordinance respecting the safety of persons," but shall clearly and distinctly state what conditions and requirements are to be complied with by him.

Assignments of wages.

Consent of wife.

SECTION 2313a. No assignment of the salary or wages of any married man, then or at the accruing thereof exempt by law from garnishment, shall be valid for any purpose unless such assignment shall be in writing signed by the wife, if she at the time be a member of his family, and unless her signature be witnessed by two disinterested witnesses; nor shall any such assignment be valid as to any such salary or wages to accrue more than two months after the date of the making of such assignment.

Statistics of accidents.

Duty of employers.

SECTION 2394–35. Every employer of four or more persons shall keep a record of all accidents causing death or disability of any employee, which record shall show such facts in regard to the accident and the person disabled as the industrial board may require; said record to be kept in a book in such form as the industrial accident board may prescribe.

[The industrial accident board referred to in this section is superseded by the industrial commission created and provided for in section 2394–42.]

Insurance, etc., companies.

SEC. 2394–36. Every casualty insurance company, mutual corporation, benefit society, or other person which indemnifies any employer against liability for or on account of any injury of an employee, shall keep a record of all accidents causing death or disability of any such employee, which record shall show such facts in regard to the accident and the person disabled as the industrial accident board may require; said record to be kept in a book in such form as the industrial accident board may prescribe.

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Monthly reports.

SEC. 2394–37. Within the first five days of each and every month and at such other times as may be required by the industrial accident board, every employer of four or more persons and every casualty insurance company, mutual corporation, benefit society, or other person which indemnifies any employer against liability for or on account of injury to an employee, shall furnish a report to the industrial accident board, which shall contain a copy of every entry made in said record book during the preceding month, and such other facts in regard to the employees as may from time to time be required by said industrial accident board.

Records to be open.

SEC. 2394–38. Such record book shall be open at all times to the industrial accident board or any member thereof, or any examiner appointed thereby. Any statement contained in any such record or report shall not be admissible as evidence in any action arising out of the death or accident reported.

Blanks to be furnished.

SEC. 2394–39. Every employer and every casualty insurance company, mutual corporation, benefit society, or other person which indemnifies any employer against liability for or on account of any injury of an employee, shall, upon request, be furnished by the industrial accident board with a book in which such record may be kept, and blanks for making the reports hereinbefore specified.

Violations.

SEC. 2394–40. Any person, casualty insurance company, mutual corporation, or benefit society that violates any of the provisions of sections 2394–35 to 2394–40, inclusive, or neglects or fails to furnish reports required to be furnished under said sections, shall forfeit the sum of fifty dollars for each such violation or neglect or failure to furnish such report.

Industrial commission.

Definitions.

SECTION 2394–41 (as amended by chapter 588, Acts of 1913). The following terms as used in sections 2394–41 to 2394–71 of the Statutes, shall be construed as follows:

(1) The phrase "place of employment" shall mean and include every place, whether indoors or out or underground and the premises appurtenant thereto where either temporary 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 or personal abilities or qualities in matters within the

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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 common council, board of aldermen, board of trustees, or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the industrial commission has jurisdiction.

(10) The term "welfare" shall mean and include comfort, decency and moral well-being.

(11) The term "safe" or "safety" as applied to an employment or a place of employment or a public building, shall mean such freedom from danger to the life, health, safety or welfare of employees or frequenters, or the public, or tenants, and such reasonable means of notification, egress and escape in case of fire, as the nature of the employment, place of employment, or public building, will reasonably permit.

(12) The term "public building" as used in sections 2394–41 to 2394–71 shall mean and include any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three or more tenants.

(13) The term "owner" shall mean and include every person, firm, corporation, State, county, town, city, village, manager, representative, officer, or other person having ownership, control or custody of any place of employment or public building, or of the construction, repair or maintenance of any public building, or who prepares plans for the construction of any place of employment or public building. Said sections 2394–41 to 2394–71, inclusive, shall apply, so far as consistent, to all architects.

Board created.

SEC. 2394–42 (as amended by chapter 772, Acts of 1913). There is hereby created a board which shall be known as the "Industrial Commission of Wisconsin." The governor, by and with the advice and consent of the senate, shall appoint a member who shall serve two years, another who shall serve four years, and another who shall serve six years. Thereafter each member shall be appointed and confirmed for terms of six years each. Vacancies shall be filled in the same manner for unexpired terms. Each member of the board, before entering upon the duties of his office, shall take the oath prescribed by the constitution. A majority of the board shall constitute a quorum for the exercise of the powers or authority conferred upon it. In case of a vacancy the remaining two members of the board shall exercise all the powers and authority of the board until such vacancy is filled. This board shall supersede and perform all of the duties of the industrial accident board provided in sections 2394–1 to 2394–40, inclusive.

Organization.

SEC. 2394–43. Within thirty days after the passage and publication of this act, such commission shall meet at the State capitol and organize in the manner provided for the organization of the industrial accident board in section 2394–13 of the Statutes. A majority of said commissioners shall constitute a quorum to transact business. No vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission.

Office.

SEC. 2394–44. The commission shall keep its office at the capitol and shall be provided by the superintendent of public property with suitable rooms, necessary furniture, stationery, books, peri-

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odicals, maps, instruments and other necessary supplies. The commission may, however, hold sessions at any place other than the capitol when the convenience of the commission and the parties interested so requires.

Title. SEC. 2394–46. The commission shall be known collectively as the "Industrial Commission of Wisconsin" and in that name may sue and be sued. It shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words "Industrial Commission—Wisconsin—Seal."

Employees. SEC. 2394–47. When public interest requires, the employees of either the industrial commission or those of the industrial accident board may be required to perform service in whole or in part for either such board or commission.

Safe conditions. SEC. 2394–48 (as amended by chapter 588, Acts of 1913). 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 employees therein and for frequenters thereof and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees and frequenters. Every employer and every owner of a place of employment or a public building now or hereafter constructed shall so construct, repair or maintain such place of employment or public building, and every architect shall so prepare the plans for the construction of such place of employment or public building, as to render the same safe.

Same. SEC. 2394–49 (as amended by chapter 588, Acts of 1913). 1. 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 adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety or welfare of such employees and frequenters; and no employer or owner, or other person shall hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which shall fail to provide for making the same safe.

Removing guards, etc. 2. No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished and 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 do every other thing reasonably necessary to protect the life, health, safety or welfare of such employees or frequenters.

Information from employers. SEC. 2394–50 (as amended by chapter 588, Acts of 1913). 1. Every employer and every owner shall furnish to the commission all information required by it to carry into effect the provisions of sections 2394–41 to 2394–71, inclusive, and shall make specific answers to all questions submitted by the commission relative thereto.

2. Any employer receiving from the commission any blanks calling for information required by it to carry into effect the provisions of sections 2394–41 to 2394–71, inclusive, with directions to fill 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 answer 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.

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3. Any commissioner or deputy of the commission may enter any place of employment or public building, for the purpose of collecting facts and statistics, examining the provisions made for the health, safety and welfare of the employees, frequenters, the public or tenants therein and bringing to the attention of every employer or owner any law, or any order of the commission, and any failure on the part of such employer or owner to comply therewith. No employer or owner shall refuse to admit any commissioner or deputy of the commission to his place of employment or public building.

Powers of commission.

SEC. 2394–51 (as amended by chapter 588, Acts of 1913). The industrial commission is vested with the power and jurisdiction to have such supervision of every employment, place of employment and public building in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment or public building 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, and the safety of the public or tenants in any such public building.

Duties.

SEC. 2394–52 (as amended by chapters 462, 584, 587, 588 and 772, Acts of 1913). 1. It shall also be the duty of the industrial commission, and it shall have power, jurisdiction and authority:

Administration.

(1) To employ, promote and remove deputies, clerks, and other assistants as needed, to fix their compensation, and to assign to them their duties; to appoint advisors who shall, without compensation, assist the industrial commission in the execution of its duties; to retain and to assign to their duties any or all the officers, subordinates and clerks of the bureau of labor and industrial statistics, of the State factory inspector's department, and of the free employment offices, the bakery inspector, woman factory inspector, and secretary of the State board of arbitration: *Provided*, That the number of employees of said commission shall not be increased to exceed the number now employed in the bureau of labor and industrial statistics, except upon the certificate of the governor, to be filed with the secretary of state before any such additional employee shall be appointed, certifying that any such additional employee is necessary to the work of this commission, and approving the amount of salary to be paid to any such additional employee. The deputies employed by the commission shall not be exempt from the operation of sections 990–1 to 990–32, inclusive, of the Statutes.

Enforcement of laws.

(2) To administer and enforce, so far as not otherwise provided for in the Statutes, the laws relating to child labor, laundries, stores, employment of females, licensed occupations, school attendance, bakeries, employment offices, intelligence offices and bureaus, manufacture of cigars, sweatshops, corn shredders, wood-sawing machines, 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, and all other laws protecting the life, health, safety and welfare of employees in employments and places of employment and frequenters of places of employment.

Inspection.

(3) To investigate, ascertain, declare and prescribe what 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.

Fixing standards.

(4) To ascertain and 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 neces-

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sary 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.

(5) To ascertain, fix and order such reasonable standards, rules or regulations for the construction, repair and maintenance of places of employment and public buildings, as shall render them safe.

Classifying employments.

(6) To investigate, ascertain and determine such reasonable classifications of persons, employments, places of employment and public buildings, as shall be necessary to carry out the purposes of sections 2394–41 to 2394–71, inclusive.

Rules.

(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.

Mediation.

(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 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 sections 2394–41 to 2394–71, inclusive. The commission shall designate a deputy to be known as chief mediator and may detail other deputies from time to time to act as his assistants, for the purpose of executing these provisions. Deputies may act on temporary boards without extra compensation.

Free employment offices.

(9) To establish and conduct free employment agencies, 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, to provide industrial or agricultural training for vagrants and other persons unsuited for ordinary 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 Wisconsin and the remedies therefor in this and other countries, and it shall devise and adopt the most efficient means within its power to avoid unemployment, to provide employment, and to prevent distress from involuntary idleness.

Local employment offices.

(9a) Any county, city, town or village may enter into an agreement with the Wisconsin Industrial Commission for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and it shall be lawful for any county, city, town or village to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be agreed upon.

Reports.

(10) To collect, collate and publish statistical and other information relating to the work under its jurisdiction and to make public reports in its judgment necessary.

Offices.

(11) To rent and furnish not to exceed four offices as needed in cities for the conduct of its affairs. All payments arising under this section shall be charged against the proper appropriation for the industrial commission.

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Boiler inspection fees.

(12) To fix and collect fees for the inspection of boilers not exceeding two dollars for each external inspection and five dollars for each internal inspection, per annum, and to collect fees for the inspection of elevators not exceeding two dollars semiannually for inspection. The fees so fixed shall be paid by the owners of such boilers or elevators. The commission may accept inspections of boilers and elevators by qualified inspectors of insurance companies where such boilers or elevators are insured, in which case no fee shall be charged. The commission may also accept inspections by qualified inspectors of boilers or elevators in cities of the first, second and third classes, in which case the city may collect and retain such fee for inspection as may be fixed by the commission for its own inspections.

Investigations.

SEC. 2394–53 (as amended by chapter 588, Acts of 1913). 1. Upon petitions * * * by any person that any employment or place of employment or public building is not safe, the commission shall proceed with or without notice, to make such investigation as may be necessary to determine the matter complained of.

2. After such hearing as may be necessary, the commission may enter such order relative thereto as may be necessary to render such employment or place of employment or public building safe.

3. Whenever the commission shall learn that any employment or place of employment or public building is not safe it may of its own motion, summarily investigate the same, with or without notice, and enter such order as may be necessary relative thereto.

Powers, etc., transferred.

SEC. 2394–54. 1. All duties, liabilities, authority, powers and privileges heretofore or hereafter conferred and imposed by law upon the commissioner of labor and industrial statistics, deputy commissioner of labor and industrial statistics, factory inspector, woman factory inspector, assistant factory inspectors and bakery inspector, are hereby imposed and conferred upon the industrial commission and its deputies.

Reference of laws.

2. All laws relating or referring to the commissioner of labor and industrial statistics, and the deputy commissioner of labor and industrial statistics, except those laws relating or referring to their appointment and qualification and to their membership or service on the industrial accident board and all laws relating or referring to the factory inspector, the woman factory inspector, assistant factory inspectors and the bakery inspector, shall apply to and be deemed to relate and refer to the industrial commission, so far as the said laws are applicable.

Orders.

SEC. 2394–55. All orders of the industrial commission in conformity with law shall be in force, and shall be prima facie 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 2394–69 of the Statutes, or until altered or revoked by the commission.

Orders take effect, when.

SEC. 2394–56 (as amended by chapter 588, Acts of 1913). 1. All general orders shall take effect within thirty days after their publication in the official State papers. Special orders shall take effect as therein directed.

2. The commission shall, upon application of any employer or owner, 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 an extension of time necessary.

Hearings.

SEC. 2394–57. 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 of any order of the commission in the manner provided in sections 2394–41 to 2394–71, inclusive.

2. Such petition for hearing shall be by verified petition filed with the commission, setting out specifically and in full detail the

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order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objections 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.

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 times as shall be prescribed. 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.

4. Upon such investigation, if it shall be found that the order complained of is unjust or unreasonable the commission shall substitute therefor such other order as shall be just and reasonable.

5. Whenever at the time of the 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.

Local authorities.

SEC. 2394–58 (as amended by chapter 588, Acts of 1913). 1. Nothing contained in sections 2394–41 to 2394–71, inclusive, shall be construed to deprive the common council, the board of aldermen, the board of trustees or the village board of any village or city, or the board of health of any municipality of any power or jurisdiction over or relative to any place of employment or public building: *Provided*, That, whenever the industrial commission shall, by an order, fix a standard of safety or any hygienic condition for employment or places of employment or public buildings, 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.

2. Any person affected by any local order in conflict with an order of the commission, may in the manner provided in section 2394–57 of the Statutes, 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 said section 2394–57 of the Statutes.

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, city or municipality 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 municipality or town from which such appeal comes. 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.

Action to set aside orders.

SEC. 2394–59. 1. 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 2394–57 of the Statutes, and in the petition therefor shall have raised every issue raised in such action.

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2. 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 prosecution for such violation an action shall have been brought to vacate and set aside such order, as provided in section 2394–68 of the Statutes.

Separate offenses.

SEC. 2394–60. Every day during which any person, persons, corporation 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 sections 2394–41 to 2394–71, inclusive, shall constitute a separate and distinct violation of such order, or of said sections as the case may be.

Powers of commissioners.

SEC. 2394–61. Each of the commissioners for the purposes mentioned in sections 2394–41 to 2394–71, inclusive, shall have power to administer oaths, certify to official acts, issue subpœnas, compel the attendance of witnesses, and the production of papers, books, accounts, documents and testimony. In case of failure of any person to comply with any order of the commission or any subpœna lawfully issued or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county, or the judge thereof, on 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.

Witnesses.

SEC. 2394–62 (as amended by chapter 772, Acts of 1913). 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 courts of record, which shall be audited and paid by the State 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, and charged to the proper appropriation for the industrial commission. But no witness subpœnaed at the instance of 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. 2394–63 (as amended by chapter 772, Acts of 1913). The commission or any party may in any investigation cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts. The expense incurred by the State in the taking of such depositions shall be charged against the proper appropriations for the industrial commission.

Records.

SEC. 2394–64. 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 the stenographer appointed by the commission.

Deputies.

SEC. 2394–65 (as amended by chapter 588, Acts of 1913). 1. For the purpose of making any investigation with regard to any employment or place of employment or public building, 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 as an agent whose duties 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 court commissioner with regard to the taking of depositions; and all powers granted by law to a court commissioner relative to depositions are hereby granted to such agent.

3. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent 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

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only and shall not preclude the taking of further testimony if the commission so order nor further investigation.

Special prosecutors.

SEC. 2394–66. 1. The commission shall have authority to direct any deputy who is a citizen to act as special prosecutor in any action, proceeding, investigation, hearing or trial relating to the matters within its jurisdiction.

2. Upon the request of the commission, the attorney general or district attorney of the county in which any investigation, hearing or trial had under the provisions of sections 2394–41 to 2394–71, inclusive, is pending, shall aid therein and prosecute under the supervision of the commission, all necessary actions or proceedings for the enforcement of said sections 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.

Sufficient compliance.

SEC. 2394–67. A substantial compliance with the requirements of sections 2394–41 to 2394–71, inclusive, 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 vacate orders.

SEC. 2394–68 (as amended by chapter 588, Acts of 1913). 1. Any employer, owner, or other person in interest being dissatisfied with any order of the commission may commence an action in the circuit court for Dane County against the commission as defendant to vacate and set aside any such order on the ground that the order is unlawful, or that any such order is unreasonable, in which action the complaint shall be served with the summons.

2. The answer of the commission to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party.

3. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions.

4. No injunction shall issue suspending or staying any order of the commission, except upon application to the circuit court or the presiding judge thereof, notice to the commission and hearing.

Reference to commission.

SEC. 2394–69. 1. If upon 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 2394–57, or that the commission has not theretofore had an ample opportunity to hear and determine any of the issues raised in such action, 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 stays 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 action 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 the order as may have been made by the commission upon the hearing, if any such modification has in fact been made, and shall proceed with such action.

Violations.

SEC. 2394–70 (as amended by chapter 588, Acts of 1913). If any employer, employee, owner, or other person shall violate any provisions of sections 2394–41 to 2394–55, inclusive, of the Statutes, or shall do any act herein prohibited in sections 2394–41 to 2394–71, inclusive, or shall fail or refuse to perform any duty lawfully enjoined, within the time prescribed by the commission, for

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which no penalty has been specifically provided, or shall 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 sections 2394–41 to 2394–71, inclusive, for each such violation, failure or refusal, such employer, employee, owner or other person shall forfeit and pay into the State treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense. It shall be the duty of all officers of the State, the counties and municipalities, upon request of the industrial commission, to enforce in their respective departments, all lawful orders of the industrial commission, in so far as the same may be applicable and consistent with the general duties of such officers.

Duties of officials.

[The following provision appears in Chapter 588, Acts of 1913.]

Limitation.

SECTION 4. * * * Nothing contained in sections 2394–41 to 2394–71, inclusive, of the Statutes, shall be construed to affect the authority of the State board of health relative to the public health.

Private employment offices.

(Added by chapter 663, Acts of 1913.)

Definition.

SECTION 2394–82. The term "employment agent" shall mean and include all persons, firms, corporations or associations engaged in the business of furnishing to persons seeking employment, information enabling or tending to enable such persons to secure the same, or furnishing employers seeking laborers or other help of any kind, information enabling or tending to enable such employers to secure such help, or keeping a register of persons seeking employment or help as aforesaid.

False statements.

SEC. 2394–83. No person, firm, association or corporation, or any employee or agent thereof, shall make any false statement to any person furnishing or seeking employment, 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. No employment agent shall offer or hold himself out as in a position to secure or furnish employment without having an order therefor from an employer; and no employment agent shall misrepresent any other material matter in connection with any employment, work or situation he may offer or hold himself out in a position to secure.

Representations.

SEC. 2394–84. Every employment agent shall assure himself beyond a reasonable doubt that any representations whatsoever, whether spoken, written or advertised in printed form, which he makes with regard to any employment, work or situation, and which leads or may lead persons to seek such employment, work or situation, are true and cover all the material facts affecting the employment in question.

Dividing fees.

SEC. 2394–85. No employment agent or any employee or agent thereof, shall divide or offer to divide, or share directly or indirectly, any fee, charge or compensation received from any applicant for employment, with any employer, superintendent, manager, foreman, or any other person who hires help or to whom help is furnished by an employment agent; and it shall be unlawful for any employer, superintendent, manager, foreman, or any other person who hires help to receive any compensation or any valuable consideration from any applicant for employment or from any employment agent for giving employment to said applicant or to any employees furnished by said employment agent.

License.

SEC. 2394–86. No person, firm, corporation or association shall engage in the business of an employment agent for profit, or receive any fee, charge, commission or other compensation, directly or indirectly, for services as an employment agent without first having obtained a license from the industrial commission of Wisconsin and executing a bond as hereinafter provided. Said license shall constitute a license from this State to operate

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as an employment agent for compensation and shall not be transferable to any other person or persons whatever, or inure to the benefit of any person other than the licensee.

Bond.

SEC. 2394–87. Application for the foregoing license shall be made to the industrial commission and shall be accompanied by a bond in due form to the State of Wisconsin for the penal sum of one thousand dollars issued by a surety company licensed to do business in this State to be approved by the industrial commission, conditioned that the agent will conform to and not violate any of the duties, terms, conditions or requirements of sections 2394–82 to 2394–95, inclusive, of the Statutes.

Fees.

SEC. 2394–88. The said license shall be renewed annually and the fee for the same shall be graded as follows: (1) In cities of 30,000 and over, every employment agent supplying female help exclusively shall pay fifty dollars per annum. All other employment agents shall pay one hundred dollars per annum. (2) In all other cities the fee for employment agents dealing exclusively with female help shall be ten dollars, and for all other employment agents, it shall be twenty-five dollars. The said fees shall be paid to the industrial commission and shall be transferred by it to the general fund of the State treasury within one week of receipt.

Enforcement.

SEC. 2394–89. The industrial commission is vested with the power and jurisdiction to have such supervision of every employment agent as may be necessary adequately to enforce and administer all laws and lawful orders designed to prevent fraud, misrepresentations, false statements, or other unauthorized acts of such employment agent.

Access to offices.

SEC. 2394–90. Any commissioner or deputy of the commission may enter any employment office or the place of business of any employment agent for the purpose of collecting facts and statistics, examining the records or registers kept by such employment agent, and bringing to the attention of such agent any law or any order of the commission, or any failure on the part of such employment agent to comply therewith. No employment agent shall refuse to admit any commissioner or deputy of the commission to his place of business.

Blanks to be filled.

SEC. 2394–91. Any employment agent receiving from the commission any blanks calling for information required by it to carry into effect the provisions of sections 2394–82 to 2394–95, inclusive, of the Statutes, with directions to fill 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 answer shall be verified by two witnesses, and returned to the commission at its office within the period fixed by the commission.

Schedule of charges.

SEC. 2394–92. Every employment agent shall file with the commission, within a time fixed by the commission, a schedule of the fees or charges made by such employment agent both to applicants for employment and for help for any services rendered to such applicants, together with all rules or regulations that may, in any manner, affect the fees charged or to be charged for any service. It shall be unlawful for any employment agent to charge, demand, collect or receive a greater compensation for any service performed by him than is specified in the schedule filed with the commission, and no employment agent shall charge a registration fee without permission from the industrial commission.

When license may be refused.

SEC. 2394–93. It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to issue licenses to employment agents, and to refuse to issue such license whenever, after due investigation, the commission or a majority of the members thereof finds that the character of the applicant makes him unfit to be an employment agent, or when the premises for conducting the business of an employment agent is [are] found upon investigation to be unfit for such use, or whenever, upon investigation by the commission, it is found and determined that

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the number of licensed employment agents in the community in which the applicant for a permit proposes to operate is sufficient to supply the needs of employers and employees. Any such license granted by the commission may also be revoked by it upon due notice to the holder of said license, and upon due cause shown. Failure to comply with the duties, terms, conditions or provisions of sections 2394–82 to 2394–95, inclusive, of the Statutes, or with any lawful orders of the commission, shall be deemed due cause to revoke such license.

Revocation.

Regulations. SEC. 2394–94. The commission shall have power, jurisdiction and authority to fix and order such reasonable rules for the conduct of the business of any employment agent as may be necessary adequately to carry out sections 2394–82 to 2394–95, inclusive, of the Statutes; to ascertain and fix reasonable classifications of the business of employment agents, and to make its rules and orders conform to such classifications. It may prescribe the form of books, registers or records to be kept by the employment agent, the receipts or copies of contracts to be handed to persons referred to employment, the reports to be made to the commission, the refunds to be made to applicants who failed to secure employment; and it may order any other measures reasonably necessary to protect the public, or persons seeking employment, or employees seeking help, against fraud, misrepresentation, or any other unauthorized act of any employment agent.

Application of laws. SEC. 2394–95. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate, or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394–41 to 2394–70, inclusive, of the Statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 2394–82 to 2394–95, inclusive, of the Statutes, and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394–41 to 2394–70, inclusive, of the Statutes and the penalties therein shall apply to and be imposed for any violation of sections 2394–82, * * * [to] 2394–95 of the Statutes.

Actions for personal injuries—Settlements.

Adjustments of actions. SECTION 2591n. No settlement or adjustment of any action which shall have been commenced to recover damages for any personal injury or for the death as a result of any personal injury in which an attorney shall have appeared for the person or persons having or claiming a right of action for such injury or death shall be valid, unless consented to in writing by such attorney or by an order of the court in which said action is brought approving of such settlement or adjustment.

Wages as preferred claims in receiverships.

Wages a prior claim. SECTION 2787a. Whenever a receiver shall be appointed by any court to manage, conduct, settle, adjust or close up any mercantile, manufacturing or other business such receiver shall immediately report to the court the amount due the employees and laborers in such business; and said court shall order its receiver to pay out of the first receipts of said business, after the payment of costs, debts due the United States or this State, taxes and assessments and the current expenses of carrying on or closing said business, the wages of such employees and laborers which accrued within three months immediately prior to his appointment.

Exemption of wages from execution.

Certain property exempt. SECTION 2982 (as amended by chapter 187, Acts of 1913). No property hereinafter mentioned shall be liable to seizure or sale on execution or on any provisional or final process issued from

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any court or any proceedings in aid thereof, except as otherwise specially provided in these statutes:

* * * * *

Three months' earnings.

15. The earnings of any person or persons having a family dependent upon him or them for support at the time of the commencement of proceedings for the collection of the debt, including the earnings of any minor child or children whose earnings contribute to the support of such family, for three months next preceding the issue of any writ of attachment, execution, garnishment or the institution of proceedings supplementary to execution, to the amount of sixty dollars only for each month in which such earnings are made or earned: *Provided*, They shall not exceed one hundred and eighty dollars in all for said time, including such part or share thereof had, by or paid to the debtor during such three months; however, the debtor shall not be entitled to the exemption under this subdivision, unless it shall be shown that he is actually and reasonably contributing according to his means and circumstances to the support of said family. The garnishee shall recover costs when the debt or property sought to be reached is exempt from execution against the principal debtor at the time of serving the process on the garnishee.

* * * * *

This clause applies to all who support themselves and their families by the labor of their hands, regardless of the grade or character of such labor. 20 Wis. 326.

Suits for wages—Execution—Attorneys' fees.

SECTION 3674.

* * * * *

Payment for manual labor.

4. * * * Execution shall not be stayed upon a judgment rendered * * * for manual labor performed by the party in whose favor the same is rendered; * * *

SEC. 3775.

* * * * *

Fee allowed, when.

5. In actions for work and labor an attorney's fee of five dollars on any amount recovered under fifty dollars when the plaintiff appears by an attorney of record, whether or not the defendant has appeared, but no such fee shall be taxed if defendant prevails in the suit.

Wages as preferred claims—In administration.

Personal representative to pay.

SECTION 3852. If, after the amount of the claims against any estate shall have been ascertained by the court, it shall appear that the executor or administrator has in his possession sufficient to pay all the debts, he shall pay the same in full within the time limited for that purpose. If the assets received by the executor or administrator, and which can be appropriated to the payment of debts, shall not be sufficient he shall, after paying necessary expenses of administration, pay the debts against the estate in the following order:

Order of payment.

1. The necessary funeral expenses;
2. The expenses of the last sickness;
3. Debts having a preference under the laws of the United States;
4. Wages due to workmen, clerks or servants which have been earned within three months before the date of the death of the testator or intestate; not to exceed three hundred dollars to each claimant;
5. Debts due to other creditors.

If there shall not be assets enough to pay all the debts of any one class, each creditor shall be paid a dividend in proportion to his claim; and no creditor of any one class shall receive any payment until all of those of the preceding class shall be fully paid.

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Negligence of employees of common carriers.

Negligence causing death.

SECTION 4358. Any person having charge of any steamboat or railroad train for the conveyance of passengers, or any engineer or other person having charge of the boiler of such steamboat or locomotive of such railroad train or of any other apparatus for the generation of steam who shall, from ignorance or gross neglect, or for the purpose of excelling any other steamboat or railroad train in speed, cause a collision or wreck of such steamboat or railroad train, or create or allow 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 collision, wreck or bursting or breaking of such boiler any person shall be killed, shall be deemed guilty of manslaughter in the third degree.

Guards on threshing machines.

Joints to be covered.

SECTION 4396. Any person owning or running any threshing machine in this State so constructed that any joint, knuckle or jack thereof is dangerously exposed, who shall neglect to cover or secure the same in some suitable manner so as to prevent injury to persons passing over or near the same, shall be punished by fine not exceeding fifty dollars nor less than two dollars.

Protection of employees as members of the National Guard.

Depriving of employment, etc.

SECTION 4423m. 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 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 nor more than twenty-five dollars, or by imprisonment in the county jail for not less than ten days nor more than twenty days.

Excluding from labor organizations.

SEC. 4423n. 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 Wisconsin, because of such membership in respect to the eligibility of such member of the said National Guard to membership in such association or corporation, or in respect to his right to retain said last-mentioned membership. It is 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 in said National Guard. A person who aids in enforcing any such provisions against a member of the said National Guard with the intent to discriminate against him because of such membership, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty dollars, or by imprisonment in the county jail for not less than ten days nor more than twenty days.

Exemption of wages—Unlawful assignments of claims.

Sending claim out of State.

SECTION 4438f. Any person who shall, whether as principal, agent or attorney, with intent thereby to deprive any bona fide resident of this State of his rights under the statutes thereof relating to the exemption of property or earnings from sale or garnishment, send or cause to be sent out of this State any claim

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for debt for the purpose of having the same collected by proceedings in attachment, garnishment or other mesne process, when the creditor and debtor and the person or corporation owing the debtor the money intended to be reached by any such proceedings are within the jurisdiction of the courts of this State; or who directly or indirectly assigns or transfers any claim for debt against such a resident for the purpose of having the same collected by such proceedings or any of them out of the wages or personal earnings of the debtor or of his minor children, whose earnings contribute to the support of his family, in courts without this State, when the creditor and debtor and person or corporation owing the money intended to be reached by such proceedings are each and all within the jurisdiction of the courts of this State, shall be fined not more than fifty dollars nor less than ten dollars for each offense.

Trade marks—Forging cards of labor organizations, etc.

Counterfeiting private labels.

SECTION 4463. Any person who shall knowingly and willfully forge or counterfeit or cause or procure to be counterfeited upon any goods, wares or merchandise the private stamp or label of any mechanic or manufacturer, with intent to defraud the purchaser or manufacturer of any goods, wares or merchandise whatsoever, shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

Forging cards, etc.;

SEC. 4464a. Any person who shall falsely make, alter, forge or counterfeit any card or receipt of dues purporting to be given or issued by any association of railway employees, or by any of its officers to its members, with intent to injure, deceive or defraud, shall be punished as hereinafter provided.

Certificates of employers.

SEC. 4464b. Any person who shall falsely make, alter, forge or counterfeit any letter or certificate purporting to be given by any corporation or person, or officer or agent of such corporation or person to an employee of such corporation or person at the time of such employee's leaving the service of such corporation or person, showing the capacity or capacities in which such employee was employed by such corporation or person, the date of leaving the service or the reason or cause of such leaving, with the intent to injure, deceive or defraud, shall be punished as hereinafter provided.

Uttering or passing forgery.

SEC. 4464c. Any person who shall utter, publish, pass or tender as true, or who shall have in his possession with intent to utter, publish, pass or tender as true, any false, altered, forged or counterfeited letter, certificate, card or receipt, the forging, altering or counterfeiting whereof is prohibited by either of the preceding sections of this act, with intent to injure, deceive or defraud, shall be punished as hereinafter provided.

Penalty.

SEC. 4464d. Any person violating any of the provisions of sections 4464a to 4464c, inclusive, shall, upon conviction thereof, be punished by imprisonment in the State's prison or county jail not more than one year or by fine not exceeding two hundred dollars.

Boycotting, blacklisting, etc.

Combining to injure business, etc.

SECTION 4466a. Any two or more persons who shall combine, associate, agree, mutually undertake or concert together for the purpose of willfully or maliciously injuring another in his reputation, trade, business or profession by any means whatever, or for the purpose of maliciously compelling another to do or perform any act against his will, or preventing or hindering another from doing or performing any lawful act shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars.

This section is constitutional. 25 Sup. Ct. 3.

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Blacklisting. SEC. 4466b. Any two or more persons, whether members of a partnership or company or stockholders in a corporation, who are employers of labor, who shall combine or agree to combine for the purpose of preventing any person seeking employment from obtaining the same, or for the purpose of procuring or causing the discharge of any employee by threats, promises, circulating black lists or causing the same to be circulated, or who shall, after having discharged any employee, prevent or attempt to prevent such employee from obtaining employment with any other person, partnership, company or corporation by the means aforesaid, or shall authorize, permit or allow any of his or their agents to blacklist any discharged employee or any employee who has voluntarily left the service of his employer, or circulate a black list of such employee to prevent his obtaining employment under any other employer, or who shall coerce or compel any person to enter into an agreement not to unite with or become a member of any labor organization as a condition of his securing employment or continuing therein, shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars, which fine shall be paid into the State treasury for the benefit of the school fund. Nothing in this section shall prohibit any employer of labor from giving any other such employer, to whom a discharged employee has applied for employment, or to any bondsman or surety, a truthful statement of the reasons for such discharge, when requested so to do by such employee, the person to whom he has applied for employment, or any bondsman or surety; but it shall be a violation of this section to give such information with the intent to blacklist, hinder or prevent such employee from obtaining employment; neither shall anything herein contained prohibit any employer of labor from keeping for his own information and protection a record showing the habits, character and competency of his employees and the cause of the discharge or voluntary quitting of any of them.

Restraining from membership in labor union.

Reasons for discharge.

Interfering with employment. SEC. 4466c. Any person who by threats, intimidation, force or coercion of any kind shall hinder or prevent any other person from engaging in or continuing in any lawful work or employment, either for himself or as a wageworker, or who shall attempt to so hinder or prevent shall be punished by fine not exceeding one hundred dollars or by imprisonment in the county jail not more than six months, or by both fine and imprisonment in the discretion of the court.

These sections are declaratory of the common law, and wholly condemn all conspiracies to injure or oppress, or to interfere with the rights of others. Their efficiency is in no degree impaired by any statutory recognition of the right of organization for the purpose of promoting the welfare of labor. 60 Fed. 803.

For the business agent of a labor organization to say to nonunion men employed on a building "You can not build this building. I will fight it if it takes all summer, and if your city will not protect us we will get the militia," constitutes an offense under this section. 76 N. W. 594.

Hiring armed guards.

Use of unauthorized guards in strikes, etc. SECTION 4575b. Any person who, for himself or as agent or officer of any firm, joint stock company or corporation, shall use or employ or aid or assist in employing any body of armed men to act as militiamen, policemen or peace officers for the protection of persons or property or for the suppression of strikes, whether such armed men be employees of detective agencies, so called, or otherwise, they not being authorized by the laws of this State to act in such capacity, shall be punished by fine not exceeding one thousand dollars or by imprisonment in the State prison not less than one year nor more than three years, or by both such fine and imprisonment.

Bribery of employees.

Giving bribes SECTION 4575m. Whoever corruptly gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever,

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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 corruptly 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 relation 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 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.

Requesting.

Accepting bonus.

Witnesses.

SEC. 4575n. 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 misdemeanor on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or to subject him to a penalty or 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 prosecution and punishment for perjury committed in so testifying.

Employment of children—Certain employments forbidden.

Obscene and immoral employments.

SECTION 4587a. Any person having the care, custody or control of any child under the age of fourteen years who shall exhibit, use or employ, or in any manner or under any pretense sell, apprentice, give away, let out or otherwise dispose of such child to any person for any obscene, indecent or immoral purpose, exhibition or practice, or for any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or who shall cause, procure or encourage any such child to engage therein, and any person who shall take, receive, hire, employ, use, exhibit or have in custody any such child for any such purpose shall be punished by imprisonment in the county jail not exceeding six months or by a fine of not more than one hundred dollars, or by both imprisonment and fine.

Sunday labor.

Sunday labor forbidden.

SECTION 4595. Any person who shall keep open his shop, warehouse or workhouse, or shall do any manner of labor, business or work, except only works of necessity and charity, * * * on the first day of the week shall be punished by fine not exceeding ten dollars; and such day shall be understood to include the time between the midnight preceding and the midnight following the said day: *Provided, however*, That keeping open a barber shop on Sunday for the purpose of cutting hair and shaving beards shall not be deemed a work of necessity or charity.

Running of trains and cars.

SEC. 4595e (added by chapter 74, Acts of 1913). The running of any railroad train, street railway car or interurban railway car for the transportation of freight or mail or of passengers and their baggage on Sunday shall be deemed a work of necessity or charity.

SEC. 4595m.

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Wages may be recovered.

2. In any action to recover compensation for labor performed on any newspaper, dated, published or issued on the first day of the week, it shall be no defense that such labor was performed on the first day of the week.

Observance of another day.

SEC. 4596. Any person who conscientiously believes that the seventh, or any other, day of the week ought to be observed as the Sabbath and who actually refrains from secular business and labor on that day may perform secular labor and business on the first day of the week unless he shall willfully disturb thereby some other person or some religious assembly on said day.

Violation of the statute is no defense to an action for injuries received on Sunday in consequence of defendant's negligence. 29 Wis. 21.

Inspection and regulation of bakeries.

Cleanliness and sanitation.

SECTION 4608i. All buildings occupied as biscuit, bread and cake bakeries shall be so drained and provided with such a system of plumbing as shall conduce to the proper and healthful condition thereof. All rooms used for the manufacture of flour or meal food products, if deemed necessary by the authorities mentioned in the next section, shall have an impermeable floor of hardwood properly saturated with linseed oil. The side walls and ceiling of such rooms shall be plastered or wainscoted and shall be whitewashed at least once in six months. The furniture and utensils in such rooms shall be so arranged that the same and floor may at all times be kept clean and in a healthful and sanitary condition. Such food products shall be kept in dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing same can be easily and perfectly cleansed. All such bakeries shall be provided with proper wash rooms, soap, towels and water-closets, with ventilation separate and apart from the bake room or the rooms where the manufacturing 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 such bakery. The sleeping places for the persons employed in bakeries shall be separate from the room or rooms where such food products are manufactured or stored.

Enforcement.

SEC. 4608j. The board of health of the city, village or town in which a bakery is situated or in which the business regulated in the preceding and next following sections is carried on may enforce the provisions thereof and may cause copies of the same to be printed and posted in all bakeries and places in which such business is carried on within their respective jurisdictions. The owner, his agent or the lessee of any property affected by the provisions of this and the preceding section shall, within sixty days after personal service upon him of notice in writing requiring any alteration to be made in or upon such property or premises pursuant to the preceding section, comply with such notice by making the alteration therein required to be made.

Violations.

SEC. 4608k. Any person who shall violate any provisions of the two preceding sections or refuse to comply with any requirement of such board of health or of the authority vested with the enforcement of such provisions shall be punished by a fine of not less than twenty dollars nor more than fifty dollars for a first offense, and for a second offense by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for not more than ten days, and for a third offense and every succeeding offense by a fine of not less than two hundred and fifty 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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ACTS OF 1911.

CHAPTER 391.—*Protection of employees as voters.*[1]

SECTION 7 (as amended by chapter 5, Acts of 1913).

* * * * *

(b) Any employer of labor who refuses to allow an employee to serve as election inspector or ballot clerk, or makes any threats or offers any inducements of any kind to such employee for the purpose of preventing such employee from serving as such inspector or clerk, shall be punished by imprisonment in the county jail or house of correction not exceeding nine months, or by a fine of not more than five hundred dollars and costs of prosecution. Threats, etc., forbidden.

ORDERS OF THE INDUSTRIAL COMMISSION.

Inspection and regulation of factories.

GENERAL PROVISIONS.

When used in these orders the terms "safe" and "safety" as applied to an employment or a place of employment, shall mean such freedom from danger to the life, health or safety of employees or frequenters as the nature of the employment will reasonably permit. Definitions.

This language should receive a liberal construction in favor of life, health, and limb. It does not call for absolute safety, and no more specific language can well be used than is found in the rule itself. Where a condition is practically essential to the performance of work, no liability attaches for failure to remove it. 143 N. W. 1054.

When used in the orders the term "welfare" shall mean and include comfort, decency and moral well-being.

The term "guarded" when used in these orders shall mean so covered, fenced or enclosed that a person in the course of his employment is not liable to come in contact with the point of danger and be injured.

The term "exposed to contact" when used in these orders shall mean that the location of a thing is such that a person, while in the course of his employment, is liable to come into contact with it and be injured.

ORDER 1. All belts, ropes or chain driving machinery or shafting, and all secondary belts, ropes or chains; in short, all belts, ropes or chains exposed to contact, except belts which are so small or those which move so slowly that there is no possibility of danger, must be guarded. Guards for belts, etc.

In all cases the point where the belt, rope or chain runs on to the pulley, sheave or sprocket, must be guarded.

All horizontal belts, ropes or chains driving machinery or shafting, seven feet or less from the floor, where exposed to contact, must be guarded.

ORDER 2. All pulleys over 18 inches in diameter, which are exposed to contact, must be guarded. Pulleys.

ORDER 3. All machines, not individually motor driven, must be equipped with a loose pulley or a clutch or some other adequate means of stopping the machine quickly. Stopping devices.

ORDER 4. All loose pulleys must be furnished with a permanent belt shifter, so located as to be within easy reach of the operator. The belt shifter must be so constructed as to make it impossible for the belt to creep from the loose pulley back on the tight pulley. All belt shifters must be equipped with a lock or some other efficient device which will prevent the shifter from being accidentally shifted. Belt shifters.

ORDER 5. Pulleys must be so placed as to allow the width of the belt between two pulleys, or between the pulley and the shaft Placing of pulleys.

[1] This provision was not codified, but does not appear to have been repealed or superseded.

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hanger, or a hook must be provided, or a guard placed adjacent to the pulley to prevent the belt from leaving the pulley.

Clutches. ORDER 6. All clutches must be guarded.

Swinging doors. ORDER 7. All swinging doors in stairways and all doors swinging both ways in general passageways must be equipped with windows. One window must be provided for each section of double swinging doors. Both sides of the doors must be provided with adequate light, either natural or artificial, during the hours of active operations in the department in which said swinging doors are located. The windows must be kept free from dirt or other obstruction to the vision.

Emery wheels. ORDER 8. Emery wheels used for grinding purposes must be equipped with a hood connected with an exhaust fan or water system. A guard must be provided, as a part of the hood construction or in addition to the hood, which shall be strong enough to withstand the shock of a bursting wheel. This guard must be adjusted close to the wheel and extend over the top of the wheel to a point 30 degrees beyond a vertical line drawn through the center of the wheel. The exhaust or water system is not required on emery wheels which are in general use by all employees in comman [common], to touch up tools or castings, or emery wheels used for sharpening saws.

Flywheels. ORDER 9. All sections of flywheels, with spokes, which are 6 feet or less from the floor and which are exposed to contact, must be guarded. Flywheels which run in pits must be provided with toe boards around the pit.

Exception.—Where an engine is isolated in a room used exclusively as an engine room the flywheel of such engine may be guarded with a railing. This railing must be not less than 30 inches in height and must be constructed with two rails, the bottom rail of which must be not less than 18 inches from the floor.

ORDER 10. The contact faces of all friction drives, when exposed to contact, must be enclosed.

Friction drives. All arm or spoke friction drives and all web-friction drives with holes in the web, when such friction drives are over 18 inches in diameter, and exposed to contact, must be entirely enclosed. All friction drives with projecting bolts where exposed to contact, must be guarded.

Gears. ORDER 11. All gears, where exposed to contact, must be entirely enclosed or equipped with a flange guard which must enclose the teeth of the gears. All arm or spoke gears and all web gears with holes in the web, which are over 18 inches in diameter, where exposed to contact, must be entirely enclosed.

Projecting keys. ORDER 12. All projecting keys in shafting, where exposed to contact, must be cut off or guarded, and all keyseats in ends of shafts, where exposed to contact, must be filled or guarded.

Exception: Keyseats on machines where it is impossible to guard or fill the keyseats without interfering with the operation of the machine, and where such keyseats are in shafts which are so small, or run so slowly that there is no danger.

Ladders. ORDER 13. All portable ladders must be equipped with steel points or steel feet on the bottom or other effective means of preventing slipping.

Passageways. ORDER 14. All passageways and gangways must be kept smooth and in good repair and free from nails or obstruction over which persons may stumble and fall.

Platforms. ORDER 15. All permanent elevated platforms in frequent use must be equipped with a permanent stairway or stationary ladder. Ladders other than step ladders, used to gain access to elevated platforms not frequently used, must be provided with safety hooks at the top.

Elevated walks. ORDER 16. All elevated walks, runways or platforms, except on loading or unloading side of platforms, must be provided with a guard rail. A toe board must be provided to prevent parts from falling off.

Set screws. ORDER 17. All set screws on moving parts, where exposed to contact, must be countersunk or protected by a solid collar, or

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a headless set screw must be used. No part of the set screw must project above the surface.

Shafting. ORDER 18. All transmission shafting in work rooms or in passageways leading to work rooms, and located less than 6½ feet from the floor, where evposed [exposed] to contact, must be guarded.

Sprockets. ORDER 19. All sprockets exposed to contact, must be guarded.

Stairways. ORDER 20. All stairways must be equipped with handrails, and the rails must be kept smooth and free from nails and splinters. Where the stairway is not built next to a wall or partition, rails must be provided for both sides.

Woodworking establishments.

Hand jointers. ORDER 200. All hand jointers must be equipped with safety cylinder heads and a guard must be placed over the knives to protect the hands of the operator.

Rubber mats, etc. ORDER 201. The floors where operators stand in operating dangerous machines used in manufacturing, such as wood shapers, jointers and circular saws, must be provided with rubber mats, gravel roofing paper or other effective means of preventing slipping.

Band saws. ORDER 202. On all band saws the upper and lower wheels, and the saw must be guarded except the part of the saw below the saw guide.

Circular saws. ORDER 203. All circular saws must be guarded and all such saws used for ripping, other than self-feed saws, must be equipped with a splitter. All other saws, where possible, must be equipped with a splitter.

Exception: On saws while specific work is being done where it is impossible to do the work when the saw is guarded.

Knife heads. ORDER 204. All knife heads of wood shapers and similar heads of other machines, not automatically fed, must be guarded or forms must be used in which the part operated on is securely fastened. All knife heads of woodworking machines, which are automatically fed, such as stickers, planers, etc., when exposed to contact, must be guarded.

Laundries—Safety.

Extractors. ORDER 225. All extractors must be equipped with metal guards which must entirely cover the opening to the outer shell. The guard must always be in position when the extractor is in motion.

Ironers. ORDER 226. All fiat [flat]-work ironers must be equipped with guards in front of the feed rolls to prevent the hands of operators from being drawn into the rolls. When the so-called doffer roll is used, and is propelled by other power than the ribbon or apron feed, a guard must be placed in front of this roll.

Same. ORDER 227. All bosom and combination ironers must be equipped with guards placed near enough to the rolls and the ironing board to prevent the hands of the operator from being drawn under the rolls.

Same. ORDER 228. All collar and cuff ironers must be equipped with guards in front of the first rolls to prevent the hands of the operator from being drawn into the rolls.

Elevators.

Catching devices, etc. ORDER 400. All elevators, except direct-lift plunger elevators, must be equipped with an automatic device to catch the car in case it drops, and if the travel of the car of a power-driven elevator exceeds 15 feet, a speed governor must be provided. Safety devices must be tested for efficiency at least once each month. Cars which travel at a speed of 250 feet or less per minute, must have the governor set to operate when the speed of the car exceeds 50 per cent of the regular speed. Cars which travel at a speed

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higher than 250 feet per minute, must have the governor set to operate when the speed of the car exceeds 30 per cent of the regular speed.

On catching devices, to which speed governors are hereafter attached, the dogs or clamps of such catching devices must be attached to the under side of the car platform.

Every type of safety device for catching the car if it drops must be subjected to an actual drop test with load two-thirds of capacity, such test to be made under the direction of the industrial commission.

Every such safety device hereafter installed must conform to the standard types approved by such tests.

All power-driven elevators must be provided with automatic stops which shall stop them at the lowest and at the highest landings independent of the operating cable or other device. All hand-power elevators must have such limit stops at the top.

Gates.

ORDER 401. All freight elevators must be equipped at each landing with self-closing gates not less than 5½ feet in height, except at top landing where such gates must be not less than 3½ feet in height. The bottom rail on all gates must be not more than 12 inches from the floor. The openings between the slats or bars on gates must be not more than 3 inches except on side of operating cable where the opening may be made sufficiently large to allow for the operation of the cable.

In case local conditions do not permit of a gate of 5½ feet in height a gate not less than 3½ feet in height may be used provided such gate is placed not less than 12 inches from the platform of the car, and provided that tell-tale chains not less than 5 feet long and not over 5 inches apart are suspended from the edge of the platform in front of opening. On the top landing the gate may be placed less than 12 inches from the platform of the car.

Gates on freight elevators which are already installed which are not less than 3½ feet in height, and which are placed close to the car, will be permitted if the bottom rail of such gates is not more than 12 inches from the floor, and if tell-tale chains as above specified, are provided.

Freight elevators already installed, if equipped with doors instead of gates, which doors are made of solid wood or metal, or of wire glass, grill work or screen as specified below for passenger elevators, will be permitted if such doors are equipped with self-closing locks which can not be opened from the outside except by means of a key and provided such elevators are operated by an operator stationed on the car.

On hand-power elevators where it is necessary in order to operate the car, the gate may be made not less than 3½ feet in height and placed not less than 2 inches from the car, providing tell-tale chains as specified above are attached to the car.

Gates swinging on vertical axes will not be permitted.

All gates or doors for entrances to freight elevators must be of sufficient strength to withstand a lateral pressure at the center of not less than 250 pounds.

Doors.

ORDER 402. All passenger elevators must be equipped at each landing with doors which must entirely fill the opening to the shaft. All such doors must be constructed of solid metal, wire glass, or screen of not less than No. 10 wire with 1¼ inch mesh, or of grill work the openings in which must not be more than 1¼ inches square, or if oblong and over 1¼ inches long the openings must not be over 1 inch wide. All such doors must be equipped with self-closing locks or other appliances which can not be opened from the outside except by means of a key, which key must be placed in charge of a responsible person.

Metal doors will not be required on passenger elevators already installed provided that if such doors have grill work or screen, the openings in such must be in accordance with the above requirements.

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All doors for entrances to passenger elevator cars must be of sufficient strength to withstand a lateral pressure at the center of not less than 250 pounds.

Operators.

ORDER 403. All passenger elevators, except automatic push-button-control elevators, must have a competent operator who is stationed on the car.

The doors of passenger elevators must not be opened until the car reaches the landing and must be closed and locked before the car leaves the landing.

The operating lever, wheel or switch of a passenger elevator car must not be operated except by the operator stationed on the car. Hand-rope controls of passenger elevators are not permitted on new installations or alterations.

Lights.

ORDER 404. Ample light must be provided for all elevator cars and landings.

Shafts.

ORDER 405. All projections in elevator shafts such as floors, beams, sills and bolts, unless guarded against by the car enclosures, must be provided with smooth beveled guards, fitted directly under such projections so as to push any projecting portion of the body back into the car instead of crushing it. This beveled guard must be set at an angle of not less than 60 degrees with the floor level.

Cars to be inclosed.

ORDER 406. All freight elevator cars must be enclosed solidly on all sides except on entrance side, to a height of not less than 6 feet. On side of the operating cable sufficient space should be allowed to operate the cable.

All freight elevator cars must be equipped with a covering over the top either solid or made of wire screen not less than No. 10 wire and with mesh not over 1 inch. The part of such covering which faces the opening to the shaft, must be constructed with a section not less than 18 inches in width and extending the width of the opening to the shaft. Such section must be so attached with hinges to the screen that it will rise when it meets with an obstruction as the car descends.

Where there is more than one entrance to a freight elevator car, if such entrances are not on contiguous sides of the car, or if the floor levels at each landing are not the same, or if there are more entrances to the shaft on one side than on the other, such other entrance to the car farthest from the place where the operator stands must have a gate not less than 6 feet in height, and reaching down flush with the floor.

Same.

ORDER 407. All passenger cars must be fully enclosed on all sides except on entrance sides. Glass must not be used except to cover certificates, annunciators and lamps. Mirrors are strictly forbidden.

The sides of the car must be constructed of solid panels up to a height of not less than 3½ feet, and where counterweights run there must be a solid guard to the height of the car. The sides of the car above the panel may be made of grill work with open spaces not more than 1¼ inches square, or, if oblong and over 1¾ inches long, the openings must not be over 1 inch wide; or of screening of not less than No. 10 wire and with mesh not over 1¾ inches. The specification regarding height of panels on sides of car applies only to new installations or alterations.

In all new installations or in alterations of cars the enclosure of cars must be made of incombustible material. The floors may be made of wood.

The roof of the car must be constructed of solid material. A portion of such roof measuring not less than 20 inches by 30 inches must be so constructed that it can be readily removed by a person on the inside of the car.

Where cars of passenger elevators have more than one entrance, the entrance other than the one facing the operator must be equipped with a gate or door entirely filling the opening, which must be kept closed when the car is in motion.

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In all passenger elevator cars there must be placed on all sides, not having door openings or seats, a metal handrail one inch in diameter and not less than three feet above the floor.

Sidewalk elevators. ORDER 408. All doors covering sidewalk elevator openings must open only sufficiently for proper service, and when open must form a suitable guard to the opening, or other guards must be provided. All power sidewalk elevators must be equipped with a device to prevent the operation of such elevator until the doors are open. All sidewalk doors and frames must have a rough face or surface, and be so constructed and placed that no part of the door frame or hinges shall project above the level of the sidewalk. These doors must be of sufficient strength to carry a superimposed load of 250 pounds per square foot. These doors must be closed when the elevator is not in actual use.

Definition. The term "elevator" when used in these orders, shall mean an elevating device provided with a platform and cage which is located in a permanent shaftway, and is used for the purpose of raising and lowering persons or materials.

Load. ORDER 409. The maximum safe working load for all hoisting and counterweight cables must be not more than $\frac{1}{7}$ of the breaking load, as given in the schedule of the cable manufacturer.

Cables, sheaves, and drums. ORDER 410. The following shall be the schedule of cables with minimum size of sheaves and drums:

Size of cable.	Minimum size of sheaves and drums for power elevators other than dumb waiters.
$\frac{3}{8}$ inch	20 inches
$\frac{7}{16}$ inch	20 inches
$\frac{1}{2}$ inch	20 inches
$\frac{9}{16}$ inch	22 inches
$\frac{5}{8}$ inch	24 inches
$\frac{3}{4}$ inch	30 inches
$\frac{7}{8}$ inch	36 inches
1 inch	40 inches

Cables unsafe. ORDER 411. Cables are considered unsafe and must be condemned when through broken wires, wear, rust, undue strain, or other conditions indicating deterioration, the strength of the cables has deteriorated 25%.

Two cables. ORDER 412. All elevators requiring hoisting cables must be equipped with not less than two hoisting cables.

Passenger elevators. ORDER 413. Elevators used chiefly for carrying passengers shall be considered passenger elevators.

Four cables, when. ORDER 414. All hydraulic elevators travelling over 250 feet per minute, or having a carrying capacity of over 2000 pounds, must be equipped with not less than 4 hoisting cables.

Guards for sheaves. ORDER 415. All sheaves at the cylinder of hydraulic elevators must be provided with a cable guard to prevent the cable from leaving the sheaves in case it becomes slack.

Length of cable. ORDER 416. The hoisting and counterweight cables on drum types of elevators, shall have at least one and one-half turns of the cable on the drum when the car or couterweight [counterweight] has reached the limit of travel.

Traction elevators. ORDER 417. Traction types of elevators must have not less than 4 hoisting cables. All traction types of elevators running over 250 feet per minute, or having a carrying capacity of over 2,500 pounds, must be equipped with not less than 6 cables.

Fastenings. ORDER 418. Each hoisting cable must be independently fastened at its terminal to the overhead beam of the car, and where possible, each counterweight cable must be independently fastened at its terminal to the weight.

Counterweights. ORDER 419. All passenger elevators hereafter installed, must be equipped with car counterweights. All drum types of passenger elevators hereafter installed, must also be equipped with drum counterweights.

Weight. ORDER 420. Each set of counterweights on freight elevators hereafter installed, the weight of which exceeds 1,000 pounds, or the travel of which exceeds 25 feet, or the speed of which exceeds 60

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feet per minute, must be equipped with not less than 2 cables. Each set of counterweights on all passenger elevators hereafter installed must be equipped with not less than 2 cables.

Guards for cables.

ORDER 421. Where cables of one set of counterweights pass through or by another set of counterweights, they must be provided with a suitable covering to prevent them from chafing or wearing on the counterweights.

Installation of counterweights.

ORDER 422. Each set of counterweights on all power-driven elevators hereafter installed, unless contained in a steel frame, must have the separate weights bolted together with not less than 4 bolts with lock nuts and cotter pins at each end, at least 2 of which bolts shall pass through all of the weights, tightly bolting them together. Counterweights on hand power elevators must be bolted together with not less than 2 bolts. On all subcounterweights the bolts must pass through holes and not slots.

Fireproof inclosures.

ORDER 423. All passenger elevators hereafter installed or where shaftways are altered, must have their shaftways enclosed entirely with fireproof enclosures. A fireproof enclosure must be made either of wire glass in metal frame, or of solid plaster not less than 2 inches thick on metal lath and metal frame, or of brick, concrete or tile of sufficient thickness to give rigidity. The windows in a fireproof enclosure must have metal frames, metal sash and wire glass. The doors and their frames must be of solid metal, or the doors may be made of not less than two thicknesses of matched lumber, enclosed with tin. These doors must be self-closing in case of fire. Fire doors must not swing on a vertical axis except in basements where the restricted space will not permit the use of a sliding or rolling door.

Fire doors, etc.

ORDER 424. All elevators hereafter installed, must have their shaftways in the basement enclosed with fireproof enclosures, except sidewalk elevators, and freight elevators in buildings not over one story in height above the basement and where automatic lift fire doors on such elevators close the openings in the first floor. All automatic lift fire doors must be made sufficiently strong to safely sustain a center load of 300 pounds, and must be covered on the under side with fireproof material. Guide rails must not be attached to the fire doors.

Freight elevators.

ORDER 425. All freight elevators hereafter installed in buildings more than two stories in height above the basement, or in buildings where the travel of the elevator car exceeds 35 feet, must have the shaftways entirely enclosed with fireproof enclosures.

Same.

ORDER 426. All freight elevators hereafter installed in buildings not over two stories in height above the basement, and where the car travel does not exceed 35 feet, must have the shaftways above the basement enclosed with guards not less than 6 feet in height above each floor, unless a continuous fireproof enclosure is provided. Where not enclosed continuously with a fireproof enclosure, the shaftway opening in the top floor must be provided with a fire door which is operated by the movement of the car. If the guards are made of wood, they must be made solid with the top at least 2 feet below the ceiling. If the guards are made of wire screen, the wire must be not less than No. 10 gauge, and the mesh not more than 1 inch; wire guards may extend to the ceiling.

Elevators in hotels, etc.

ORDER 427. All elevators in hotels, lodging houses, hospitals and institutions for housing insane or infirm persons, or children, must have hatchways entirely enclosed with fireproof enclosures.

Guards about shafts.

ORDER 428. With the exception of the elevators mentioned in Order 427, all elevators at present installed, the shaftways of which are not continuously enclosed, must be guarded at each floor with an enclosure not less than 6 feet high, if such inclosure guards are made of wood, they must be made solid and the top must be at least 2 feet below the ceiling. If the enclosure guards are made of wire screen, the wire must be not less than No. 10 gauge, and the mesh not more than 1 inch; wire guards may extend to the ceiling. Shaftway enclosures at present installed,

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which are not of sufficient height or sufficient strength, must be changed to conform to the above order.

Outside elevators.

ORDER 429. All elevators located on the outside of a building must have an enclosure at each landing of not less than 6 feet in height on the sides where the floor adjoins such shaftway.

Counterweight runways.

ORDER 430. Where counterweight runways are located in the elevator shaftway, the outside must be entirely enclosed with a solid guard. The runways must be entirely enclosed on the inside with a solid guard to a height of 8 feet from the bottom of the pit, and 10 feet down from the top limit of travel of the car. Where counterweight runways are located outside of the elevator shaftway, they must be entirely enclosed on all sides with a solid guard.

Penthouse, etc.

ORDER 431. Where fireproof shaftway enclosures are required, the enclosures must include the penthouse or enclosure of sheaves or machinery above the shaftway. The above provisions will not be required where there are sheaves only and where they are separated from the hatchway by a fireproof floor. Where a fireproof shaftway enclosure is not required, a penthouse or enclosure of machinery and sheaves may be made of frame construction if the outside is covered with incombustible material.

Entrance to penthouse.

ORDER 432. The entrance to the penthouse or the floors under the sheaves on new installations, must be located outside of the hatchway, and the access to same must be made safe and easy.

Pits and overhead clearance.

ORDER 433. All elevators hereafter installed with a speed up to and including 50 feet per minute, must have a pit not less than 2 feet in depth below the lowest landing, and an overhead clearance of not less than 2 feet above the highest landing. All elevators with a speed over 50 feet and up to and including 150 feet per minute, must have a pit not less than 3 feet deep, and an overhead clearance of not less than 4 feet. All elevators having a speed over 150 feet and up to and including 350 feet per minute, must have a pit of not less than 4 feet in depth, and an overhead clearance of not less than 5 feet. All elevators having a speed greater than 350 feet per minute, must have a pit not less than 4 feet deep and an overhead clearance not less than 6 feet. The overhead clearance for counterweights shall not be less than the above-mentioned clearance for cars at the various speeds. The pit and overhead clearance must be equal in area to that of the shaftway.

Buffers.

ORDER 434. All passenger and power driven freight elevators hereafter installed must be provided with spring, rubber or oil buffers or other approved type of buffers, which must rest on a substantial foundation in the pit. The car must be so constructed as to withstand the impact of the buffers.

Walls and floors.

ORDER. 435. The walls and floor of elevator pits hereafter installed must be constructed of incombustible material forming a tight enclosure of sufficient strength to stop the descent of the car in case it drops.

Pits, etc., to be clear.

ORDER 436. Elevator machines or other machinery shall not be located in the pit; only sheaves necessary for the operation of the elevator shall be located in the shaftway or pit under the car. Elevator shaftways or pits shall not be used for the storage of any material or the running of any rope, wire or pipe, except such as is needed for the operation of the elevator. Branch pipes with sprinkler heads will be allowed in the shaftway. Elevator hatchways shall not be used as passageways.

Cleanliness.

ORDER 437. All elevators and other mechanical devices used for similar purposes must be kept clean and free from excessive grease and dirt.

Overhead gratings.

ORDER 438. Where the overhead machinery consists only of sheaves, a metal grating or screen in place of a floor may be placed under such sheaves, provided it extends over the entire shaftway and gives safe access to the sheaves from the floor or roof of the building. The grating or screen must be of sufficient strength to sustain a load at center of span of not less than

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300 pounds with a factor of safety of 4. The openings in such grating or screen must not be wider than 1 inch.

On traction types of elevators, the screen under the secondary sheaves which are located below the floor of the penthouse, must extend under the entire sheaves and must not cover more than one-half of the area of the shaftway, unless there is sufficient room for a man to stand between the screen and the penthouse floor.

Machines over shaftway.

ORDER 439. On new installations where the elevator machine is placed over a shaftway there must be a floor provided to separate the machine from the shaftway. This floor must be made of fireproof construction, or it may be made of mill construction if covered on the top and bottom with asbestos board or other fireproof material, which shall closely adjoin the wood and leave no air spaces. No metal covering will be permitted where electric current is used.

Beams.

ORDER 440. All beams for the support of overhead machinery of power-driven elevators hereafter installed must consist of iron or steel, and these beams must rest on supports of steel, concrete, masonry, or wood of sufficient strength to sustain the required load. The factor of safety for all supports must be not less than 6. If vertical wood supports are used they must be not less than 8 inches by 8 inches in size. All vertical supports must rest on foundations of concrete or masonry.

Guide rails.

ORDER 441. All power-driven elevators which require fireproof shaftways, and all power-driven freight elevators whose speed exceeds 100 feet per minute, and all passenger elevators, hereafter installed, must have the guide rails for car and counterweights made of wrought iron or steel. Where wrought iron or steel guide rails are not required, guide rails made of wood, or a combination of wood and steel, securely bolted together, may be used. All guide rails must be made of sufficient strength and must be so braced between the floors that they will not spread.

Lifting capacity.

ORDER 442. All passenger elevators hereafter installed, must have hoisting machinery capable of lifting a load carried in the car of not less than 75 pounds per square foot of car floor area.

Sills.

ORDER 443. All sills to entrances of elevator cars and shaftways must be made with a nonslippery surface.

Plate showing capacity.

ORDER 444. A metal plate with raised letters not less than 1 inch long, stating the number of pounds such elevator will safely carry, must be placed in a conspicuous position on the car of all freight and passenger elevators hereafter installed.

Time for conformity.

ORDER 445. Within two years from the date of the issue of these orders, all existing elevators must be inspected and tested for safe capacity by the owner or lessee in the presence of an inspector authorized by the industrial commission, and a metal plate as specified above must be placed in the car.

Hand rope devices.

ORDER 446. All freight elevators equipped with a hand rope operating device must be provided with a lock on the car to prevent the operation of the car by persons on other floors than the one at which the car is stationed. The operating cable must be equipped with a guard at the point where the sheaves lead the cable from the shaftway to the machine.

Centering rope.

ORDER 447. All hand rope controlled elevators, except hydraulic elevators, must be provided with a centering rope.

Electric elevators.

ORDER 448. All electric passenger elevators and all electric freight elevators hereafter installed, whose speed exceeds 75 feet per minute, must be equipped with an electric brake and an overload and no-voltage circuit breaker, and must be provided with an emergency switch in the car.

Brakes.

ORDER 449. Mechanically controlled brakes will be permitted on electric freight elevators whose speed does not exceed 75 feet per minute.

Alterations, etc.

ORDER 450. Where the machinery of the elevator is moved to a different location or materially altered, or where the shaftway or penthouse is materially altered or extended, or where the capacity of the elevator is materially increased, such alterations

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shall be considered the same as a new installation and shall bring the moved or altered parts under the orders for new installations.

Factor of safety. ORDER 451. In the construction of all parts of elevators hereafter installed, the factor of safety for parts sustaining immovable loads must be not less than 4 for wrought iron or steel, and not less than 9 for cast iron. For moving loads the factor of safety must be not less than 50 per cent more than the above standard, except in the case of cables, which must be not less than 7.

Cut-offs. ORDER 452. All elevators must be equipped with an efficient device which will automaticaly shut off the power in case the cables become slack.

Governor cables. ORDER 453. Wire governor cables must be used on all elevators the travel of which exceeds 75 feet, and the speed of which exceeds 150 feet per minute.

Ventilation.

Hoods. ORDER 2000. All grinding, buffing and polishing wheels, except wheels where water is applied at point of grinding, must be equipped with a hood. The hood must cover the wheel in such manner that it will carry off the dust in so far as the character of the work will permit. On grinding, buffing or polishing wheels 4 inches or less in width, the width of hood must be 6 inches. On grinding, buffing or polishing wheels over 4 inches in width the maximum width of hood must never be less than 2 inches nor more than 3 inches wider than the width of the wheel. The wheels must be measured across the face.

Size of hoods. ORDER 2001. The size of the suction pipe on hoods for grinding, buffing or polishing wheels must be as follows:

Diameter of Wheel.	Diameter of Suction Pipe.
6 inches to 10 inches,	3 inches to 4 inches.
10 inches to 18 inches,	4 inches to 5 inches.
18 inches to 24 inches,	5 inches to 6 inches.
Over 24 inches.	6 inches.

Where two sizes of pipe are specified above, the smaller size will not be permitted except in cases where the hood covers two-thirds of the wheel or where the work to be done is so light that the dust is easily exhausted.

Suction. ORDER 2002. On all grinding, buffing and polishing wheels, the suction in the connection to the hood must be sufficient to displace a column of water in a U tube, 5 inches.

The test for suction with the U tube must be a static test and must be made in the following manner: A hole $\frac{1}{8}$ inch in diameter must be made in the suction pipe approximately 12 inches from the connection to the hood. The rubber hose attached to the U tube must be placed over the $\frac{1}{8}$ inch hole and the test made under these conditions. When the water in the U tube stands at 0, the 5 inch displacement is secured when one column of water rises $2\frac{1}{2}$ inches above 0 and the other column of water falls $2\frac{1}{2}$ inches below 0.

Branch pipes. ORDER 2003. All branch suction pipes must enter the main pipe in the direction of the flow of air and at an angle not exceeding 45 degrees, measured from a line drawn parallel with the current of air in the main suction pipe.

Location of main pipes. ORDER 2004. On all grinding, buffing or polishing wheels, the main suction or trunk pipe must be placed below and as close to the wheels as possible, either on the floor or beneath the floor on which the machines are located.

Bends, etc. ORDER 2005. All bends, turns and elbows in suction and discharge pipes must be made with smooth interior surfaces and the radius of the curvature of the elbows on such pipes, measured from the center of the pipe, must not be less than twice the diameter of such elbows.

Dust. ORDER 2006. The dust discharged from any exhaust system must be taken care of by a dust collector, air washer or other

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adequate system which will prevent it from contaminating the air in or around the place of employment.

Belts, etc.

ORDER 2007. All belts, drums, rolls or disks, used for grinding, buffing, polishing or sanding, must be equipped with an exhaust system so designed and attached that it will carry off the dust in so far as the character of the work will permit.

Sand blasting.

ORDER 2008. All sand-blasting operations, not performed under an enclosed hood, must be performed in a special room set aside for that purpose. This room must be equipped with an exhaust system which shall change the air in the room not less than 4 times per minute.

Protection of face, etc.

ORDER 2009. The employer must furnish the employees who are working in sand-blast rooms with a suitable covering for the face, which will protect the eyes, nose and mouth; such protector should be worn by the employee when working in the sand-blast room.

Tumbling barrels.

ORDER 2010. All tumbling barrels and rattlers must be equipped with an exhaust system, which will remove all particles of dust which are light enough to float in the air.

Machines producing dust.

ORDER 2011. All machines which create and throw off dust sufficiently light to float in the air, must be equipped with an exhaust system so designed and attached that it will carry off the dust in so far as the character of the work will permit.

Fumes, vapors, etc.

ORDER 2012. All vats and tanks containing liquids which emit fumes, or vapors of ammonia, arseniuretted hydrogen, carbon dioxide, carbon monoxide, carbon tetrachloride, chlorine, gases from pickling vats, lead and mercury, phosgene, sulphur dioxide, hydrochloric acid, nitric acid, sulphuric acid, prussic acid, or other fumes or vapors which are irritating, obnoxious, or injurious to the health, must be equipped with a ventilating system which will remove as much of the fumes or vapors as the character of the work will permit.

Gas and smoke.

ORDER 2013. All furnaces and forges which emit gas or smoke in such quantity as to be irritating, obnoxious, or injurious to health, must be equipped with a ventilating system which will remove as much of the gas and smoke as the character of the work will permit.

Smoke, dust, etc.

ORDER 2014. All foundries, forge shops, round houses and other places of employment in which smoke, gas, dust or vapors are present in sufficient quantities to obstruct the vision, or to be irritating, obnoxious, or injurious to the health, must be equipped with a system of ventilation which will eliminate such smoke, gas, dust or vapors in so far as the condition of the industry will permit. Such system of ventilation must change the air in the room not less than twice each hour, and must supply the room with an additional amount of air to make up for the loss of oxygen which is consumed by the fires. Each person in the room must be supplied with not less than 1800 cubic feet of fresh air each hour.

Amount of air supply.

ORDER 2015. All rooms in places of employment where there is less than 900 and more than 300 cubic feet of air space per person, and in which there is no smoke, gas, fumes, dust, vapors, or fires consuming oxygen, must be provided with a ventilating system which will furnish 1800 cubic feet of fresh air per hour to each person. In all rooms specified above, where there are lights or fires which consume oxygen, an additional amount of air must be supplied to make up the loss of oxygen.

Change of air.

ORDER 2016. All rooms in places of employment where there is 900 cubic feet of air space per employee, and in which there is no smoke, gas, fumes, dust, vapors, or fires which consume oxygen, must be provided with a ventilating system which will change the air in the room not less than twice each hour. Such system must be so designed as not to produce injurious drafts or reduce the temperature materially below the average temperature maintained.

Air space.

ORDER 2017. In all places of employment not less than 300 cubic feet of air space must be provided for each person.

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Lighting.

Natural light. ORDER 2100. Each place of employment hereafter constructed must be supplied with adequate natural light during the working daylight hours.

Artificial light. ORDER 2101. Each place of employment at present constructed and which is not so equipped as to furnish adequate natural light during the working daylight hours, must be supplied with artificial light as specified in Orders 2102 to 2105, inclusive.

Light required. ORDER 2102. Each place of employment in which hand or machine operations are performed, must be supplied during the working hours, when daylight is not available, with artificial light equivalent in amount, for each 4 square feet of floor space, to not less than the light produced by a one-candlepower lamp hung 10 feet from the floor.

Smoky work places. ORDER 2103. In foundries, forge shops and other industries where there is smoke and gas which obstruct the light, sufficient artificial light must be supplied to overcome the obstruction and to furnish the standard amount of light on the floor specified in Order 2102.

Light in warehouses, etc. ORDER 2104. Each place of employment in which hand or machine operations are not performed, such as warehouses, vat rooms and storage places, must be supplied during the working hours, when daylight is not available, with artificial light equivalent in amount for each 8 square feet of floor space, to not less than the light produced by a one-candlepower lamp hung 10 feet from the floor.

Close work. ORDER 2105. In each place of employment where fine or close work is being done, such as fine lathe work, engraving, typesetting and drafting, and where the standard of light specified in Orders 2102 and 2103 are not sufficient to prevent injurious eyestrain, sufficient light must be provided in every case to avoid unecessary eyestrain.

Yards and ways. ORDER 2106. All yards, roadways, stairways, tramways, and other places outside of buildings which are frequented by employees in the course of their employment, must be supplied with natural or artificial light during the working hours so that every part of such place is easily discernible.

Toilet rooms, etc.

Privacy. ORDER 2200. Every place of employment must be equipped with adequate toilet rooms which must be distinct and separate from the other parts of the building and must be so constructed as to insure privacy.

Where the two sexes are employed, separate toilet rooms must be maintained. Toilet rooms for the two sexes, when adjoining, must be separated by a partition made of material which is soundproof and which cannot be easily cut or defaced. (See chapter 323, Sec. 1, Laws of 1903.)

Provisions for sexes. ORDER 2201. Each toilet room must be distinctly marked with regard to the sex which uses it and no person shall be allowed to use the toilet room assigned to the opposite sex.

Defacement. ORDER 2202. Indecent or suggestive marks, pictures, or words are forbidden in toilet rooms, and such defacement when found by the employer must be at once removed.

Cleanliness, etc. ORDER 2203. Every toilet room, and every part thereof, including walls, floors and ceiling, and all fixtures therein, must be kept in a clean condition. In each toilet room sufficient toilet paper must be provided, and it must be made of material which will not obstruct the fixtures in such toilet room.

Floors and walls. ORDER 2204. In each toilet room hereafter installed, the floor must be constructed of material other than wood, which does not readily absorb moisture and which can be easily cleaned.

In toilet rooms at present installed, the walls must not be covered with paper. If the walls and ceilings are constructed of wood, they must be covered with a nonabsorbent paint.

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In each toilet room hereafter installed, the walls and ceiling must be made of smooth cement, plaster, porcelain, glazed brick, metal tiling, or other smooth, nonabsorbent material.

Windows, area, etc.

ORDER 2205. Each toilet room hereafter installed in a place of employment, must be so located as to open to outside light and air. The minimum amount of window space for a toilet room containing one fixture, must be 4 square feet, and for each additional fixture an addition of 2 square feet of window space must be made. These windows must be so constructed that they can be opened to give adequate ventilation to the room.

Each toilet room hereafter installed must have not less than 10 square feet of floor space, and not less than 100 cubic feet of air space for each fixture installed.

In each toilet room heretofore installed, and which is so located that it is impossible to secure light and air directly from the outside, a flue or mechanical ventilating system must be installed which will provide adequate ventilation.

Each toilet room which is not open to adequate outside light must be artificially lighted during the hours of employment, so that all parts of the room are easily visible.

Each toilet room must be furnished with adequate artificial light during the working hours when natural light is not available.

Within 5 years after the date upon which these orders become effective, all toilet rooms at present installed, which are not open to outside light and air, must be moved and so located that they are open to outside light and air.

Closets in new construction.

ORDER 2206. In each toilet room hereafter constructed, individual water-closets made of porcelain or vitreous chinaware must be installed. These closets must be equipped with properly vented traps located above the floor, and with an adequate flushing device which uses not less than 3 gallons of water for each flush.

Each water-closet must be set upon a solid base and its connection to the soil pipe or fitting must be constructed in such a manner as to be gas and water tight.

Flushing devices.

ORDER 2207. Each water-closet at present installed must be provided with a flushing appliance, which will be as effective in its operation as the type of closet requires.

Each water-closet must be kept in good repair and obstructions must be removed at once.

Sewer connection.

ORDER 2208. Each water-closet, urinal, lavatory or slop sink located in a toilet room, must be connected with a sewer system, where a sewer system is available.

There must be a proper connection between the pumping system and the sewer, and such connection must be kept in good repair.

Seats.

ORDER 2209. The seat of each water-closet hereafter installed must be made of wood or other nonheat-absorbing material and finished with varnish or other substance which will make it impervious to water. Under no circumstances will seats made of enameled ironware, porcelain or similar heat-absorbing substance be allowed.

Numbers.

ORDER 2210. Water-closets must be provided in places of employment in the following proportion: When the number of employed is more than 20 of either sex, there shall be provided an additional closet for each sex, up to the number of 40, and above that number in the same ratio. (See chap. 323, Laws of 1903.)

Where males are employed, urinals must be provided in the proportion of 1 to every 40 employed. Where trough urinals are used, each 2 feet of trough shall constitute one urinal.

Urinals.

ORDER 2211. Each urinal must be made of impervious material and must be properly flushed and kept in clean condition. If iron is used in the construction of urinals, it must be enameled on the inside of the trough or bowl.

Partitions.

ORDER 2212. Each water-closet or seat of range closet must be separated by a partition not less than 5 feet in height. Each individual urinal or urinal trough must be provided with a partition at each end and at the back, to give privacy. Where indi-

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vidual urinals are arranged in batteries, a partition must be placed at each end and at the back of the battery.

In new installations, the partitions between water-closets and urinals must be made of material other than wood, which does not readily absorb moisture.

Traps.

ORDER 2213. Each water-closet, urinal, lavatory, or slop sink hereafter installed in place of employment, must have a trap. This trap must be equipped with a vent so constructed that adequate circulation of air will be secured in the waste pipe; and so constructed that no siphonage will be possible, and the vent will not serve as a waste pipe in case of obstruction.

In installations where individual lavatory bowls are arranged in a battery, one trap may be used for six bowls.

Each lavatory and slop sink at present installed, must be equipped with a trap properly vented. A mechanical trap may be installed where it is impractical to install a vented trap.

On old installations, each water-closet and urinal must be equipped with a trap, and where there are two or more water-closets or urinals on one sewer connection, the trap must be properly vented.

Provisions in absence of sewers.

ORDER 2214. In new installations of toilet rooms in localities where a sewer system is not available or can not be made available, the disposal of human wastes may be accomplished in one of the following three ways:

(a) Bacterial tank, settling basin, or similar effective installation adapted to the amount and character of the waste. The effluent or discharge from the above tank or basin must be discharged into a dry well or drainage tile, or onto sand, gravel, or other efficient filter. The above installations must be so located that the drainage water will not pollute any water supply.

(b) An adequate close water-tight receptacle which receives the waste and from which the liquid effluent or discharge flows into a dry well which allows it to be absorbed into the surrounding soil. The solid material which accumulates in the receptacle must be removed and properly disposed of at least 4 times a year.

(c) Where the local conditions are such that it is impractical to install the systems for the disposal of sewage specified in clauses "a" and "b," the following installation may be made with the consent of the industrial commission.

Direct discharge into a tight masonry privy vault extending not less than 12 inches above the surface of the surrounding ground, and provided with a shelter house having its doors, windows and ventilating openings protected by metal screens to prevent the entrance of flies.

(d) Each fixture in a toilet room connected with a bacterial tank, settling basin, or other receptacle, must be properly trapped and connected in such a way as to prevent siphonage.

Old installations.

ORDER 2215. Privies at present in use will be permitted under the following conditions:

(a) The vault must be made tight above the ground so that rats and other vermin can not get into the vault.

(b) The door must be so constructed that it will remain closed.

(c) An opening must be made in or near the roof to provide adequate ventilation, and this opening must be covered with a fly-proof metal screen.

(d) When the vault is filled to the level of the ground, it must be cleaned out. If a new vault is constructed it must be made in accordance with the requirements for new installations as given in Order 2214, clause (c), and the old vault must be properly cleaned, limed and filled with fresh earth.

(e) The privy must be kept clean and sanitary. Lime or some equally effective disinfectant must be used in the vault in such quantities and at such intervals as to disinfect and deodorize the contents.

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Lavatories.

ORDER 2216. In all industries where lead, arsenic, or other poisonous or injurious materials are handled by the employees, and in industries where food is prepared or manufactured, adequate lavatory facilities must be provided. Lavatories must be made of porcelain, enameled iron, or other impervious material.

Towels.

ORDER 2217. In all places of employment the use of towels in common is prohibited.

Drinking water.

ORDER 2218. Each place of employment must be supplied with sufficient pure drinking water, and the faucets or outlets for same must be placed convenient to the employees. Common drinking cups are prohibited. Individual cups must be used, or sanitary drinking fountains must be installed.

Sanitation of workrooms.

Floors, walls, etc.

ORDER 2219. In all places of employment the floors and walls of the rooms, and the machines, benches, vessels, and other things in the room, must be kept as clean and sanitary as the nature of the industry will permit. Where wet processes are used, the floors must be so drained that there is no measurable depth of water in which the operators must stand while working. Where practicable, dry standing room must be provided for employees. All waste, sweepings and decomposed matter must be removed from the work rooms each day, and their removal must be made in such a way as to avoid the raising of unnecessary dust or noxious odors. When possible, the sweeping and the removal of waste should be done outside of working hours.

Laundries—Sanitation.

Heat deflectors.

ORDER 2300. On all roll body ironers, the hot roll must be equipped with a heat deflector which must be lined with nonconductive material. The deflector must extend for enough down in front to deflect the heat and prevent it from being thrown out toward the operator. On all shoe body ironers, the shoe must be covered with nonconductive material.

Exhaust fans.

ORDER 2301. Wherever flat work ironers are operated, the room must be provided with an exhaust fan of sufficient capacity to draw out the excessive heat or steam which arises.

Floors.

ORDER 2302. The floors of all wash rooms in laundries must be so drained that there is no measurable depth of water where the operators must stand while working. Dry standing room should be provided where possible.

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WYOMING.

CONSTITUTION.

ARTICLE I.—*Labor legislation.*

SECTION 22. The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the State. Protective laws to be passed.

ARTICLE IX.—*Mine regulations.*

SECTION 1. There shall be established and maintained the office of inspector of mines, the duties and salary of which shall be prescribed by law. When said office shall be established, the governor shall, with the advice and consent of the senate, appoint thereto a person proven in the manner provided by law to be competent and practical, whose term of office shall be two years. Office of inspector of mines to be established.

SEC. 2. The legislature shall provide by law for the proper development, ventilation, drainage and operation of all mines in this State. Mining to be regulated.

SEC. 3. No boy under the age of fourteen years and no woman or girl of any age shall be employed or permitted to be in or about any coal, iron or other dangerous mines for the purpose of employment therein: *Provided, however,* This provision shall not affect the employment of a boy or female of suitable age in an office or in the performance of clerical work at such mine or colliery. Employment of women and children.

SEC. 4. For any injury to person or property caused by willful failure to comply with the provisions of this article, or laws passed in pursuance hereof, a right of action shall accrue to the party injured, for the damage sustained thereby, and in all cases in this State, whenever the death of a person shall be caused by wrongful act, neglect or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages notwithstanding the death of the person injured, and the legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced. Right of action for injuries.

SEC. 6. There shall be a State geologist, who shall be appointed by the governor of the State, with the advice and consent of the senate. * * * said State geologist shall ex officio perform the duties of inspector of mines until otherwise provided by law. State geologist.

ARTICLE X.—*Liability of employers for injuries to employees—Waivers, etc.*

SECTION 4. No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person. Any contract or agreement with any employee waiving any right to recover damages for causing the death or injury of any employee shall be void. Damages for injuries.

ARTICLE XIX.—*Hours of labor.*

SECTION 1. Eight (8) hours actual work shall constitute a lawful day's work in all mines, and on all State and municipal works. Eight hours a day's labor.

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ARTICLE XIX.—*Alien labor—Employment on public works.*

Aliens not to be employed.

SECTION 1. No person not a citizen of the United States or who has not declared his intention to become such, shall be employed upon or in connection with any State, county or municipal works or employment.

Enforcement.

SEC. 2. The legislature shall, by appropriate legislation, see that the provisions of the foregoing section are enforced.

ARTICLE XIX.—*Arbitration of labor disputes—Boards.*

Courts to be established.

SECTION 1. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

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

Contracts waiving right to damages.

SECTION 1. 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 person, 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.

COMPILED STATUTES—1910.

Miners' hospitals.

Location and name.

SECTION 504. The State charitable institution located at Rock Springs, Wyoming, originally known and designated as the Wyoming State Miners' Hospital, shall be known and designated as "The Wyoming General Hospital."

Object.

SEC. 505. The object of said hospital shall be to provide sustenance, care and medical and surgical attention for all miners who shall become disabled or incapacitated to labor while working in the mines of the State, and who shall be in need of such sustenance, care or medical or surgical attention, and to such other persons as may be admitted under the laws, rules and regulations established for the government thereof.

Board of visitors.

SEC. 506. A board of visitors for said hospital, to consist of three persons, shall be appointed by the governor of the State in January of each year. It shall be the duty of the board of visitors to make a personal examination into the state and condition of said hospital and all its affairs twice at least in each year, and to report the result to the governor, suggesting such improvements as they may deem proper, which report shall be submitted to the legislature at its next session. Such board of visitors shall receive no compensation for their services.

Charges for treatment.

SEC. 507. It shall be the duty of the board of charities and reform to establish a schedule of charges for care and treatment of patients which all persons treated at said hospital shall be required to pay, except in cases where such person or persons shall be adjudged a subject of charity under such rules as said board may adopt, for the government of said institution: *Provided, however*, Said board shall have power, and is hereby empowered to establish a schedule of charges so that members of any society, or any class of individuals may, by the payment of an annual sum, be entitled to the benefits of care, and treatment at said institution, and any person who shall comply with the requirements of this section, and the rules of the board, adopted in

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conformity to the provisions of this section, shall be entitled to the benefits of said institution.

Revenues.

SEC. 508. All revenues derived from the said hospital and all moneys received for the care of patients therein, shall be turned over to the State treasurer, and shall become a part of the fund known as the "State hospital maintenance fund," and all such sums shall be and the same are hereby appropriated and shall be used for the payment of the salaries and wages of officers and employees of the Wyoming general hospital, and to pay other expenses incurred in the conduct, maintenance and support of the said hospital and for the care of patients therein.

Protection of employees as voters.

SECTION 2214.

* * * * *

Attempting to influence vote.

8. No person shall attempt to influence the vote of any elector by means of * * * threats of * * * discharging from employment, * * *

* * * * *

Employers to furnish names of employees to road supervisors.

Duty of employers.

SECTION 2558. Any person having in his employment any other person liable for the special road tax of two dollars mentioned in this chapter, must, at the request of the road supervisor, give to him a complete list of all persons so employed; and if any person neglects, or refuses to furnish said list for thirty days after demand, made as above provided, [he] shall forfeit to the county the sum of fifty dollars, to be recovered by an action brought in the name of the road supervisor in any justice court having jurisdiction thereof, and the further sum of fifty dollars for each refusal or neglect to so furnish said list as aforesaid, to be collected as in this chapter provided, said forfeitures to go to the road fund of the county, and if any person required to pay the special road tax mentioned in this chapter 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 road supervisor must deliver to the employer a written notice, stating the amount of tax owing by 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.

Mine regulations—Explosives.

Explosives to be marked.

SECTION 2967. All nitroglycerine, powder or other high explosive sold in the State of Wyoming shall be properly marked with the date of manufacture on each stick of powder, and no nitroglycerine, powder or other high explosives shall be sold after twelve months from date of manufacture.

Magazine.

SEC. 2968. Explosives must be stored in a magazine provided for that purpose alone; said magazine to be placed far enough from the open cutting or working shaft, tunnel or incline to insure the same remaining intact, in the event, the entire stock of explosives in said magazine be exploded, all explosives in excess of the amount required for a shift's work [shall] be kept in said magazine; no powder or other explosives [shall] be stored in underground workings where men are employed; each mine shall provide and employ a suitable device for thawing or warming powder and keep the same in condition for use, oils or other combustible substances shall not be kept or stored in the same magazine with explosives.

Oils.

SEC. 2969. Oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the main buildings, and at a safe distance from the powder magazine, and their removal from said building for use

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shall be in such quantities as are necessary to meet the requirements of a day, only.

Tamping bar. SEC. 2970. No person shall, whether working for himself or in the employ of any person, company or corporation, while loading or charging a hole with nitroglycerine, powder or other explosive, use or employ any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman or shift boss, or other person having the management or direction of mine labor, allow or permit the use of such steel, iron or other metal tamping bar by employees under his management or direction.

Supply stores. SEC. 2971. The inspector of mines shall have authority to regulate and limit the amount of nitropowder stored or kept in general supply stores in mining camps or mining towns where there is no municipal law governing same; he shall have authority to enforce the provisions of this chapter and to prosecute any violation thereof as hereinafter provided.

Violation. SEC. 2972. Any person or persons violating any of the provisions of the five preceding sections, shall be liable to a fine of not less than ten dollars or not more than one hundred dollars for each violation.

Employment of children—Certain employments forbidden.

Acrobatic and mendicant occupations. SECTION 3101. It shall be unlawful for any person having the care, custody or control of any child under the age of fourteen years to exhibit, use or employ, or in any manner, or under any pretense, sell, apprentice, give away, let out or otherwise dispose of any such child to any person, in or for the vocation or occupation, service or purpose of singing, playing on musical instruments, dancing, rope or wire walking, begging or peddling, or as a gymnast, contortionist, rider or acrobat, in any place whatsoever; or as an actor or performer in any concert hall or room where intoxicating liquors are sold or given away, or in any variety theater, or for any illegal, obscene, indecent or immoral purpose, exhibition or practice whatsoever; or for or in any business exhibition or vocation, injurious to the health or dangerous to the life or limb of such child, or cause, procure or encourage such child to engage therein. Nothing in this section contained shall apply to or affect the employment or use of any child as a singer or musician in any church, school or academy, or at any respectable entertainment, or the teaching or learning the science or practice of music. It shall be unlawful for any person to take, receive, hire, employ, use, exhibit or have in custody any child, under the age, and for the purposes prohibited in this section.

Employment of women and children in mines. SEC. 3107. Any person who shall take, receive, hire or employ, either in his or her own behalf, or as the agent, servant or employee of any person, persons, association of persons, copartnership, company, corporation, any boy or male child under the age of fourteen years, or any woman or girl of any age, or shall allow or permit the said persons to be in or about any coal, iron or other dangerous mine, or underground works or dangerous place whatsoever in this State, for the purpose of employment therein or thereabouts, shall be fined not less than twenty-five dollars, nor more than one hundred dollars to which may be added imprisonment in the county jail not more than six months: *Provided, however*, That the provisions of this section shall not affect or apply to the employment of a boy or female of suitable age in an office, or in the performance of clerical work at such mine, colliery or place.

Proviso.

Wages as preferred claims—In assignments.

Wages to be paid first. SECTION 3390. No assignment for the benefit of creditors shall give any preference of one debt or class of debts over any other debt or class of debts, and any such provision in any assignment for the benefit of creditors shall be null and void; save and

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except that in all cases of assignment under this chapter, the wages of employees of the assignor for the period of three months prior to the date of assignment shall be and constitute preferred claims over all and singular other claims against such estate, and shall be first paid out of the assets of the estate of the assignor. * * *

Exemption of wages—Unlawful assignment of claims.

Assignments to evade exemptions.

SECTION 3424. It is hereby declared unlawful for any creditor 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 elsewhere than in this State, 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 garnishee the wages of such person or persons earned within sixty days prior to the commencement of such proceedings for the purpose of avoiding the effect of the laws of the State of Wyoming concerning exemptions.

Aiding.

SEC. 3425. It is hereby declared unlawful for any person or persons to aid, assist, abet or counsel a violation of the foregoing section for any purpose whatever.

Evidence.

SEC. 3426. In any proceeding, civil or criminal, growing out of a breach of the provisions of this chapter, proof of the institution of a suit or service of garnishment summons by any persons, firm or individual in any court of any State or Territory other than this State, to seize by process of garnishment or otherwise, any of the wages of such person as defined in the two preceding sections shall be deemed prima facie evidence of an evasion of the laws of the State of Wyoming, and a breach of the provisions of this chapter on the part of the creditor or resident in Wyoming causing the same to be done.

Penalty.

SEC. 3427. Any person, firm, company or corporation, or business institution guilty of a violation of any of the provisions of this chapter shall be liable to the party so injured for the amount of the debt sold, assigned, transferred, garnished, or sued upon, with all costs and expenses, and a 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 one hundred dollars and costs of prosecution.

Alien labor—Contracts.

Terms limited.

SECTION 3428. No contract made for labor or services with any alien or foreigner previous to the time that such alien or foreigner may come into the State shall be enforced within this State for any period after six months from the date of such contract.

Recovery by alien.

SEC. 3429. Any alien or foreigner who shall hereafter perform labor or services for any person or persons, company or corporation within this State, shall be entitled to recover from such person or persons, company or corporation, a reasonable compensation for such labor or services, notwithstanding such person or persons, company or corporation may have paid any other party or parties for the same; and in actions for the price of such labor or services, no defense shall be admitted to the effect that the defendant or defendants had contracted with other parties who had, or pretended to have, power or authority to hire out the labor or services of such party or parties, or to receive the pay or price for such labor or services.

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Liability of employers for injuries to employees—Waivers.

Contracts waiving right to damages.

SECTION 3430. 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 person, 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 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.

Protection of employees as candidates for political office.

Discharging employees for candidacy.

SECTION 3431. Any company, corporation or individual, who shall discharge or cause to leave his or her or their employ, temporarily or permanently, any person or persons because they have been nominated as a candidate for any position of honor, trust or emolument, to be voted for at any election held in pursuance of the laws of this State; or any person, agent or officer of any company or corporation who shall cause or attempt to cause any person or persons nominated as candidates at any election, to withdraw or refrain from accepting such nomination by threatening loss of employment, business or patronage, if they accept such candidacy, or shall make it a condition of employment, business or patronage that such candidacy shall not be accepted, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars.

Assignments of wages.

Employer to accept.

SECTION 3432. No assignment of, or order for, wages to be earned in the future to secure a loan of less than two hundred dollars, shall be valid against an employer of the person making said assignment or order until 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 city or town where the party making said assignment or order resides, if a resident of this State, or in which he is employed, if not a resident of the Commonwealth.

Consent of wife.

SEC. 3433. 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 is attached thereto.

Exemptions.

SEC. 3434. National banks and all banking institutions which are under the supervision of the bank examiner shall be exempt from the provisions of this chapter.

Mine regulations—Metalliferous mines.

Duties of State geologist.

SECTION 3483. The State geologist shall act ex officio as inspector of mines until otherwise provided by law, and under this chapter shall have power to make such examination and inquiry as is deemed necessary to ascertain whether the provisions of this chapter are complied with; to examine into, and make inquiry into the condition of any mine, mill or part thereof, and all matters or things connected with or relating to the safety of the persons employed in or about the same; to examine into and make inquiry respecting the condition of the machinery or mechanical device, and if deemed necessary, have same tested; to appear at all coroner's inquest[s] held respecting accidents, and if necessary, call, examine and cross-examine witnesses; to exercise such other powers as are necessary for carrying this chapter into effect.

Inspector to to admitted.

SEC. 3484. Every owner, agent, manager or lessee of any metalliferous mine or metallurgical plant in this State shall admit the inspector on the exhibition of his badge or certificate of appoint-

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ment, for the purpose of making examination and inspection provided for in this chapter, whenever the mine is in active operation and render any necessary assistance for such inspection. But said inspection shall not necessarily obstruct the working of said mine or plant. The refusal of the owner, agent, manager or lessee to admit the inspector to such mine or plant to lawfully inspect the same, shall, upon conviction, be deemed a misdemeanor, and shall be subject to a fine of not less than fifty dollars ($50) nor more than three hundred dollars ($300) or be imprisoned not less than one (1) nor more than three (3) months.

Defective, etc., conditions.

SEC. 3485. The inspector shall exercise a sound discretion in the enforcement of this chapter and if he shall find any matter, thing or practice in or connected with any metalliferous mine or metallurgical plant to be dangerous or defective so as to, in his opinion, threaten or tend to the bodily injury of any person, the inspector shall give notice in writing thereof to the owner, agent, manager or lessee of such mine or plant, stating in such notice the particulars in which he considers such mine, plant or part thereof, or practice to be dangerous or defective; and he shall order the same to be remedied, a copy of said order shall be filed and become a part of the records of the inspector of mines, and said owner, agent, manager or lessee shall, upon compliance of [with] said order immediately notify the inspector of mines in writing. Upon the refusal or failure of said owner, agent, manager or lessee to report within a reasonable length of time, said owner, agent, manager or lessee shall be subject to a fine of not less than fifty dollars ($50) nor more than three hundred dollars ($300) for each and every such refusal or failure.

False representations.

SEC. 3486. Any owner, lessee, manager, superintendent or foreman in charge of any metalliferous mine who shall willfully misrepresent or withhold facts or information from the inspector regarding the mine, such as length of time timbers have been in place, or making [make] any misrepresentation tending to show safety when the reverse is true, 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 one hundred dollars ($100) nor more than three hundred dollars ($300) for each offense.

Accidents.

SEC. 3487. Any owner, agent, manager or lessee having charge or operating any metalliferous mine or metallurgical plant, whenever loss of life or accident serious enough in character to cause the injured party to stop work for thirty consecutive days and being under the care of a physician and connected with the workings of such mine or metallurgical plant, shall occur, shall give notice immediately and report all the facts thereof to the inspector of mines. The refusal or failure of the said owner, agent, manager or lessee to so report within reasonable time shall be deemed a misdemeanor and [he] shall upon conviction be subject to a fine of not less than fifty dollars and not more than three hundred dollars, or be imprisoned for not less than one and not more than three months. The inspector of mines upon receipt of notice of accident shall investigate and ascertain the cause and make or cause to be made a report, which shall be filed in his office for future reference.

Reports of operators.

SEC. 3488. Any person or persons operating any metalliferous mine or mill and employing five or more men, shall report the same to the inspector of mines and state when work is commenced and when stopped, and mines working continuously shall report on or before December 1, of each year together with the names of the owners and managers or lessee in charge of said work, together with the post-office address, the name of the claim or claims to be operated, the name of the county and mining district, together with the number of men employed, directly or indirectly, the same being classified into miners, trammers, timbermen or assorters, mill men, teamsters, etc. The necessary blanks to carry out the provisions of this section shall be furnished upon application by the inspector of mines.

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Code of signals.

SEC. 3489. There is hereby established the following code of signals for use in the metalliferous mines of this State, which shall be securely posted in a clear and legible form in the engine room, at the collar of the shaft and at each level or station:

SIGNALS.

1 Bell—Hoist. (See Rule 2.)
1 Bell—Stop if in motion.
2 Bells—Lower. (See Rule 2.)
3 Bells—Men on, run slow. (See Rule 2.)
7 Bells—Accident. Hoist or lower by verbal orders only.
3–2–1 Bells—Ready to shoot. (See Rule 3.)
Engineer Signal—Engineer shall, after signal 3–2–1, raise the bucket or cage two feet and lower again, and shall remain at his post until final signal is given and command executed.

RULES GOVERNING SIGNALS.

Rules.

Rule 1. In giving ordinary signals make strokes on bell at regular intervals. In signals similar to "Ready to shoot" 3–2–1 bells each bar (–) must take the same time as one stroke of the bell.

Rule 2. When men are to be hoisted or lowered, give the signal for "Men on, run slow," (3 bells). Men must then get on bucket or cage, then give signal to hoist or lower. (1 or 2 bells.)

Rule 3. After signal "Ready to shoot" (3–2–1 bells) engineer must reply as above. Miners must then give signal "Men on" (3 bells) then spit fuse, get on bucket or cage and give signal to hoist.

Rule 4. All timbers, tools, etc., longer than the depth of bucket or placed within a cage, must be securely lashed before being hoisted or lowered.

Rule 5. Signals to meet local demand and not in conflict with above may be added by individual operators, but same must be posted in clear and legible form in connection with above code.

SEC. 3490. The inspector of mines shall have power to enforce the adoption of this code of signals in all metalliferous mines using hoisting machinery, and all persons giving or causing to be given false signals or riding upon any cage, skip or bucket upon signals that designate to the engineer that no employees are aboard, shall be deemed guilty of a misdemeanor under this chapter.

Hoisting engineer.

SEC. 3491. No person addicted to the use of intoxicating liquors or under eighteen years of age shall be employed as hoisting engineer.

Visitors.

SEC. 3492. Strangers or visitors shall not be allowed underground in any mine unless accompanied by some owner, official, or employee deputized to accompany same. Nothing in this chapter shall apply to coal mines.

Coal mines exempt.

Hours of labor in mines, smelters, etc.

Limit of eight hours in mines.

SECTION 3499. The period of employment of workingmen in all underground mines or workings shall be eight (8) hours per day, except in case of emergency where life or property is in imminent danger.

Smelters, etc.

SEC. 3500. The period of employment of workingmen in smelters, stamp mills, sampling works, concentrates and all other institutions for the reduction of ores, and refining of ores or metals, shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

Violation.

SEC. 3501. Any person or persons, body corporate, agent, manager or employer who shall violate any of the provisions of sections 3499 or 3500 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offense, be subject to a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment in the county jail for a period

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of not less than one (1) month or more than six (6) months or by both such fine and imprisonment.

Day defined.

SEC. 3502. In all contracts hereafter made between any owner, lessee or operator of any coal mine, with any such miner or laborer for his services as such, the word day when used shall be construed to be eight hours: *Provided*, That nothing in this section nor in sections 3502 [sic] or 3503 contained shall be construed to prohibit or prevent any such owner, lessee or operator from operating his or its coal mine more than eight hours in any twenty-four.

Time defined.

SEC. 3503. The eight hours in this and the preceding section provided for, shall be construed to mean eight hours of actual labor and shall not include the time consumed in going to and returning from work.

Penalty.

SEC. 3504. Any owner, lessee or operator, his or its agents, employees or servants, violating any of the provisions of the two preceding sections shall be fined not less than fifty dollars, nor more than three hundred dollars, or imprisoned not more than three months, or both.

Mine regulations—Coal mines.

Maps.

SECTION 3505. The owner, operator or superintendent of every coal mine shall make, or cause to be made, an accurate map or plan of such coal mine, on a scale not exceeding two hundred feet to the inch; which map or plan shall exhibit all the openings or excavations, the shafts, tunnels, slopes, planes, gangways, entries, cross headings, rooms, etc., and shall show the direction of the air currents therein, and shall accurately delineate the boundary line between said mine and adjoining mines, and show its relation and proximity thereto. The said map or plan, or a true copy thereof, shall be kept at such mine by the said owner, operator or superintendent, for the use of the State inspector of coal mines, and for the inspection of any miner working in said mine, whenever said miner shall have cause to fear that the place where he is working is becoming dangerous by reason of its proximity to other workings, which may be supposed to contain water or dangerous gases. The said owner, operator or superintendent shall as often as once in every six months, accurately place or cause to be placed on a map or plan of said coal mine, a plan of the excavations made of all the working places or other parts of such coal mine during the preceding six months, and whenever the workings or excavations of said coal mine, or any part of the same have been driven to within ten feet of the boundary line, or when said coal mine, or any part of the same is abandoned, the owner, operator or superintendent thereof shall furnish the State inspector of coal mines, within three months thereafter, the proximity to the boundary line as aforesaid, or after the abandonment of the said mine, or any part of the same, with a correct copy on tracing muslin or blue print of the map or plan of said mine, which shall accurately show all excavations and workings of such mines to date, exhibiting clearly the part or parts abandoned, and the part or parts in proximity to the boundary line aforesaid. The several coal maps or plans of mines in the State which are furnished to the State inspector of coal mines, as last aforesaid, shall be the property of the State, and shall remain in the care of the said State inspector of coal mines, to be transferred by him to his successor in office, and in no case shall any copy of the same be made without the consent of the owner, operator or his agent. If the said State inspector of coal mines shall find or have good reason to believe that any map or plan of any coal mine made or furnished in pursuance of the provisions of this chapter, is materially inaccurate or imperfect, he is hereby authorized to cause a correct plan or map of said coal mine to be made at the expense of the owner or operator thereof, the cost of which shall be recovered from the said owner or operator, in the name of the State, as

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other debts are recoverable by law: *Provided, however*, That if the map or plan which is claimed to be inaccurate shall prove to have been correct, then the inspector shall be held liable for the expenses incurred in making such test survey, and the same shall be paid by the said inspector.

Escape shafts.

SEC. 3506. It shall not be lawful for the owner, operator, contractor, lessee or agent of any coal mine, or for any firm, company, corporation or association, their clerks, servants, agents or employees to employ any person at work within any coal mine, or permit any person to be in any coal mine for the purpose of working therein, unless such mine is in communication with at least two openings, if the mine be worked by shaft or slope, which two shafts or slopes shall be separated by natural strata at all points by a distance of not less than fifty feet, except in drift mines heretofore opened, where the mine inspector shall deem it impracticable: *Provided, however*, An aggregate number not exceeding twenty persons may be employed in the mine at any one time until the second opening shall be reached and made available, which said second opening the said inspector of coal mines shall cause to be made without unnecessary delay, and in case of furnace ventilation being used before the second opening is reached, the furnace shall not be placed within forty feet of the foot of the shaft, slope or drift, and shall be well secured from danger from fire by brick or stone walls of sufficient thickness.

Proviso.

Same subject.

SEC. 3507. When a second opening or outlet is made which does not exceed seventy-five feet in vertical depth, from the surface to the seam or strata of coal that is being mined, it shall be set apart exclusively for the purpose of ingress and egress to or from the mine, by any person or persons employed therein, and it shall always be kept clear of any obstruction, and if the opening is a shaft it shall be fitted with safe and convenient stairs not less than two feet wide, and not to exceed an angle of sixty degrees descent, and landings of not less than eighteen inches wide and four feet long, at easy and convenient distances; and all water coming from the surface, or out of the strata in the shaft, shall so be conducted as to be prevented from falling down the shaft or the stairs, or on persons ascending or descending the stairway of the shaft. If the second opening is a slope for a traveling way and has a greater angle of descent than twenty-five degrees, it shall be provided with suitable stairs not less than two feet wide, but when the seam or stratum of coal at main outlet or escapement shaft in connection with any mine exceeds seventy-five feet in vertical depth from the surface, the miners or other employees in the mine shall be lowered into or raised from said mine by machinery; and when the employees are lowered into or raised from said mine at the main outlet, the escapement shall be fitted with safe and available machinery, or safe and convenient stairs, by which persons employed in the mines may readily escape in case of accident. The hoisting machinery and stairs used for lowering or raising the employees into or out of the mine shall be kept in a safe condition and inspected once each twenty-four hours by a competent person employed in whole or in part for that purpose, and such machinery and the methods of its inspection shall be approved by the State inspector of coal mines.

Ventilation.

SEC. 3508. The owner, lessee, or agent of any coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine, ample means of ventilation affording not less than one hundred and fifty cubic feet of pure air per minute for each and every person employed in said mine, and as much more as the circumstances may require, which shall be circulated around the main headings and across headings and working places to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated therein; the main current of air shall be so split, or subdivided as to give a separate current of reasonably pure air to every hundred men at work, and the inspector shall have authority to order separate currents for smaller

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groups of men, if, in his judgment, special conditions make it necessary; and the air current for ventilating the stable shall not pass into the intake air current for ventilating the working parts of the mine. In mines generating fire damp, worked-out or abandoned parts thereof shall be kept free of standing gas, or properly walled off and the entrance thereto properly closed, and cautionary notice posted on the stoping to warn persons from danger, and every working place and all other places where gas is known or supposed to exist shall be carefully examined by the fire boss within two hours immediately before each shift, with a safety lamp, and in making said examination it shall be the duty of the fire boss at each examination to leave at the face of every place examined, evidence of his presence; and it shall not be lawful for any miner to enter any mine or part of a mine generating fire damp until it has been examined by the fire boss aforesaid, and by him reported to be safe. No working place shall be driven more than fifty feet in advance of a breakthrough or airway. All crosscuts in rooms and entries, except the one nearest to the working face, shall be sealed in such manner that the air current shall be directed across the working place.

Examination.

SEC. 3509. Any person or persons, or association of persons, or corporation or agent, lessee or owner of any coal mine in this State, or any fire boss or miner who shall violate any of the provisions of section 3508 shall upon conviction thereof, be fined in any sum not less than two hundred dollars, nor more than five hundred dollars for each offense.

Violations.

SEC. 3510. It shall be unlawful for any miner, fire boss, employee in any mine, or other person, to brush fire damp from any place in a coal mine by means of a coat, sack, sail cloth, or any like article or material; and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for a term not exceeding six months, and fined in any sum not to exceed one hundred dollars. And any owner or superintendent, mine boss or fire boss, who shall knowingly permit the same to be done, shall be deemed guilty of a misdemeanor, subject to the same penalties as hereinbefore prescribed.

Brushing fire damp.

SEC. 3511. In order to better secure the proper ventilation of every coal mine, and promote the health and safety of the persons employed therein, the owner or agent shall employ a competent and practical inside overseer, to be called mining boss, who shall be an experienced coal miner, and shall have taken and passed the examination before, and received a certificate of competency from the examining board hereinafter provided for, and who shall keep a careful watch over the ventilating apparatus and the airways, traveling ways, pumps and drainage, and shall see that as the miners advance their excavations, all loose coal, slate and rock overhead are carefully secured against falling on the traveling ways, and that sufficient props, caps and timbers are furnished upon order of the miner, of suitable size and cut square at both ends, and as near as practicable to a proper length for the places where they are to be used, and such props, caps or timber and the necessary rails and ties shall be delivered at the mouth of the rooms. He shall see that all water be drained or hauled out of all working places before the miner enters, and as far as practicable, kept dry while the miner is at work; and it shall be the further duty of the mining boss to see that the proper cut-throughs are made in the room pillars of the miners' places at intervals of not more than sixteen yards for the purpose of ventilation, and in all hauling roads, holes for shelter shall be made every thirty yards, and be kept whitewashed, when a space two feet and six inches between the wagon and rib shall be deemed sufficient for shelter; and the mining boss shall measure the air current at least once a week at the inlet and outlet and at or near the face of the headings.

Mining boss.

SEC. 3512. The mining boss shall keep a record of such measurements, which shall be placed by him in a book kept for that purpose; said book to be open for the examination of the said State

Records.

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inspector. He shall also, on or about the fifteenth day of each month, mail to the State inspector of coal mines, a true copy of the air measurements given, stating also the number of persons employed in or about said mine, the number of mules and horses used, and the number of days worked in each month, for which purpose blanks shall be furnished by the said inspector. It shall be the further duty of the mining boss to immediately notify the owner or agent of the mine of his inability to comply with the provisions of this chapter. It shall then become the duty of the said superintendent, operator, owner or agent, at once to attend to the matter complained of by the mining boss, and to comply with the provisions hereof.

Safety lamps. SEC. 3513. The safety lamps used for examining mines, or which may be used in working therein, shall be furnished by and be the property of the owner of said mine, and shall be in charge of the agent of such mine, and in all mines the doors used in assisting or 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 bore holes shall be kept not less than twelve feet in advance of the face of every working place, and when necessary on the sides of the same when they are being driven towards and in dangerous proximity to an abandoned mine or part of a mine, suspected of containing inflammable gases, or which is inundated with water.

Doors.

Bore holes.

Inspections. SEC. 3514. The mining boss, or his assistant, shall visit and examine every working place in the mine at least once every alternate day, while the miners 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, and that no person shall be permitted to work in an unsafe place, unless it be for the purpose of making it safe.

Rules to be posted. SEC. 3515. All owners and operators of coal mines shall keep posted in a conspicuous place about their mine printed rules, submitted to and approved by the State inspector, defining the duties of all persons employed in or about said coal mines, which said notices shall be printed in the language or languages used by the miners working therein.

Injuring apparatus. SEC. 3516. Any miner, workman or other person who shall intentionally injure any shaft, lamp, instrument, air course or brattise [brattice], or obstruct or throw open airways, or carry lighted pipes or matches into places that are worked by safety lamps, or handle or disturb any part of the machinery, or open a door and not close it again, or enter any place of the mine against caution, or disobey any order given in carrying out the provisions of this chapter, or do any other act whereby the lives or the health of persons or security of the mines or machinery is endangered, shall be deemed guilty of a misdemeanor, and may be punished in a manner provided in section 3528.

This section is not unconstitutional. 89 Pac. 576.

Guards for machinery. SEC. 3517. All machinery about mines shall be properly fenced off, and there shall be cut in the side of every hoisting shaft, at the bottom thereof, a traveling way sufficiently wide and high to enable persons to pass the shaft in going from one side of the mine to the other, without passing over or under the cage, or other hoisting apparatus.

Side cuts.

Inspectors to have access. SEC. 3518. Any State inspector of coal mines or his deputy or deputies shall have the right to enter at all times any coal mine within his district in this State, or wherever he may lawfully act in said State, to make examination thereof or to obtain information relating to the working of the same, and the owner, lessee or superintendent of such mine shall afford any assistance required by said inspector or his deputy or deputies in making such examination or obtaining such information. Said inspector or his deputy or deputies shall immediately notify the owner, lessee, superintendent or mining boss of the discovery of any violation of the mining laws of this State, and of the penalty thereby im-

Notice of defective conditions.

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posed for such violation; and in case such notice is disregarded, such inspector or deputy or deputies shall have power to stop immediately the working and operation of any mine or any part thereof where any dangerous or unlawful conditions are found: *Provided, however*, That where conditions justify him in so doing, he may grant a reasonable length of time for making repairs or for putting such mine in proper condition: *And, provided further*, That where any stops or cessation of work are enforced, such inspector or deputy or deputies shall have the power thereafter to allow such mine or part of a mine to be reopened when the dangerous or unlawful conditions therein existing are removed or remedied so that they no longer exist. Every person, company or corporation who willfully obstructs the State inspector of coal mines or his deputy or deputies in the execution of his or their duties under this act, and every owner, agent, officer, lessee or manager of a coal mine who refuses or neglects to furnish to the said inspector or his deputy or deputies the means, information, or opportunity necessary for making any entry, inspection, examination or inquiry of or relating to any coal mine in this State as herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars, and not exceeding five hundred dollars at the discretion of the court trying said offender. Every State inspector of coal mines in this State and his deputy or deputies is and are hereby empowered to act as police officers and deputy sheriffs, with full powers to arrest and detain any person found violating any provision of this section, or of any of the coal mining laws of this State, or any part thereof, or who shall be engaged in any attempt to violate such law or laws, or against whom there is found any evidence of a previous violation thereof.

Hindering inspector.

Enforcement.

SEC. 3519. Whenever, by reason of any explosion, or any other accident, in any coal mine or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the persons having charge of such mine or colliery to give a notice thereof forthwith to the State inspector of coal mines, and if any person is killed thereby, to the coroner of the county, who shall give due notice of the inquest to be held. If the coroner shall determine to hold an inquest, the said inspector shall be allowed to testify and offer such testimony as he shall deem necessary to thoroughly inform the said inquest of the causes of the death, and the said inspector shall have authority at any time to appear before said coroner and jury and question or cross-question any witness, and in choosing a jury for the purpose of holding such inquest, it shall be the duty of the coroner to impanel at least one experienced miner on such jury. It shall be the duty of the said inspector, upon being notified as herein provided, to immediately repair to the scene of the accident and make such suggestions as may appear necessary to secure the future safety of the men, and if the results of the explosion or accident do not require an investigation by the coroner, he shall proceed to investigate and ascertain the cause of the explosion or accident and make a record thereof, which he shall file as provided for, and to enable him to make the investigation he shall have the power to compel the attendance of persons to testify, and to administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred in the same manner as costs of coroners' inquests are paid by law.

Accidents to be reported.

SEC. 3520. The inspector shall exercise his sound direction [discretion] in the enforcement of the provisions of this chapter, and if the operator, owner or miner shall not be satisfied with any decision of the inspector rendered in the discharge of his duties under this chapter, which said decision shall be in writing, and signed by said inspector, the said owner, operator, miner or miners may, within fifteen days after such decision is rendered, appeal to the district court of the county in which the mine concerned is located, and said court shall speedily determine the point involved in said

Enforcement.

Appeals.

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decision and appeal, which said decision shall be binding and conclusive, subject only to an appeal to the supreme court of the State. The court, in its discretion, may appoint three practical, competent and disinterested persons, whose duty it shall be, under instructions of the said court, to forthwith examine such mine and make report under oath of the facts as they exist or may have been, together with their opinion thereon, which report of said board shall become absolute, unless exceptions thereto shall be filed within ten days after the notice of the filing therof, to the owner, operator, miner or miners, or inspector, and if exceptions be filed, the court shall at once hear and determine the same, and the decision shall be final and conclusive, subject only to appeal as aforesaid. If the court shall finally sustain the decision of the inspector, then the appellants shall pay all costs of such proceedings, and if the court shall not sustain the decision of the inspector, then such costs shall be paid by the county or by the appellants and county in such proportion as the court shall determine. No appeal from any decision made by any inspector shall work as a supersedeas during the pendency of such appeal, but all such decisions shall be in full force until reversed or modified by the court.

Examining board.

SEC. 3521 (as amended by chapter 82, Acts of 1913). On the petition of the inspector of coal mines the district court in any county in this State shall appoint an examining board for such county, consisting of the State inspector of coal mines, an operator of a coal mine, and a coal miner, who shall be citizens of the United States, and the latter two of which board shall have at least ten year's [years'] experience in coal mines and mining, whose duty it shall be to examine any person applying thereto as to his competency and qualifications to discharge the duties of mining boss, assistant mine boss and gas watchman: *Provided, further*, That the State inspector of coal mines be empowered to issue a temporary permit to an applicant for certificate for mine boss, assistant mine boss or gas watchman, pending a meeting of the board of examiners, if in his judgment the person applying has a practical knowledge sufficient to warrant such permit.

Examination of mining bosses.

SEC. 3522. Said board of examiners shall meet at the call of the inspector and they shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mining boss, and such certificate shall be sufficient evidence of the competency and qualification of the holders for the duties of said office: *Provided, however*, That when the State mine inspector from his inspection of any mine may become satisfied that the mine boss or fire boss is incompetent in the performance of his duties, he may request him to undergo a reexamination before the examining board, and in the event of his refusal to undergo said examination, he is hereby authorized to cancel his certificate of competency and cause the same to become null and void.

Compensation, etc.

SEC. 3523. The members of the examining board, other than the inspector, shall hold their office for the period of two years from the date of their appointment and shall receive five dollars per day for each day necessarily and actually employed, and mileage at the rate of fifteen cents per mile for each mile necessarily traveled, to be paid by the State. Vacancies in the membership of the board shall be filled by the court of the proper county, except the vacancy in the office of inspector. Sessions of the examining board shall not exceed three days in each quarter, and for any certificate granted the board shall receive the sum of one dollar, the same to be paid into the State treasury.

Bosses to have certificates.

SEC. 3524 (as amended by chapter 22, Acts of 1913). No person shall act as fire boss or mining boss, assistant mine boss, unless he shall have had at least five years' practical experience working in coal mines, be at least twenty-three years of age and have been granted a certificate of competency by the State inspector of coal mines. No owner, operator, contractor, lessee or agent shall employ any mining boss, assistant mine boss or fire boss who does not have the certificate of competency herein required. Said cer-

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tificate shall be posted up in the office of the mine, and if any accident shall occur in any mine in which a mining boss, assistant mine boss or fire boss shall be employed who has no certificate of competency, as required by this chapter, by which any miner shall be killed or injured, he or his estate shall have a right of action against such operator, owner, lessee or agent and shall recover the full damages sustained; in case of death, such action to be brought by the administrator of his estate within three years from the date of accident, the proceeds recovered to be divided among the heirs of the deceased according to law.

Special inspections.

SEC. 3525. At any time upon the request of the miners employed in any coal mine, the State inspector may appoint a committee of two miners employed in said mine, which committee shall be assisted by the mine boss to make an inspection of said mine and report the result of said inspection to the State mine inspector, for which services said committee shall be paid by the miners employed in said mine. The State inspector is hereby made the legal adjuster of all weigh scales, measures or other mechanical machine by which the miners' coal is weighed or measured, and shall balance and adjust said scales or measures at any time he may consider it necessary in his official visits to the mines.

Right of action for injuries.

SEC. 3526. For any injury to person or property occasioned by any violation of this chapter, or any willful failure to comply with its provisions, a right of action against the party at fault shall accrue to the party injured for the direct damages sustained thereby, and in any case of loss of life, by reason of such violation or willful failure, a right of action against the party at fault shall accrue to the administrator of the estate of the person whose life shall be lost, for like recovery of damages for the injuries sustained: *Provided*, That nothing in this section shall be so construed as to prevent the recovery of any lawful damages against the person or company operating mines if said company should be found in fault or shall have contributed to any accident by means of carelessness on their part: *And provided further*, That in no case shall the State be liable for damages under this chapter.

Stretchers.

SEC. 3527. It shall be the duty of owners, operators, lessees, superintendents and agents of coal mines to keep at the mouth of the drift, shaft or slope, or at any such other place or places as shall be designated by the inspector, stretchers in such number as the inspector shall designate, properly constructed for the purpose of carrying away any miner or employee working in and about such mines, who may in any may [way] be injured in and about his employment.

Penalties.

SEC. 3528. The neglect or refusal to perform the duties required to be performed by any section of this chapter [secs. 3505 to 3529] by the parties therein required to perform them, or the violations of any of the provisions or requirements thereof, shall be deemed a misdemeanor, and shall, upon conviction, except wherein otherwise provided, be punished by a fine of not less than two hundred dollars and not exceeding five hundred dollars, at the discretion of the court: *Provided*, That in case the neglect, or failure or violation occurs in the case of the State inspector of coal mines, if such violation, failure or neglect is shown to have been willful, such punishment shall be by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment not less than six months, nor more than one year, or by both; and in default of payment of any fine imposed upon any person under this chapter, such person may be committed to jail until the same shall be paid.

Application of law.

SEC. 3529. The provisions of this chapter [secs. 3505 to 3529] shall not apply to any mine employing an average of less than ten persons during any one twenty-four hours.

Unused crosscuts.

SEC. 3530. It shall be the duty of every person, company or corporation, owning or operating coal mines, to shut off all unused crosscuts between main entries and air courses, with a tightly built wall of suitable rock; said wall may be built of waste rock from said mine, the face of such wall to be plastered with mud,

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or lime and sand; said wall to be kept at all times in perfect condition and repair.

Cable to be attached to cars.

SEC. 3531. It shall be the duty of every person, company or corporation, owning or operating coal mines, to provide a wire cable which shall, in all cases and under all circumstances, be attached to the lead car on all trains of coal cars going into a coal mine, and to the last car of coal cars coming out of a mine, which train of cars are commonly known as "man trips;" and which said wire cable shall also be attached to the hoist cable in such way, that if any coupling of the cars on said "man trips" should become broken or unfastened, the said wire cable, so attached to the hoist cable, would prevent the cars becoming uncoupled and running back into the mine. And such train of cars, known as "man trips," shall not be run at a greater speed than five miles an hour.

Violation.

SEC. 3532. Any person, company, or corporation, violating any of the provisions of the two preceding sections shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars, nor more than one thousand dollars, for each offense.

Enforcement.

SEC. 3533. It shall be the duty of the State mine inspector to enforce the provisions of sections 3530, 3531 and 3532.

Sprinkling.

SEC. 3534. The owner, lessee or agent or operator of any coal mine whether shaft, slope or drift, shall sprinkle with water at least twice a week all dry and dusty places within said coal mines, and all accumulations of dust shall be loaded up and taken outside of the said mines at least once each month while such mine is in operation: *Provided*, That all accumulations of slack, machine slack, track cleanings and other waste materials incident to coal mining shall be considered as dust within the meaning of this section.

Dust to be removed.

Violations.

SEC. 3535. Any person or persons, or association of persons, or corporations or agent, operator, lessee or owner of any coal mine in this State who shall violate any of the provisions of the preceding section shall upon conviction thereof be fined in any sum not less than fifty dollars, nor more than one hundred dollars for each and every offense.

Governor to appoint inspectors.

SEC. 3536. The governor shall nominate and by and with the consent of the senate appoint two State inspectors of coal mines, who shall hold their respective offices for terms of two years and until their successors are duly appointed and qualified. They shall

Qualifications.

each have a thorough knowledge of practical mining and mining engineering, neither of whom shall be an employee, owner or part owner in any coal mine or coal-mining company in the State. Said inspectors shall not be less than thirty (30) years of age, citizens of the United States, and qualified electors of this State, of good repute and temperate habits. The State inspectors of coal mines shall receive an annual salary of two thousand dollars ($2,000) and actual traveling expenses when in the discharge of their duties, and shall keep their respective offices at some convenient point within the district for which they may be appointed.

To procure instruments, etc.

Said inspectors are hereby authorized to procure such instruments, chemical tests and stationery, and to incur such expense of communication from time to time as may be necessary to the discharge of their duties: *Provided*, That such expenses shall not exceed the contingent fund provided for that office, at the cost of the State, subject to the approval of the governor of the State, which shall be paid out of the State treasury upon accounts duly certified by him, audited by the State auditor. All instruments, plans, books, memoranda, notes and other property, pertaining to the offices hereby created, shall be the property of the State and shall be delivered by each inspector to his successor in office, and said inspector shall be allowed all expenses necessarily incurred in enforcing the provisions of this chapter, in the courts of this State when such expenses are certified to be correct by the courts before which the proceedings were heard.

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Districts.

SEC. 3537. The State shall be divided into two inspection districts, one to be known as district No. 1 comprising the counties of Laramie, Albany, Carbon, Sweetwater and Uinta, the other to be known as district No. 2 comprising the counties of Converse, Natrona, Fremont, Big Horn, Johnson, Sheridan, Crook and Weston. In the appointment of inspectors the governor shall designate the district for which each inspector is appointed, and the jurisdiction of such inspector shall extend to, and be confined to the particular district for which he has been appointed: *Provided*, That in case of the inspector of either district being unable to attend to the duties of his office, through sickness, absence from the State or any other cause, the inspector of the other district shall have full authority and jurisdiction to act in the place and stead of the regularly appointed inspector of such district.

Bonds.

SEC. 3538. Said inspectors of coal mines shall each, before entering upon the discharge of their duties, give bond in the penal sum of five thousand dollars ($5,000) to the State of Wyoming with sufficient sureties which bonds shall be conditioned on the faithful discharge of their duties. Each of said inspectors shall devote the whole of his time to the duties of his office. It shall be the duty of each inspector to examine the coal mines within his district not less frequently than once during every three months, and more often if conditions require special examination for the protection of life and property. It shall be the further duty of each inspector to make a detailed report of each examination in writing and to file the same in the office of the governor within one week after making such examination. And each of said inspectors shall make up a general annual written report in detail showing the number of times each mine has been inspected during the year, and file the same in the office of the governor not later than December 1st of each year; it shall be the further duty of each of said inspectors to faithfully execute the provisions of this chapter, and cause its provisions to be observed and strictly carried out.

Reports.

Records.

SEC. 3539. It shall be the duty of each inspector to make records of all examinations of mines within his district, showing the condition in which he finds them, especially in reference to ventilation and drainage, the number of mines in his district, the number of persons employed in each mine, the extent to which the laws are obeyed, the progress made in the improvements sought to be secured, the number of accidents and deaths resulting from injuries received in and about the mines, with cause of such accident or death; said reports to be made quarterly.

Removal of inspectors.

SEC. 3540. The district court within the proper county, or judge thereof, in vacation or recess, upon a petition signed by not less than fifteen (15) reputable citizens who shall be miners, owners or lessees of mines, and with the affidavit of one or more of said petitioners attached setting forth that the State inspector of coal mines for that district neglects his duty or is incompetent, or that he is guilty of malfeasance in office, shall issue a citation in the name of the State to the said inspector to appear upon a day, to be therein fixed and stated, before said court, which notice shall be served at least fifteen (15) days before the time fixed to appear, at which time the court, or judge thereof in vacation or recess, shall proceed to inquire into, and investigate the allegations of the petitioners; and if the court find that said inspector is neglectful of his duties or is incompetent to perform the duties of his office, or if he is guilty of malfeasance therein, the court or judge shall certify the same to the governor, who shall thereupon declare the office of said inspector vacant and proceed to supply said vacancy by appointment. And all vacancies in said office shall be filled by appointment by the governor. The cost of said investigation shall, if the charges are sustained, be taxed against the said inspector, but if the charges be not sustained, they shall be taxed against the county in which the investigation is instituted.

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Report to be posted.

SEC. 3541. It shall be the duty of each State inspector of coal mines on each visit to any mines within his district, to make out a written or partly written and partly printed report of the condition in which he finds such mines, and post the same in the office at the mine; also on the dump of such mine, the said report shall give the date of visit, the number of visits during the year, the total number of mines in the State, the number of feet of air in circulation at the face of each and every entry, and such other information as he shall deem necessary, and the report shall remain posted in the office and also on the dump of such mine for one year and said report may be examined by any miner or person employed in and about such mine.

Owners' reports.

SEC. 3542. On or before the 30th day of October in each year the owner, operator or superintendent of any mine or coalery [colliery] shall send to the State inspector of coal mines for the district in which said mine is situated, a correct report, specifying with respect to the year ending the 30th day of September, the name of the owner, operator and officers of the mine, and the quantity of coal mined, and the number of men employed. The report shall be in such form and give such information as may be from time to time required and prescribed by the inspector; blank forms for such report shall be furnished by the State.

Duties of former inspector.

SEC. 3543. Wherever in the Statutes or laws of Wyoming, not specifically referred to in this chapter, any duty or obligation is imposed upon the State inspector of coal mines, said duty shall become and is hereby made a part of the duties of the inspectors of coal mines provided for in this chapter, and the inspectors appointed under the provisions of this chapter shall have the same jurisdiction, power and authority to act in the premises, and to enforce the laws of this State within the bounds of their respective districts as the State inspector of coal mines has heretofore possessed throughout the State.

Annual reports.

SEC. 3544. Each State inspector of coal mines in this State shall make an annual report to the governor on the first Monday in December of each year, containing the substance of the matters embodied in his quarterly reports now provided for by law, and

Accidents.

setting forth fully the number of fatal and nonfatal accidents occurring within his jurisdiction, the name of the mine and its location, the names of all persons injured and killed thereby, the nature and causes thereof and such recommendations as he may suggest that would prevent such accidents in the future; and such report shall contain statistical and other information which may tend to promote the development of the coal-mining resources of this State and afford a better knowledge of the proper method in mining, blasting and handling of coal, in order that those engaged in the coal-mining industry may be informed fully of methods that may secure their safety.

Distribution.

SEC. 3545. The governor shall cause a sufficient number of such reports to be published directly after receiving the same in order to supply coal mine operators, coal miners and the public generally, who shall be furnished such reports upon application therefor without expense; and such report shall be submitted to the legislature following their rendition, by the governor, with such recommendations for legislation thereon as he shall see fit to make.

Violations.

SEC. 3546. Any State inspector of coal mines in this State who shall fail to make the annual report required of him in section 3544, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than two hundred and fifty dollars, in the discretion of the court.

Special deputies.

SEC. 3547. The State coal mine inspector shall have authority to appoint, from time to time, special deputies for the purpose of reporting and investigating mine accidents, making examinations and reporting the same, and performing such other duties as they may be directed to perform by the coal mine inspector, in cases where it is impossible for the coal mine inspector to be present in person.

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Semimonthly pay day.

SEC. 3549. All wages or compensation of coal miners and laborers, now employed, or who may hereafter be employed, in or about any coal mine in the State, shall be due and payable semimonthly, and such payment shall be made in lawful money of the United States, or by a good and valid check or draft, payable on presentation thereof, in lawful money of the United States, and not otherwise; that is to say, all such money earned prior to the first day of any month, shall be due and payable on or before the fifteenth day of such month, and any such money earned prior to the sixteenth day of any month shall be due and payable on or before the last day of such month. Any person, company or corporation operating coal mines within this State who fails to comply with the provisions of this section, shall be fined in the sum of not less than twenty-five dollars, nor more than one hundred dollars for each and every offense.

Action for wages.

SEC. 3550. In case any employer of any such miner or laborer shall fail or refuse to make payment as aforesaid, the same shall be recoverable in an action at law, together with legal interest from the date when such amount was due, as provided herein.

Set-off.

SEC. 3551. No account for goods, wares or merchandise, nor any claim, except for money loaned or advanced by such employer, to such miner or laborer, except as hereinafter provided, shall be allowed as a set-off or counterclaim in such action, and any condition of employment whereby any of the provisions of this chapter [secs. 3549 to 3552] are sought to be avoided, shall be utterly null and void.

Act construed.

SEC. 3552. Nothing in this chapter [secs. 3549 to 3552] contained shall be held to interfere with any contract or agreement, in writing, for the furnishing by such employer to such employees, of medicine, medical attendance, fuel or house rent.

Labor organizations, etc.—Incorporation.

Who may incorporate.

SECTION 4186. Any number of persons, not less than seven, may voluntarily associate themselves together for either of the following purposes: To organize * * * lodges or assemblies of the knights of labor, grand or subordinate, * * * according to the constitutions and usages of such * * * knights of labor * * *.

Certificate to be filed.

SEC. 4187. Any such society that may wish to become incorporated under and by virtue of this chapter, shall file in the office of the secretary of state and the office of the register of deeds of the county in which such society shall be located, a certificate in writing, setting forth the name of such society, together with its number (according to usage), and the place where the same shall be held, which certificate shall be signed by the presiding officer and secretary, and attested by the seal of such society, and such society or association having filed the certificate required by this chapter, shall be deemed and held a body corporate and politic, under the name and styles stated in such certificate, and may sue and be sued in all courts of record in this State, and shall have power to contract and be contracted with, and use a common seal.

Suits for wages due railroad employees—Garnishment.

Filing affidavit.

SECTION 4787. The plaintiff, or his agent or attorney, in a judgment against a railroad company, rendered in any court, upon a claim due to common laborers for work and labor performed for the company, or for crossties, lumber or wood furnished thereto, to be used in the construction, repair or operation of its road, or for the erection of fences along the line of its road, required by law to be erected, or upon a note or other evidence of indebtedness, given for the considerations aforesaid, may file with a precipe for execution upon such judgment his affidavit, 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, to be

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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; and 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, at any time before the satisfaction of the judgment, not exceeding an amount sufficient to pay the same and costs.

Garnishment.

Assignments void, when.

SEC. 4793. An assignment or transfer of property, in the hands or under the control of any agent of such railroad company at the date of the service of notice of garnishment, or which may afterwards, and before the satisfaction of the judgment come into his hands, or under his control, shall be void as against judgment claimants under this article.

Garnishment of wages, etc.—Public employees.

Salaries subject to garnishment.

SECTION 4797 (as amended by chapter 56, Acts of 1911). The salary or wages due any State, county, city, town or school district officer or employee, shall be liable and subject to garnishment in civil actions in the same manner and for the same causes as the salary or wages of any private individual now is, or may hereafter be, liable and subject to garnishment under the laws of this State. This act shall apply to the salary or wages due to any officer or employee of the State or of any county, city, town or school district of the State, whether said officer or employee shall have been elected or shall have been appointed to the office or position which he holds.

Exemption of wages from execution.

What earnings exempt.

SECTION 4810. The judge may order any property of the judgment debtor, or money due him, not exempt by law, in the hands of either himself or other person or of a corporation to be applied toward the satisfaction of a judgment; but one-half of the earnings of the judgment debtor for his personal services, rendered at any time within sixty days next preceding the levy of execution or levy of attachment, and due and owing at the time of such levy of execution or attachment are exempt 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 wholly or in part by his labors.

This section shall apply to proceedings in judgment and to proceedings in all courts in this State.

Wages preferred claims—In administration.

Order of payment of demands.

SECTION 5595. All demands against the estate of any deceased person shall be divided into the following classes:

1. Funeral expenses and expenses of administration.

2. Expenses of the last sickness and of any sums of money that may be due by decedent personally to servants and employees for services rendered within the sixty days next preceding his death.

* * * * *

Seats for female employees.

Seats to be provided.

SECTION 5815. Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in the State of Wyoming shall provide suitable seats for 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.

Any person or corporation who shall violate the provisions of this section shall upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a

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fine of not less than ten dollars, nor more than thirty dollars for each and every offense.

Intoxicated persons entering mines, etc.—Carrying in intoxicants.

Acts forbidden.

SECTION 5890. Whoever shall, while under the influence of intoxicating liquor, enter any mine, smelter, metallurgical works, machine shops or sawmills, or any of the buildings connected with the operation of the same in Wyoming where miners or workmen are employed or whoever shall carry or haul any intoxicating liquor into the same or any logging or grading camp shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars to which may be added imprisonment in the county jail for a term not exceeding one year.

Wages of aliens—Prior contracts.

Receiving money for labor of alien under contract.

SECTION 5976. Any person, whether he or she acts for himself or herself, or as agent, attorney or employee for another or others, who shall, in pursuance of, or by virtue of, any contract made with any alien or foreigner, made before such alien or foreigner came into this State, receive or offer to receive any money, pay or remuneration for the labor or services of any alien or foreigner, excepting the person so performing such labor or services, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than five hundred dollars, and not more than five thousand dollars, and imprisoned in the county jail for not less than three nor more than twelve months, for each and every offense.

Sunday labor.

Business places to be closed.

SECTION 5980. It shall be unlawful for any person or persons, company or corporation, to keep open any barber shop, store, shop or other place of business for the transaction of business therein, upon the first day of the week, commonly called Sunday: *Provided,* This section shall not apply to newspaper printing offices, railroads, telegraph companies, hotels, restaurants, drug stores, livery stables, news depots, farmers, cattlemen and ranchmen, mechanics, furnaces or smelters, glass works, electric light plants and gas works, the vendors of ice, milk, fresh meat and bread, except as to the sale of liquors and cigars. Any person, company or corporation who shall violate the provisions of this section, shall, on conviction thereof, be fined in a sum of money not less than twenty-five dollars, nor more than one hundred dollars, for each offense.

Exceptions.

ACTS OF 1911.

CHAPTER 23.—*Protection of employees as voters—Time to vote.*

One hour allowed.

SECTION 21. Any person entitled to vote at such 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 one hour, other than meal hours, between the time of opening and closing the polls; and such primary elector 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.

CHAPTER 74.—*Mine regulations—Weighing coal at mines.*

Coal not to be screened before weighing.

SECTION 1. It shall be unlawful for any mine owner, lessee, operator, agent or company in this State, employing miners at bushel or ton rates, or other quantities, in mining coal, to pass the output of coal mined by said miners over any screen or any

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device which shall take any part of the marketable coal from the amount thereof, before the same shall have been weighed and duly credited to the employees sending the same to the surface, unless otherwise agreed upon between miners and their employers. In case of any agreement where coal is credited to miners after having been screened and weighed, said miners or employees shall receive compensation for all marketable or salable coal sent by them to the surface, and accounted for at the customary rate of weights: *Provided*, That this section shall also apply to the class of workers in mines known as loaders engaged in mines where mining is done by machinery whenever the workers are under contract to load coal by the bushel, ton or quantity.

Weighmen.

SEC. 2. The weighman employed at any mine shall subscribe an oath or affirmation before a justice of the peace or other officer authorized to administer oaths, to do justice between employer and employee and to weigh the output of coal from miners in accordance with the provisions of section 1 of this act. Said oath or affirmation shall be kept conspicuously posted in the weigh office and any weigher of coal or person so employed who shall knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period of not to exceed thirty days, or by both such fine and imprisonment.

Checkweighmen.

SEC. 3. The miners employed by or engaged in working for any mine owner, lessee, operator, agent or company in this State shall have the privilege, if they so desire, of employing at their own expense a checkwieghman, [weighman] who shall have like rights and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman.

Scales.

SEC. 4 (as amended by chapter 16, Acts of 1913). The owner, lessee, operator, agent or company operating any coal mine in this State, at which the miners are paid by weight, shall provide suitable and accurate scales of standard manufacture for weighing of coal which may be procured from such mines; such owner, lessee, operator, agent or company shall be required to keep United States standard weights to test said scales.

At every mine where the coal mined is paid for by weight it shall be the duty of the weighman and the checkweighman to examine and balance the scales each morning, and in no case shall any coal be weighed until such scales are tested by the United States standard weights and found correct: *Provided*, That if the weighman and checkweighman shall disagree, work may continue until the inspector of mines can be present, and any erroneous weights made during such time shall be rectified. When differences shall arise between the weighman and checkweighman, or operator, of any mine, as to the correctness of the scales, the same shall be referred to the inspector of mines, whose duty it shall be to see and regulate the same at once. The inspector of mines upon each regular visit to each mine, shall test the scales used for the weighing of coal. The inspector of mines and miners employed in the mine and others personally interested shall at all proper times have full right of access to and examination of scales or apparatus used for weighing coal in or about said mines: *Provided, however*, The provisions of this act shall not apply to mines classed as prospects, but only to those having regular output.

Fraudulent weighing.

SEC. 5. Any person or persons 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 whatever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor and shall upon conviction for each offense be punished by a fine of not less than one hun-

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dred dollars nor more than three hundred dollars, or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment.

Scope of law.

SEC. 6. The provisions of this act shall also apply to the class of workers in mines known as loaders, engaged in mines wherein mining is done by machinery. Wherever the workmen are under contract to load coal by the bushel, ton, or any quantity, the settlement of which is by weight, the output shall be weighed in accordance with the provisions of this act.

CHAPTER 101.—*Inspector of coal mines—Examination.*

Board of examiners.

SECTION 1. The governor of this State is hereby authorized to appoint five persons to constitute a board of examiners to investigate and pass upon the character and qualifications of all applicants for appointment to the office of State mine inspector, which said five persons, so to be selected by the governor, shall include one regularly graduated mining engineer, three practical miners from different counties of the State, and one ex-State mine inspector.

Meetings.

SEC. 2. The said board of examiners shall convene in the capitol of the State, upon the call of the governor, once in each year, and remain in session, not to exceed one week, * * *

Applicants.

SEC. 4. The qualifications of applicants for State coal mine inspector shall be as follows, viz: They shall be citizens of the United States and of the State of Wyoming, of temperate habits, of good reputation, shall have the age of thirty years, and shall have had at least one years [year's] experience in the working of coal mines in the State of Wyoming, and five years of practical experience in the working of coal mines in the United States, and they shall have practical knowledge of mining engineering, and of the different systems of working and ventilating of coal mines, and of the properties and nature of the noxious and poisonous gases of coal mines, especially of fire damp.

Appointments.

SEC. 5. As often as a vacancy in the office of inspector of coal mines occurs from death, resignation or removal by the governor, he shall appoint a successor from the list of eligibles, certified to him as qualified for the position, by the board of examiners herein provided for.

Eligibles.

SEC. 6. The list of persons certified to the governor of the State by the board of examiners, herein created, as eligible for appointment as inspector of coal mines, shall be kept on file, as a public document, in the office of the secretary of state for Wyoming, subject to the inspection of any and everybody.

ACTS OF 1913.

CHAPTER 68.—*Mine regulations—Telephones.*

Telephone equipment required.

SECTION 1. There shall be a system of party line telephones installed, and kept in working condition by the coal company installing same, in each coal mine in operation in the State of Wyoming.

Said telephone equipment shall include one telephone, on the surface and not to exceed one hundred feet from the mine tipple, and one at the bottom of each hoisting shaft and in drift or slope mines at the first cross entry or parting in operation where men are liable to congregate or be stationed, and in addition thereto there shall be one telephone on each side of the mine, if such side is in more than one thousand feet from the bottom of the hoisting shaft or in beyond one thousand feet beyond the first cross entries or parting in operation in drift or slope mines.

Change of location.

SEC. 2. Telephones inside any coal mine may be changed to more convenient locations, other than as described in section 1 of this act, if in the opinion of the State inspector of coal mines, in whose district the mine is located, it would make for greater safety of the men employed therein.

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CHAPTER 89.—*Mine regulations—Check numbers on cars.*

Changing numbers.

SECTION 1. 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 Wyoming, with the intent to cheat or defraud any other person out of the value of his services in mining and loading 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 loaded by any other person in or about any mine.

Penalty.

SEC. 2. Every person who shall violate any of the provisions of section 1, of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not more than one hundred dollars, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

CHAPTER 90.—*Hours of labor on public works.*

Eight-hour day.

SECTION 1. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of Wyoming, or of any county, city and town or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of emergency caused by fire, flood, or danger to life or property; or except to work upon public or military works or defenses in time of war.

Violations.

SEC. 2. Any person, or persons, body corporate, agent, manager or employer who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall for each offense, be subject to a fine of not less than one hundred dollars or more than five hundred dollars, or imprisonment in the county jail for a period of not less than one month or not more than six months, or both such fine and imprisonment in the discretion of the court.

CHAPTER 108.—*Inspection and regulation of factories, etc.—Manufacture, etc., of food products.*

Lighting, etc.

SECTION 1. Every building, room, basement, cellar, occupied or used as a bakery, cannery, confectionery, creamery, cheese factory, packing house, slaughter house, 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, 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 act the term "Food" as used herein 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.

Toilet rooms, etc.

SEC. 5. 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 furnished with separate ventilating flues or pipes, discharging into soil pipes, or on outside of the building in which they are situated. Lavatories and washrooms shall be adjacent to toilet rooms, and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks and all other persons who handle material from which food

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is prepared, or the finished product, before beginning work or after visiting toilet or toilets shall wash their hands and arms thoroughly with soap and clean water.

Clothing.

SEC. 7. The aprons, smocks, or other outer clothing worn by employees who handle meat or meat food products shall be of a material that is readily cleansed and made sanitary, and only clean garments shall be worn. Persons who handle meat or meat products shall have to keep their hands clean, and that they shall be required also to pay particular attention to the cleanliness of their boots and shoes.

Cuspidors.

SEC. 8. 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 operatives, employee, or other person shall expectorate on the floor or side walls of any building, room, basement or cellar where the production, manufacture, packing or storing, preparation or sale of any food is conducted.

Sleeping in workrooms prohibited.

SEC. 9. No person or persons shall be allowed to live or sleep in any room of a bakeshop, kitchen, and meat market, dining room, confectionery or place where food is prepared, served or sold.

Diseased persons.

SEC. 10. 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. Any person convicted of the violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in county jail of not less than ninety days nor more than one year or both.

Violations.

SEC. 23. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be punished for the first offense by a fine of not less than ten ($10) dollars, nor more than fifty ($50) dollars; and upon conviction for each subsequent offense by a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100), or be imprisoned in the county jail not exceeding thirty days (30), or both, in the discretion of the court.

CHAPTER 132.—*Liability of railroad companies for injurics to employees.*

Company liable, when.

SECTION 1. Every person or corporation operating a railroad in the 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 employers, 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, or other equipment.

Negligence to be measured.

SEC. 2. In all actions hereafter brought against any such person or corporation so operating such railroad, under and by virtue

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

Assumption of risk.

SEC 3. Any 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 exempting from liability.

SEC. 4. Any contract, rule, or 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. Nor shall any contract of insurance, relief, benefit or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any person or association acting for such corporation, nor shall the acceptance of any insurance, relief, benefit, or indemnity by the person injured, his widow, heirs, or legal representatives after the injury, from such corporation, person or association, constitute any bar or defense to any cause of action brought under the provisions of this chapter, but nothing herein contained shall be construed to prevent or invalidate any settlement for damages between the employer and the employees subsequent to injuries received.

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COMPILED STATUTES—1901.[1]

Preference of domestic materials for use of Houses of Congress.

American goods to be given preference.

SECTION 69. The secretary of the Senate and the clerk of the House of Representatives shall, in disbursing the public moneys for the use of the two houses, respectively, purchase only articles the growth and manufacture of the United States: *Provided*, The articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture.

Department of Labor.

(Page 302. Act of June 13, 1888.)

Department established.

SECTION 1. There shall be at the seat of government a Department of Labor, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

Commissioner.

SEC. 2. The Department of Labor shall be under the charge of a Commissioner of Labor, who shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for four years, unless sooner removed, * * *

SEC. 4. During the necessary absence of the commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of commissioner.

Duties.

SEC. 7. The Commissioner of Labor, in accordance with the general design and duties referred to in section 1 of this act, is specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of the manufacturers and producers of such articles; and the comparative cost of living, and the kind of living. It shall be the duty of the commissioner also to ascertain and report as to the effect of the customs laws, and the effect thereon of the state of the currency, in the United States, on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers; and what articles are controlled by trusts,

[1] The Compiled Statutes are based on the Revised Statutes, enacted in 1874. Repealed and superseded laws are omitted, and laws enacted since the date of the revision are inserted in their appropriate connection. These later laws are not given a serial section number, but are designated by the date of their enactment. In this report, the sections and the later laws relating to a single topic follow in the order in which they appear in the Compiled Statutes, the sections retaining the numbering of the Revised Statutes, while the later enactments are designated by the page of the Compiled Statutes on which they are found and the date of enactment.

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or other combinations of capital, business operations, or labor and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country. The Commissioner of Labor is also specially charged to investigate the causes of, and facts relating to, all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress. The Commissioner of Labor shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations, and what, if any, convict-made goods are imported into this country, and if so from whence.

Reports.

SEC. 8. The Commissioner of Labor shall annually make a report in writing to the President and Congress, of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Department. He is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it. * * *

[See chapter 552, Acts of 1902–3; chapter 350, Acts of 1911–12, and chapter 141, Acts of 1912–13.]

Employees of navy yards, etc.

(Page 1063. Act of February 1, 1901.)

Fifteen days' leave allowed.

SECTION 1. Each and every employee of the navy yards, gun factories, naval stations, and arsenals of the United States Government be, and is hereby, granted fifteen working days' leave of absence each year without forfeiture of pay during such leave: *Provided*, That it shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more: *And provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted.

Basis of employment.

SEC. 1544. Laborers shall be employed in the several navy yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.

Limitation as to salaries.

SEC. 1545. Salaries shall not be paid to any employees in any of the navy yards, except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.

Political contributions, etc.

SEC. 1546. No officer or employee of the Government shall require or request any working man in any navy yard to contribute or pay any money for political purposes, nor shall any working man be removed or discharged for political opinion; and any officer or employee of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Seamen—Duties of consular officers.

Lists of seamen.

SECTION 1708. Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of

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their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of the Treasury.

Fees not to be taken from discharged seamen.

SEC. 1719. No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

Holidays for per diem employees.

(Page 1216. Resolution of January 6, 1885.)

Holidays allowed with pay.

SECTION 1. The employees of the navy yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employees of the Government on duty at Washington, or elsewhere in the United States, shall be allowed the following holidays, to wit: The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days.

(Page 1217. Resolution of February 23, 1887.)

Decoration Day.

SECTION 1. All per diem employees of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the day of each year, which is celebrated as "Memorial" or "Decoration Day" and the Fourth of July of each year, as holiday, and shall receive the same pay as on other days.

Preference of furniture of domestic manufacture for use in President's house.

Preference of domestic goods.

SECTION 1829. All furniture purchased for the use of the President's house shall be, as far as practicable, of domestic manufacture.

Peonage abolished, etc.

Peonage prohibited.

SECTION 1990. The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

Alien labor—Coolies.

Engaging in cooly trade prohibited.

SECTION 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build,

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equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

Penalty.

SEC. 2161. Every citizen of the United States who, contrary to the provisions of section 2158, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.

(Page 1285. Act of March 3, 1875.)

Involuntary transportation of Chinese, etc.

SECTION 2. If any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

Contracting for labor.

SEC. 4. If any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of cooly or other person brought into the United States in violation of section 2158 of the Revised Statutes, or of any other section of the laws prohibiting the cooly trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year.

Chinese labor—Exclusion.

(Page 1305. Act of May 6, 1882.)

Coming of Chinese laborers suspended.

SECTION 1 (as amended by act of July 5, 1884). From and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States is hereby suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States,[.]

Masters of vessels bringing Chinese.

SEC. 2 (as amended by act of July 5, 1884). The master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and evry [every] such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year.

Vessels forfeited, when.

SEC. 10 (as amended by act of July 5, 1884). Every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

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[1] Jurisdiction and control over the exclusion and residence of Chinese persons was transferred to the Department of Labor by chapter 141, Acts of 1912–13 (pp. 2438 to 2440, below).

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Aiding landing.

SEC. 11 (as amended by act of July 5, 1884). Any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

Certificates.

SEC. 12 (as amended by act of July 5, 1884). No Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers. And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act.

Deportation.

Exemptions.

SEC. 13 (as amended by act of July 5, 1884). This act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

Penalty.

SEC. 16 (added by act of July 5, 1884). Any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

(Page 1312. Act of September 13, 1888.)

Immigration prohibited.

SECTION 1. From and after the date of the exchange of ratifications of the pending treaty between the United States of America and His Imperial Majesty the Emperor of China, signed on the twelfth day of March, anno Domini eighteen hundred and eighty-eight, it shall be unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States, except as hereinafter provided.

Exception.

Classes permitted to enter.

SEC. 2. Chinese officials, teachers, students, merchants, or travelers for pleasure or curiosity, shall be permitted to enter the United States, but in order to entitle themselves to do so, they shall first obtain the permission of the Chinese Government, or other government of which they may at the time be citizens or subjects. Such permission and also their personal identity shall in such case be evidenced by a certificate to be made out by the diplomatic representative of the United States in the country, or of [by] the consular representative of the United States at the port or place from which the person named therein comes. The certificate shall contain a full description of such person, of his age,

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height, and general physical features, and shall state his former and present occupation or profession and place of residence, and shall be made out in duplicate. One copy shall be delivered open to the person named and described, and the other copy shall be sealed up and delivered by the diplomatic or consular officer as aforesaid to the captain of the vessel on which the person named in the certificate sets sail for the United States, together with the sealed certificate, which shall be addressed to the collector of customs at the port where such person is to land. There shall be delivered to the aforesaid captain a letter from the consular officer addressed to the collector of customs aforesaid, and stating that said consular officer has on a certain day delivered to the said captain a certificate of the right of the person named therein to enter the United States as a Chinese official, or other exempted person, as the case may be. And any captain who lands or attempts to land a Chinese person in the United States, without having in his possession a sealed certificate, as required in this section, shall be liable to the penalties prescribed in section nine of this act.

Application of law.

SEC. 3. The provisions of this act shall apply to all persons of the Chinese race, whether subjects of China or other foreign power, excepting Chinese diplomatic or consular officers and their attendants; and the words "Chinese laborers," whenever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Return of laborers.

SEC. 5. From and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections.

Laborers may return, when.

SEC. 6. No Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amounts due him and pending settlement. The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

Violations by masters of vessels.

SEC. 9. The master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine of not less than five hundred dollars nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.

Arrest and removal of Chinese.

SEC. 13. Any Chinese person or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came. But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district. A certified copy of the judgment shall be the process upon which said removal shall be

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made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section. And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

(Page 1318. Act of October 1, 1888.)

Return after departure.

SECTION 1. It shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart, therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

(Page 1319. Act of May 5, 1892.)

Extension of laws.

SECTION 1. All laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

Certificates of residence.

SEC. 6 (as amended by act of November 3, 1893). It shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and no proceedings for a violation of the provisions of said section six of said act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and all proceedings for said violation now pending are hereby discontinued: *Provided*, That no Chinese person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such

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persons who are now subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

Forging certificates.

SEC. 8. Any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

(Page 1322. Act of November 3, 1893.)

Definitions.

SECTION 2. The words "laborer" or "laborers," wherever used in this act, or in the act to which this is an amendment [Act of May 5, 1892], shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation. The term "merchant" as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant. Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing. Such order of deportation shall be executed by the United States marshal of the district within which such order is made, and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail. The certificate herein provided for shall contain the photograph of the applicant, together with his name[,] local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Chinaman makes application. Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury.

Proof.

Photographs.

Leave of absence for employees in the Bureau of Engraving and Printing.

(Page 2394. Act of July 6, 1892.)

Thirty days allowed.

The employees of the Bureau of Engraving and Printing, including the pieceworkers, shall be allowed leave of absence with pay, not exceeding thirty days in any one year, under such regulations and at such time or times as the chief of the bureau, with the approval of the Secretary of the Treasury, may prescribe and designate: *Provided*, That the length of the leave of absence of any employee of said bureau doing piecework, and the pay during such leave of absence, shall be determined by the average amount of work done by such person and the pay therefor during the several months of the year.

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(Page 2395. Act of June 8, 1896.)

The compositors and pressmen employed in the awards division of the Bureau of Engraving and Printing shall be allowed leave of absence with pay not exceeding thirty days in any one year, or a pro rata portion thereof for a less time than one year, under such regulations and such time or times as the chief of the bureau, with the approval of the Secretary of the Treasury, may prescribe and designate, and in conformity with the act approved July sixth, eighteen hundred and ninety-two, granting leaves of absence with pay to the employees of the Bureau of Engraving and Printing. Compositors and pressmen.

Preference of domestic materials and labor for public works.

(Page 2496. Act of March 3, 1875.)

SECTION 2. In all contracts for material for any public improvement, the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States. * * * Domestic products. Labor.

SECTION 3725. All hemp, or preparations of hemp, used for naval purposes by the Government of the United States, shall be of American growth or manufacture, when the same can be obtained of as good quality and at as low a price as foreign hemp. Hemp.

SEC. 3728. The Secretary of the Navy, in making contracts and purchases of articles for naval purposes, shall give the preference, all other things, including price and quality, being equal, to articles of the growth, production, and manufacture of the United States. * * * Naval supplies.

Hours of labor on public works.

(Page 2521. Act of August 1, 1892, as amended by chapter 106, Acts of 1912–13.)

SECTION 3738. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States. Eight hours a day's labor.

This section is in the nature of a direction by the Government to its agents and is not a contract between the Government and its laborers that eight hours shall constitute a day's work. It does not prevent the making of agreements by which a greater or less number of hours of labor may be required, and any allowance of a claim for the excess of time over eight hours per day is, when accepted by the laborer, a bar to any further proceedings. 94 U. S. 400.

No action lies to recover for labor in excess of eight hours where monthly pay was received without protest. 81 Fed. 824.

SECTION 1. The service and employment of all laborers and mechanics who are now, or may hereafter, be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging Limit of eight hours. River and harbor dredging, etc.

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or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency:

Persons not using dredging tools, etc.

Provided, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock-excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States.

Levee flood protection, etc.

Penalty.

SEC. 2. Any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Act construed.

SEC. 3. The provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this act or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.

[See chapter 174, Acts of 1911–12.]

This act does not apply to labor on public roads under the Federal appropriation for the improvement of such roads, local funds being also furnished, and the work being done under the supervision of the Secretary of Agriculture. 30 Op. 210.

Employment of labor, etc.—Government Printing Office.

(Page 2549. Act of January 12, 1895.)

Limit of wages to printers, etc.

SECTION 39 (as amended by act of August 24, 1912). The Public Printer shall pay no greater price for composition than fifty cents per thousand ems, to pressmen fifty-five cents per hour, and forty cents per hour for time work to printers and bookbinders: *Provided*, That the pay of all employees of the Government Printing Office engaged on nightwork (between the hours of five o'clock postmeridian and eight o'clock antemeridian) shall be twenty per centum in addition to the amount paid for day labor.

Skilled men to be employed.

SEC. 45. It shall be the duty of the Public Printer to employ workmen who are thoroughly skilled in their respective branches of industry, as shown by trial of their skill under his direction.

Holidays.

SEC. 46. The employees of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, Inauguration Day, Memorial Day, Labor's Holiday, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving.

Nightwork.

SEC. 47. The Public Printer shall cause work to be done on the public printing in the Government Printing Office at night as well as through the day, when the exigencies of the public service re-

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quire it, but the provisions of the existing eight-hour law shall apply.

SEC. 50. The Public Printer may employ such number of apprentices, not to exceed twenty-five at any one time, as in his judgment will be consistent with the economical service of the office. Apprentices.

(Page 2588. Act of March 30, 1888.)

SECTION 1. * * * the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge. Eight-hour law to be enforced.

(Page 2595. Act of June 11, 1896.)

SECTION 1. * * * The employees of the Government Printing Office, whether employed by the piece or otherwise, shall be allowed leaves of absence with pay to the extent of not exceeding thirty days in any one fiscal year under such regulations and at such times as the Public Printer may designate at the rate of pay received by them during the time in which said leave was earned; but such leaves of absence shall not be allowed to accumulate from year to year. Such employees as are engaged on piecework shall receive the same rate of pay for the said thirty days' leave as will be paid to day hands: *Provided*, That those regularly employed on the Congressional Record shall receive leave, with pay, at the close of each session, pro rata for the time of such employment: *And provided further*, That it shall be lawful to allow pay for pro rata leave to those serving fractional parts of a year; also to allow pay for pro rata leave of absence to employees of the Government Printing Office in any fiscal year, notwithstanding the fact that thirty days' leave of absence, with pay, may have been granted to such employees in that fiscal year on account of service rendered in a previous year. * * * Leaves of absence. Provisos.

(Page 2600. Act of June 6, 1900.)

SECTION 1. * * * the Public Printer may hereafter, in his discretion, pay all printers, bookbinders, and leather parers employed in the Government Printing Office at the rate of fifty cents per hour for time actually employed: * * * Rates of wages.

Hours of labor of letter carriers.

(Page 2637. Act of May 24, 1888.)

SECTION 1. Hereafter eight hours shall constitute a day's work for letter carriers in cities or postal districts connected therewith, for which they shall receive the same pay as is now paid as for a day's work of a greater number of hours. If any letter carrier is employed a greater number of hours per day than eight he shall be paid extra for the same in proportion to the salary now fixed by law. Eight hours a day's labor.

This statute does not require that the eight hours' service shall relate exclusively to the free distribution and collection of mail matter, nor does it otherwise define the nature of said service. It is necessary only that one should be a letter carrier and be lawfully employed in work that is not inconsistent with his general business under his employment in order that he may recover for any employment for a greater number of hours per day than eight. 148 U. S. 124.

(Page 2637. Act of June 2, 1900.)

SECTION 1. * * * letter carriers may be required to work as nearly as practicable only eight hours on each working day, but not in any event exceeding forty-eight hours during the six working days of each week; and such number of hours on Sunday, not exceeding eight, as may be required by the needs of the service; and if a legal holiday shall occur on any working day, the service performed on said day, if less than eight hours, shall be counted as eight hours without regard to the time actually employed. Hours per day and per week.

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Obstructing the mail.

Penalty for obstructing mails.

SECTION 3995. Any person who shall knowingly or willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier carrying the same, shall, for every such offense, be punishable by a fine of not more than one hundred dollars.

This section applies only to acts performed with the intention of obstructing, and not to acts in themselves lawful from which delay unavoidably follows. 7 Wall. 482.

This section applies to the unlawful stopping of a railway mail train, although those guilty are willing to permit the movement of the mail car detached from the passenger cars of the train. 13 Phil. Rep. 476.

Also to the stopping of a train by discharged railway laborers although their primary intention may not be to obstruct the mail but to obtain a return passage. 19 Fed. 42.

Where the transportation of mails and interstate commerce has long been interrupted by the refusal of the employees of the railway company to move trains carrying certain cars, it is the duty of the company to use every effort to move the mails and interstate commerce, without regard to the make-up of regular trains; and any failure to perform this duty is a violation of this statute. 62 Fed. 840.

If a mail train which carries a Pullman car as a part of its regular make-up is delayed because it carries such car, it is no defense that the parties so delaying it were willing that the mail should proceed if the Pullman car were left behind. It is not necessary that defendants should be shown to have had knowledge that the mails were on board a train which they have detained and disabled. They are chargeable with an intent to do whatever is the reasonable and natural consequence of their acts. 67 Fed. 698.

Ocean mail service.

(Page 2727. Act of March 3, 1891.)

Ownership, crews, etc., of vessels.

SECTION 3. The vessels employed in the mail service under the provisions of this act shall be American-built steamships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. * * *

Apprentices.

SEC. 8. Said vessels shall take, as cadets or apprentices, one American-born boy under twenty-one years of age for each one thousand tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

Leave of absence for railway postal clerks.

(Page 2739. Act of March 1, 1899.)

Leaves of absence.

SECTION 1. * * * the Postmaster General may allow railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, an annual vacation of fifteen days with pay. * * *

Seamen—Space for quarters.

Space.

SECTION 4153. * * * Every place appropriated to the crew of the vessel shall have a space of not less than seventy-two cubic feet and not less than twelve superficial feet, measured on the deck or floor of that place, for each seaman or apprentice lodged therein. Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvium of the cargo or bilge water; and failure to

Construction, etc.

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comply with this provision shall subject the owner to a penalty of five hundred dollars. Every place so occupied shall be kept free from goods or stores of any kind not being the personal property of the crew in use during the voyage; and if any such place is not so kept free the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of fifty cents a day for each day during which any goods or stores as aforesaid are kept or stored in the place after complaint has been made to him by any two or more of the seamen so lodged. * * *

Not to be used for storage.

(Page 2819. Act of March 2, 1895.)

SECTION 3. The provisions of this act requiring a crew space of seventy-two cubic feet per man shall apply only to vessels the construction of which shall be begun after June thirtieth, eighteen hundred and ninety-five.

Application of law.

(Page 2820. Act of March 3, 1897.)

SECTION 2. On and after June thirtieth, eighteen hundred and ninety-eight, every place appropriated to the crew of a seagoing vesse lof the United States, except a fishing vessel, yacht, a pilot boat, and all vessels under two hundred tons register, shall have a space of not less than seventy-two cubic feet and not less than twelve square feet measured on the deck or floor of that place for each seaman or apprentice lodged therein: *Provided*, That any such seagoing sailing vessel, built or rebuilt after June thirtieth, eighteen hundred and ninety-eight, shall have a space of not less than one hundred cubic feet and not less than sixteen square feet measured on the deck or floor of that space for each seaman or apprentice lodged therein. Such space shall be securely constructed, properly lighted, drained, heated and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water.

Space.

Proviso.

Fishing vessels, yachts, and pilot boats are hereby exempted from the provisions of * * * [sec. 4153] so far as said section prescribes the amount of space which shall be appropriated to the crew and provides that said space shall be kept free from goods or stores not being the personal property of the crew in use during the voyage.

Exceptions.

And on and after June thirtieth, eighteen hundred and ninety-eight, every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section so far as they shall be applicable thereto by providing sleeping room in the engine room of the steamboats properly protected from the cold, winds, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated. Any failure to comply with this section shall subject the owner or owners to a penalty of five hundred dollars.

Boats on rivers.

Compensation for injuries of employees in the Life-Saving Service.

(Page 2919. Act of May 4, 1882.)

SECTION 7. If any keeper or member of a crew of a life-saving or lifeboat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the general superintendent shall recommend,

Full pay for one year, when.

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Extension. upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable; but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years.

Seamen.

Log book. SECTION 4290. Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

Entries. First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section forty-five hundred and ninety-seven.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

* * * * *

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

* * * * *

Entries to be signed, etc. SEC. 4291. Every entry hereby required to be made in the official log book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival.

Penalty. SEC. 4292. If in any case the official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

Summary trials. SEC. 4300. Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the

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United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term time or vacation.

Limit of sentence.

SEC. 4304. It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

Inspection of steam vessels.[1]

Definition.

SECTION 4399. Every vessel propelled in whole or in part by steam shall be deemed a steam vessel within the meaning of this title.

Application of law.

SEC. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce, or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title. And all foreign private steam vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of section forty-four hundred and seventeen, forty-four hundred and eighteen, * * * of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid.

Coasting and lake vessels.

SEC. 4401. All coastwise seagoing vessels, and vessels navigating the Great Lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam vessels in passing, as provided by this title; and every coastwise seagoing steam vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

Supervising Inspector General.

SEC. 4402. There shall be a Supervising Inspector General who shall be appointed from time to time by the President, by and with the advice and consent of the Senate, and who shall be selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the Steamboat-Inspection Service, * * *

Supervising inspectors.

SEC. 4404. There shall be ten supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam vessels, and of all parts of the machinery employed in steaming. * * *

Duties.

SEC. 4406. Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doings of the local boards of inspectors within his district, and shall instruct them in the proper performance of their duties; and shall, whenever he thinks it expedient, visit any

[1] The duties and jurisdiction of the Secretary of the Treasury relating to inspection, etc., of vessels are transferred to the Secretary of Commerce by chapter 552, Acts of 1902–3. (See chapter 141, Acts of 1912–13.)

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vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this title have been observed and complied with, both by the board of inspectors and the master and owners. All masters, engineers, mates, and pilots of such vessels shall answer all reasonable inquiries, and shall give all the information in their power in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both.

Districts without inspectors.

SEC. 4409. The supervising inspector shall visit any collection district in which there is at any time no board of inspectors, and within which steam vessels are owned or employed. Each supervising inspector shall have full power in any such district, or in any district where, from distance or other cause, it is inconvenient to resort to the local board, to inspect any steam vessel and the boilers of such steamer, and to grant certificates of approval, and to do and perform all the duties imposed upon local boards.

Number of inspectors.

SEC. 4414 (as amended by act of March 4, 1913). There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pennsylvania; San Francisco, California; New London, Connecticut; Baltimore, Maryland; Detroit, Michigan; Chicago, Illinois; Bangor, Maine; New Haven, Connecticut; Michigan, Michigan [sic]; Milwaukee, Wisconsin; Willamette, Oregon; Puget Sound, Washington; Savannah, Georgia; Pittsburg, Pennsylvania; Oswego, New York; Charleston, South Carolina; Duluth, Minnesota; Superior, Michigan; Apalachicola, Florida; Galveston, Texas; Mobile, Alabama; Providence, Rhode Island, and in each of the following ports: New York, New York; Jacksonville, Florida; Portland, Maine; Boston, Massachusetts; Buffalo, New York; Cleveland, Ohio; Toledo, Ohio; Norfolk, Virginia; Evansville, Indiana; Dubuque, Iowa; Louisville, Kentucky; Albany, New York; Cincinnati, Ohio; Memphis, Tennessee; Nashville, Tennessee; Saint Louis, Missouri; Port Huron, Michigan; New Orleans, Louisiana; Los Angeles, California; Juneau, Alaska; Saint Michael, Alaska; Point Pleasant, West Virginia, and Burlington, Vermont, one inspector of hulls and one inspector of boilers.

* * * * *

And in addition the Secretary of Commerce and Labor may appoint, in districts or ports where there are two hundred and twenty-five steamers and upward to be inspected annually, assistant inspectors, * * *

Assistants.

Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors.

And the Secretary of Commerce and Labor may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Steamboat-Inspection Service may, in his discretion, require, and the actual and reasonable traveling expenses or mileage of assistant inspectors so detailed shall, subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspectors.

Hulls.

SEC. 4417 (as amended by act of March 3, 1905). The local inspectors shall, once in every year, at least, carefully inspect the hull of each steam vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life preservers, floats, anchors, cables, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment. * * *

Boilers, etc.

SEC. 4418 (as amended by act of March 3, 1905). The local inspectors shall also inspect the boilers and their appurtenances

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in all steam vessels before the same shall be used, and once at least in every year thereafter, and shall subject all boilers to the hydrostatic pressure. All such vessels shall comply with the following requirements, namely: That the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the spaces between and around the flues are sufficient; that flues, boilers, furnaces, safety valves, fusible plugs, low-water indicators, feed-water apparatus, gauge cocks, steam gauges, water and steam pipes connecting boilers, means of prevention of sparks and flames from fire doors, low-water gauges, means of removing mud and sediment from boilers, and all other such machinery and appurtenances thereof, are of such construction, shape, condition arrangement, and material that the same may be safely employed in the service proposed without peril to life; and the local inspectors shall satisfy themselves by thorough examination that said requirements of law and regulations in regard thereto have been fully complied with. All boilers used on steam vessels and constructed of iron or steel plates, inspected under the provisions of section forty-four hundred and thirty, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam power allowed. No boiler or flue pipe, nor 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.

(Page 3026. Act of March 3, 1897.)

Inspection of foreign vessels.

SECTION 14. The Secretary of the Treasury is hereby authorized to direct the inspection of any foreign vessel, admitted to American registry, its steam boilers, steam pipes, and appurtenances, and to direct the issue of the usual certificate of inspection, whether said boilers, steam pipes, and appurtenances are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron stamped pursuant to said laws. The tests in the inspection of such boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

Control of safety valves and steam registers.

SECTION 4419. One of the safety valves may, if in the opinion of the local inspectors it is necessary to do so, and the steam registers shall, be taken wholly from the control of all persons engaged in navigating such vessel and secured by the inspectors.

Steam pressure on river boats.

SEC. 4420. In applying the directions of the preceding sections to steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, the local inspectors shall substitute, for such boats, one hundred and fifty pounds of steam pressure in place of one hundred and ten pounds for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness; and such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business for a period of twelve months from the seventeenth day of December, eighteen hundred and seventy-two, be permitted to carry steam above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds, to the square inch.

Certificates.

SEC. 4421 (as amended by act of June 11, 1906). When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified

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by the oaths of inspectors signing it, before the chief officer of the customs of the district, or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval. Upon such inspection and approval, the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on the file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section forty-four hundred and twenty-three for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section forty-four hundred and five. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection as required by sections forty-four hundred and twenty-three, forty-four hundred and twenty-four, and forty-four hundred and twenty-six, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section forty-four hundred and ninety-eight and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section forty-four hundred and fifty-three. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate.

Temporary certificates.

False certification.

SEC. 4425. Every inspector who willfully certifies falsely touching any steam vessel, as to her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him, shall be punished by fine of not more than five hundred dollars, or imprisonment for not more than six months, or both.

Ferryboats, etc.

SEC. 4426 (as amended by act of March 3, 1905). The hull and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: *Provided, however*, That in open steam launches of ten tons burden and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of about fifteen tons burden carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this title applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-eight, forty-four hundred and ninety-nine, and forty-five hundred, relating to the imposition and enforcement of penalties and the enforcement of law.

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(Page 3029. Act of January 18, 1897.)

Boats propelled by gas, etc.

SECTION 1. All vessels of above fifteen tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States, relating to the inspection of hulls and boilers and requiring engineers and pilots; * * *

Tug and freight boats.

SECTION 4427. The hull and boiler of every tugboat, towing boat, and freight boat shall be inspected, under the provisions of this title; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety valves, gauge cocks, low water alarm indicators, steam gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this title, and shall be subject to the same provisions of law as other officers navigating passenger steamers.

Construction of boilers.

SEC. 4428. Every boiler manufactured to be used on steam vessels, and made of iron or steel plates, shall be constructed of plates that have been stamped in accordance with the provisions of this title.

Defective construction.

SEC. 4429. Every person who constructs a boiler, or steam pipe connecting the boilers, to be used on steam vessels, of iron or steel plates which have not been duly stamped and inspected according to the provisions of this title, or who knowingly uses any defective, bad, or faulty iron or steel in the construction of such boilers; or who drifts any rivet hole to make it come fair; or who delivers any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be fined one thousand dollars, one-half for the use of the informer.

Act construed.

Nothing in this title shall be so construed as to prevent from being used, on any steamer, any boiler or steam generator which may not be constructed of riveted iron or steel plates, when the board of supervising inspectors have satisfactory evidence that such boiler or steam generator is equal in strength, and as safe from explosion, as a boiler of the best quality constructed of riveted iron or steel plates. * * *

Inspection of boiler plates.

SEC. 4430. Every iron or steel plate used in the construction of steamboat boilers, and which shall be subject to a tensile strain, shall be inspected in such manner as shall be prescribed by the board of supervising inspectors and approved by the Secretary of the Treasury, so as to enable the inspectors to ascertain its tensile strength, homogeneousness, toughness, and ability to withstand the effect of repeated heating and cooling; and no iron or steeel plate shall be used in the construction of such boilers which has not been inspected and approved under those rules. * * *

Stamping plates.

SEC. 4431. Every plate of boiler iron or steel, made for use in the construction of steamboat boilers, shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are worked into boilers, with the name of the manufaturer, the place where manufactured, and the number of pounds tensile strain it will bear to the sectional square inch; and the inspectors shall keep a record in their office of the stamps upon all boiler plates and boilers which they inspect.

Counterfeiting stamps.

SEC. 4432. Every person who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for boiler iron or steel plates, or who designedly stamps, or causes to be stamped falsely, any such plates; and every person who stamps or marks, or causes to be stamped or marked, any such iron or steel plates with the name or trade-mark of another, with the intent to mislead or deceive, shall be fined two thousand dollars, one-half to the use of the informer, and may, in addition thereto, at the discretion of the court, be imprisoned not exceeding two years.

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Steam pressure.

SEC. 4433. The working steam pressure allowable on boilers constructed by plates inspected as required by this title, when single riveted, shall not produce a strain to exceed one-sixth of the tensile strength of the iron or steel plates of which such boilers are constructed; but where the longitudinal laps of the cylindrical parts of such boilers are double riveted, and the rivet holes for such boilers have been fairly drilled instead of punched, an addition of twenty per centum to the working pressure provided for single riveting may be allowed: *Provided*, That all other parts of such boilers shall correspond in strength to the additional allowances so made; and no split calking shall in any case be permitted.

Thickness of boiler plates, etc.

SEC. 4434 (as amended by act of March 2, 1909). No externally fired boiler having its shell constructed of iron or steel plates exceeding an average thickness of thirty-eight one-hundredths of an inch, shall be employed on any steam vessel navigating the Red River of the North or rivers flowing into the Gulf of Mexico or their tributaries; and no externally fired boiler employed on any such steam vessel shall have less than three inches space between its shell and any of its internal flues, and not less than three inches' space between such flues when any such flues are more than five inches in diameter, the measurements to be taken from the center of the length of the tapered section of said flues; and every such externally fired boiler employed on any such steam vessel shall be provided with a manhole in the lower part of the front head thereof, of such dimensions as may be prescribed by the Board of Supervising Inspectors, in all cases where the distance between its internal flues is less than three inches. Externally fired boilers having shells constructed of iron or steel plates not exceeding an average thickness of fifty one-hundredths of an inch may, in the discretion of the Supervising Inspector General, be authorized and employed on steam vessels navigating the Atlantic and Pacific oceans, or salt-water bays, or sounds, or the Great Lakes, or any of them, and waters flowing to and from the same, or any of them: *Provided*, That on inspection, no plate that is by this act limited to a thickness of thirty-eight one-hundredths of an inch and no plate that is by this act limited to a thickness of fifty one-hundredths of an inch shall be rejected for use if found to exceed those dimensions, respectively, if the approved average thickness thereof does not exceed the limits therein specified, and the amount of steam pressure that will be permitted to be carried in boilers constructed in accordance with the requirements of this act shall be determined from measurements showing the least thickness of the plates.

Feed and connecting pipes.

SEC. 4435. The feed water shall be delivered into the boilers in such a manner as to prevent it from contracting the metal, or otherwise injuring the boilers. And when boilers are so arranged on a vessel that there is employed a water-connecting pipe through which the water may pass from one boiler to another, there shall also be provided a similar steam connection, having an area of opening into each boiler of at least one square inch for every two square feet of effective heating surface contained in any one of the boilers so connected, half the flue and all other fire surfaces being computed as effective. Adequate provision shall be made on all steam vessels to prevent sparks or flames from being driven back from the fire doors into the vessel.

Safety-valves.

SEC. 4436. Every boiler shall be provided with a good, well-constructed safety valve or valves, of such number, dimensions, and arrangements as shall be prescribed by the board of supervising inspectors, and shall also be provided with a sufficient number of gauge cocks and a reliable low-water indicator that will

Fusible plugs.

give alarm when the water falls below its prescribed limits; and in addition thereto there shall be inserted, in a suitable manner, in the flues, crown sheet, or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits, a plug of good Banca tin.

Loading safety valves.

SEC. 4437. Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the

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safety valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein directly or indirectly, shall be guilty of a misdemeanor, and shall be fined two hundred dollars, and may also be imprisoned not exceeding five years.

Reinspections.

SEC. 4453 (as amended by act of March 3, 1905). In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a reexamination of the case to the supervising inspector, as provided in the preceding section. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them. And whenever any local inspector or supervising inspector ascertains to his satisfaction that any vessel, subject to the provisions of this title, has been or is being navigated or operated without complying with the terms of the vessel's certificate of inspection regarding the number and class of licensed officers and crew, or without complying with the provisions of law and her said certificate as to the number or kind of life-saving or fire-fighting apparatus, or without maintaining in good and efficient condition her lifeboats, fire pumps, fire hose, and life preservers, or that for any other reason said vessel can not be operated with safety to life, the said local or supervising inspector shall order the owner or master of said vessel to correct such unlawful conditions, and may require that the vessel at once cease navigating and be submitted to reinspection; and in case the said orders of such inspector shall not at once be complied with, the said inspector shall revoke the said vessel's certificate of inspection and shall immediately give to the owner, master, or agent of said vessel notice, in writing, of such revocation; and no new certificate of inspection shall be again issued to her until the provisions of this title have been complied with. Any vessel subject to the provisions of this title operating or navigating or attempting to operate or navigate after the revocation of her certificate of inspection and before the issuance of a new certificate, shall, upon application by the inspector to any district court of the United States having jurisdiction, and by proper order or action of said court in the premises, be seized summarily by way of libel and held without privilege of release by bail or bond until a proper certificate of inspection shall have been issued to said vessel: *Provided*, That the master or owner of any vessel whose certificate shall have been so revoked may within thirty days after receiving notice of such revocation appeal to the Secretary of Commerce and Labor for a reexamination of the case, and upon such appeal the said Secretary shall have the power to revise, modify, or set aside such action of the local or supervising inspector and direct the issuance to such vessel of her original certificate or of a new certificate of inspection; and in case the said Secretary shall so direct the issuance of a certificate, all judicial process against said vessel based on this section shall thereupon be of no further force or effect, and the vessel shall thereupon be released.

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Penalty.

SEC. 4454. If any master or owner of any steamer shall refuse or neglect to comply with the requirements of the local inspectors, made in pursuance of the preceding section, and shall, contrary thereto and while the same remains unreversed by the supervising inspector, employ the vessel by navigating her, the master and owner shall be liable to a penalty of five hundred dollars for each offense, one-half for the use of the informer; for which sum the vessel itself shall be liable, and may be seized and proceeded against by libel in any district court having jurisdiction; and the master and owner, and the vessel itself, shall, in addition thereto, be liable for any damage to passengers and their baggage which shall occur from any defects as stated in the notice prescribed by the preceding section.

Full crew.

SEC. 4463 (as amended by act of March 3, 1913). Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector and from him to the Supervising Inspector General, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

Changes in certificates.

Appeal.

Unavoidable deficiency in crew.

If any such vessel is deprived of the services of any number of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of fifty dollars. If the vessel shall not be manned as provided in this Act, the owner shall be liable to a penalty of one hundred dollars, or, in case of an insufficient number of licensed officers, to a penalty of five hundred dollars.

Failure to supply deficiency.

Penalties.

Seamen.[1]

Shipping commissioners.

SECTION 4501. The Secretary of the Treasury shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom he may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place: *Provided*, That shipping commissioners now in office shall continue to perform the duties thereof until others shall be appointed in their places. Shipping commissioners shall monthly render a full, exact, and itemized account of their receipts and expenditures to the Secretary of the Treasury, who shall determine their compensation, and shall from time to time determine the number and compensation of the clerks appointed by such commissioner,

[1] The duties and jurisdiction of the Secretary of the Treasury relating to seamen are transferred to the Secretary of Commerce by chapter 552, Acts of 1902–3. (See chapter 141, Acts of 1912–13.)

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with the approval of the Secretary of the Treasury, subject to the limitations now fixed by law. The Secretary of the Treasury shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the Treasury Department in the mode and manner provided for expenditures in the collection of customs. All fees of shipping commissioners shall be paid into the Treasury of the United States and shall constitute a fund which shall be used under the direction of the Secretary of the Treasury to pay the compensation of said commissioners and their clerks and such other expenses as he may find necessary to insure the proper administration of their duties.

Customs officers to act, when.

SEC. 4503. In any port in which no shipping commissioner shall have been appointed, the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such customhouse shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping commissioner within the meaning of this title.

Acting as commissioner without right.

SEC. 4504. Any person other than a commissioner under this title, who shall perform or attempt to perform, either directly or indirectly, the duties which are by this title set forth as pertaining to a shipping commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping commissioner under this title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection district where no shipping commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

(Page 3064. Act of June 9, 1874.)

Coasting vessels exempt.

SECTION 1. None of the provisions of * * * [sections 4290 to 4292, 4501, 4503, 4504, 4508 to 4520, 4523 to 4529, 4535, 4536, 4538 to 4545, 4549 to 4555, 4565 to 4572, 4592, 4595 to 4597, 4600, 4602 to 4607, 4610, and 4612] shall apply to sail or steam vessels engaged in the coastwise trade, except the coastwise trade between the Atlantic and Pacific coasts, or in the lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise, or voyage.

Exceptions.

(Page 3064. Act of June 19, 1886.)

Shipment and discharge of crews.

SECTION 2. Shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel, the shipping and discharging fees in such cases to be one-half that prescribed by section forty-six hundred and twelve of the Revised Statutes, for the purpose of determining the compensation of shipping commissioners.

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(Page 3065. Act of August 19, 1890.)

Shipping agreements.

SECTION 1 (as amended by act of April 11, 1904). When a crew is shipped by a shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by section two of an act approved June nineteenth, eighteen hundred and eighty-six, * * * an agreement shall be made with each seaman engaged as one of such crew in the same manner as is provided by sections four thousand five hundred and eleven and four thousand five hundred and twelve of the Revised Statutes, not however including the sixth, and eighth items of section four thousand five hundred and eleven; and such agreement shall be posted as provided in section four thousand five hundred and nineteen, and such seamen shall be

Discharge.

discharged and receive their wages as provided by the first clause of section four thousand five hundred and twenty-nine and also by sections four thousand five hundred and twenty-six, four thousand five hundred and twenty-seven, four thousand five hundred and twenty-eight, four thousand five hundred and thirty, four thousand five hundred and thirty-five, four thousand five hundred and thirty-six, four thousand five hundred and forty-two, four thousand five hundred and forty-three, four thousand five hundred and forty-four, four thousand five hundred and forty-five, four thousand five hundred and forty-six, four thousand five hundred and forty-seven, four thousand five hundred and forty-nine, four thousand five hundred and fifty, four thousand five hundred and fifty-one, four thousand five hundred and fifty-two, four thousand five hundred and fifty-three and four thousand five hundred and fifty-four and four thousand six hundred and two of the Revised Statutes; but in all other respects such shipment of seamen and such shipping agreement shall be regarded as if both shipment and agreement had been entered into between the master of a vessel and a seaman without going before a shipping commissioner:

Clothing.

Provided, That the clothing of any seaman shall be exempt from attachment, and that any person who shall detain such clothing when demanded by the owner shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than five hundred dollars, or both.

Duties of commissioner.

SECTION 4508. The general duties of a shipping commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

Apprentices.

SEC. 4509. Every shipping commissioner appointed under this title shall, if applied to for the purpose of apprenticing boys to the sea service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping commissioner shall keep a register of all indentures of apprenticeship made before him.

Indenture to be produced.

SEC. 4510. The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States,

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cause such apprentice to appear before the shipping commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this title; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

Shipping articles.

SEC. 4511. The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement * * * shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of the Treasury not contrary to or not otherwise provided for by law, which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law.

(Page 3069. Act of June 26, 1884.)

Time for which seaman may ship.

SECTION 19. A master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or reengagement.

SECTION 4512. The following rules shall be observed with respect to agreements:

Rules for agreements.

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

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Third. Every agreement entered into before a shipping commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of ———, County of ———:

"On this —— day of ———, personally appeared before me, a shipping commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

Exception as to shipping articles.

SEC. 4513. The section forty-five hundred and eleven shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reship and sail in the same vessel on another voyage, without the payment of additional fees to the shipping commissioner, by either the seamen or the master.

Shipping without agreement.

SEC. 4514. If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

Accepting seaman without articles.

SEC. 4515. If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant vessel, any seaman who has been engaged or supplied contrary to the provisions of this title, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

Supplying vacancies.

SEC. 4516. In case of desertion or casualty resulting in the loss of one or more seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

Shipping seamen in foreign ports.

SEC. 4517. Every master of a merchant vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

Penalty.

SEC. 4518. Every master who engages any seamen in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

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(Page 3072. Act of June 26, 1884.)

Shipping seamen in foreign ports.

SECTION 20. Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination; * * *

Copy of agreement to be posted.

SECTION 4519. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signature, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

Shipping articles for coasting vessels.

SEC. 4520. Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

Penalty.

SEC. 4521. If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen [seaman], such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this title.

Failing to begin voyage.

SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upwards there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of the wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of his wages or emoluments which he has then earned.

Unlawful shipments.

SEC. 4523. All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

Wages begin, when.

SEC. 4524. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

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Wages not dependent on freight.

SEC. 4525. No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

Loss of vessel.

SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in sections forty-five hundred and seventy-seven, forty-five hundred and seventy-eight, and forty-five hundred and seventy-nine of the Revised Statutes of the United States.

Improper discharge.

SEC. 4527. Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

Suspension of wages.

SEC. 4528. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

Time for payment.

SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he shipped, or at the time such seaman is discharged, whichever first happens; and in the case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account of wages, a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to one day's pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.

Payment at ports.

SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has commenced, shall load or deliver cargo before the voyage is ended unless the contrary be expressly stipulated in the contract; and when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him as provided in section forty-five hundred and twenty-nine of the Revised Statutes.

(Page 3079. Act of June 26, 1884.)

Advances and allotments.

SECTION 10 (as amended by act of April 26, 1904). (a) It shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the

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same, or to pay such advance wages to any other person. Any person paying such advance wages shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than four times the amount of wages so advanced, and may also be imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages shall in no case, excepting as herein provided, absolve the vessel or the master or owner thereof from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than five hundred dollars.

(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his grandparents, parents, wife, sister, or children. But no allotment whatever shall be allowed in the trade between the ports of the United States (except as provided in subdivision c of this section) or in trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies and Mexico.

(c) It shall be lawful for any seaman engaged in a vessel bound from a port on the Atlantic to a port on the Pacific or vice versa, or in a vessel engaged in foreign trade, except trade between the United States and the Dominion of Canada or Newfoundland or the West Indies or the Republic of Mexico, to stipulate in his shipping agreement for an allotment of an amount, to be fixed by regulation of the Commissioner of Navigation, with the approval of the Secretary of the Treasury, not exceeding one month's wages, to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement.

(d) No allotment note shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

(e) No allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation as above described of a seaman under this section or shall make a false statement of the nature or amount of any debt claimed to be due from any seaman under this section shall for every such offense be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, at the discretion of the court.

(f) This section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict.

(g) Under the direction of the Secretary of the Treasury the Commissioner of Navigation shall make regulations to carry out this section.

This act is constitutional. Foreign merchant vessels are properly within the control of the laws of this country while in its ports. 23 Sup. Ct. 821.

Lien not forfeited by contract.

SECTION 4535. No seaman shall, by any agreement other than is provided by this title, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would

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otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

Exemption from attachment, etc.

SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party making the same, except such advance securities as are authorized by this title.

Limit of recovery.

SEC. 4537. No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

Effects of deceased seamen.

SEC. 4538. Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of moneys so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

Same subject.

SEC. 4539. In cases embraced by the preceding section, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log book, if there be any; and by such other vouchers, if any, as may

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be reasonably required by the officer or shipping commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

Penalty.

SEC. 4540. Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

Duties of consular officers.

SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this title, and shall quarterly remit to the circuit court of the circuit embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the circuit court requires.

Wages of deceased seamen.

SEC. 4542. Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged or where he died.

Payment to circuit court.

SEC. 4543. Every shipping commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

Distribution of effects.

SEC. 4544. If the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deduc-

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tions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

Unclaimed effects.

SEC. 4545. A circuit court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or apprentice, which it has received or may hereafter receive, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from [time] to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

Nonpayment of wages.

SEC. 4546. Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this title, or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then any judge or justice of the peace, or any commissioner of a circuit court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

Summons.

Libel of vessel for wages.

SEC. 4547. If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the vessel. In all cases where the matter in demand does not exceed one hundred dollars the return day of the monition or citation shall be the first day of a stated or special session of court next succeeding the third day after the service of the monition or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and log book, if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the

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burden of proof of the contrary shall be on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the day when such wages are due, in accordance with section forty-five hundred and twenty-nine of the Revised Statutes.

Wages payable in gold.

SEC. 4548. Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

Mode of discharge.

SEC. 4549. All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping commissioner under this title, except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars.

Accounting.

SEC. 4550. Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping commissioner, to such shipping commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

Certificate.

SEC. 4551. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this title; and every master who fails to sign and give to such seaman such certificate and discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew or any part thereof in any collection district where no shipping commissioner has been appointed, he may perform for himself the duties of such commissioner.

Rules for settlement.

SEC. 4552. The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages be-

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tween the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping commissioner, the shipping commissioner shall, if required, sign and give to such master a statement of the whole amounts so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

While both seamen and masters are required to sign the settlement papers in the presence of a commissioner, the statute does not require that they shall appear before him at the same time. 111 Fed. 931.

Certificate of character.

SEC. 4553. Upon every discharge effected before a shipping commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this title, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

Commissioner to act as arbiter.

SEC. 4554. Every shipping commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima facie evidence thereof.

Examination of witnesses.

SEC. 4555. In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping commissioner, under the provisions of this title, such shipping commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any member of the crew, to produce any log books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

Unseaworthy vessels.

SEC. 4556. If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second

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officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace, of the city, town, or place for the appointment of surveyors, as in section forty-five hundred and fifty-seven provided, taking with him two or more of the crew who shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of five hundred dollars.

Examination of vessels.

SEC. 4557. The judge, or justice, in a domestic port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Marine-Hospital Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and make reports to the judge, or justice, as the case may be, in writing, under their hands or the hands of two of them whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things, conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen.

Seamen to proceed, when.

SEC. 4558. If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him.

Inspection in foreign port.

SEC. 4559. Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome; thereupon, in any of these or like cases, the consul, or a commercial agent who may discharge any duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in section forty-five hundred and fifty-seven, who shall proceed to examine into the causes of complaint, and they shall be governed in all their proceedings and proceed as provided in section forty-five hundred and fifty-seven.

Report of inspectors.

SEC. 4560. The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or

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any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

Finding of unseaworthiness.

SEC. 4561. The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness.

Sending unsafe vessel to sea.

Charges for inspection.

SEC. 4562. The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

Refusal to pay.

SEC. 4563. Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Providing stores.

SEC. 4564. Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section forty-five hundred and sixty-eight of the Revised Statutes.

Examination of provisions.

SEC. 4565. Any three or more of the crew of any merchant vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States navy, or consular officer of the United States, or shipping commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or

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to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

False complaints.

SEC. 4566. If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey.

Permission to enter complaint.

SEC. 4567. If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seaman, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

Reduction of allowance.

SEC. 4568. If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section forty-six hundred and twelve of the Revised Statutes is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or if it shall be shown that any of such provisions are, or have been during the voyage, bad in quality or unfit for use, the seaman shall receive, by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified by law, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect of bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article becomes unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation, as the justice of the case may require.

A receipt releasing all claims for wages on account of a completed voyage does not bar an action to recover the allowances by way of damages provided for in this section. 200 Fed. 523.

Medicines.

SEC. 4569. Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing vessel bound on a voyage across the Atlantic or Pacific Ocean, or

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around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other antiscorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime and lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

Penalty.

SEC. 4570. If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

Weights and measures.

SEC. 4571. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

Clothing and fuel.

SEC. 4572. Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provision shall subject the owner or master to a penalty of not less than one hundred dollars.

(Page 3101. Act of June 26, 1884.)

Slop chests.

SECTION 11. Every vessel mentioned in section forty-five hundred and sixty-nine of the Revised Statutes shall also be provided with a slop chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, underclothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets. Any of the contents of the slop chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding ten per centum of the reasonable wholesale value of the same at the port at which the voyage commenced. And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than five hundred dollars. The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands [,] the West Indies, Mexico and Central America.

(Page 3102. Act of June 19, 1886.)

Exceptions.

SECTION 13. Section 11 of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four [sec. 11, above] shall not be construed to apply to vessels engaged in the whaling or fishing business.

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List of crew.

SECTION 4573. Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; * * *

List to be certified.

SEC. 4574. In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this title.

Rules as to list of crew.

SEC. 4575. The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the United States attorney in his district.

Crew list of returned vessel to be produced.

SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report

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the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of four hundred dollars, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the collector.

Destitute seamen at foreign ports.

SEC. 4577. It shall be the duty of the consuls, vice consuls, commercial agents, and vice commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities.

Masters to furnish transportation.

SEC. 4578. All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person for voyages of not more than thirty days, and not exceeding twenty dollars for each person for longer voyages, as may be agreed between the master and the consular officer, when the transportation is by a sailing vessel; and the regular steerage passenger rate not to exceed two cents per mile, when the transportation is by steamer; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the First Comptroller of the Treasury shall deem proper. Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage, or to take any seaman having a contagious disease.

Additional compensation, when.

SEC. 4579. Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

Wages of discharged seamen.

SEC. 4580. Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is

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entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman; but no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in this act.

Duty of consul to collect.

SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount thereof. The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period. If the seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

Extra wages.

Sale of vessel in foreign port.

SEC. 4582. Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's company, and also the shipping articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such sum of money as is by the officer deemed sufficient to defray the expenses of his maintenance and passage home; and the consular officer shall endorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section. A failure to comply with the provisions of this section shall render the owner liable to a fine of not exceeding fifty dollars.

Discharge on complaint.

SEC. 4583. Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound for the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman.

Certificate of citizenship.

SEC. 4588. The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify that E. F., an American seaman, aged —— years, or thereabouts, of the height of —— feet —— inches, (describing the said seaman as particularly as may be,) has, this day, produced to me proof in the manner directed by law; and I do hereby certify that the said E. F. is a citizen of the

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United States of America. In witness whereof, I have hereunto set my hand and seal of office, this —— day of ——." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. For each certificate so delivered, the collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents.

Collectors' reports.

SEC. 4591. The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State, together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place.

Fees of commissioner.

SEC. 4592. Fees not exceeding the sums specified in the tables marked "C" and "D" in the schedule annexed to this title, shall be payable upon all engagements and discharges and apprenticeships effected before any shipping commissioner. Each shipping commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

Unlawful fees.

SEC. 4595. Every shipping commissioner, and every clerk or employee in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant vessels, excepting the lawful fees payable under this title, shall, for every such offense, be liable to a penalty of not more than two hundred dollars.

Definitions.

SEC. 4596. The words "domestic trade" in this section shall include trade between ports of the United States and trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico. The words "foreign trade" shall include trade between ports of the United States and foreign ports, except as above specified, and trade between Atlantic and Pacific ports of the United States.

Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punishable as follows:

Offenses and punishments.

First. For desertion, if the offense occur[s] at a port of the United States or a foreign port in the domestic trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned. If the offense occur at a foreign port in the foreign trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned; and also, at the discretion of the court, by imprisonment for not more than one month.

Second. For neglecting or refusing, without reasonable cause, to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his vessel or from his duty, not amounting to desertion or not treated as such by the master, if the offense occur at a port of the United States or a foreign port in the domestic trade, by a forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute; or if the offense occur[s] at a foreign port, in the foreign trade, by a forfeiture from his wages of not more than two days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

The provisions of this subsection are constitutional. 17 Sup. Ct. 326.

Third. For quitting the vessel, in whatever trade engaged, at a foreign or domestic port, without leave after her arrival at her port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

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Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture from his wages of not more than four days' pay, or upon arrival in a foreign port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum of not more than twelve days' pay or sufficient to defray any expenses which have been properly incurred in hiring a substitute, or upon arrival in a foreign port, in addition to the above penalty, by imprisonment for not more than three months, at the discretion of the court.

Sixth. For assaulting any master or mate, in whatever trade engaged, by imprisonment for not more than two years.

Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, in whatever trade engaged, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Eighth. For any act of smuggling for which he is convicted, and whereby loss or damage is occasioned to the master or owner, in whatever trade engaged, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall be liable to imprisonment for a period of not more than twelve months.

Entry in log book.

SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the official log book on the day on which the offense was committed, and shall be signed by the master and by the mate or by one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

Deserters.

SEC. 4600. It shall be the duty of all consular officers to reclaim deserters, discountenance insubordination by every means in their power, and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused the consular officer shall inquire into the facts and proceed as provided in section forty-five hundred and eighty-three of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner.

Drunkenness, negligence, etc.

SEC. 4602. Any master of, or any seaman or apprentice belonging to, any merchant vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending

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immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

Enforcement of forfeitures.

SEC. 4603. Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Disposal of forfeitures.

SEC. 4604. All clothes, effects, and wages which, under the provisions of this title, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping commissioner resident at the port at which the voyage of such vessel terminates; and the shipping commissioner shall account for and pay over such balance to the judge of the circuit court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

Deduction of wages to pay costs.

SEC. 4605. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Boarding vessel before arrival.

SEC. 4606. Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this title.

Soliciting seamen as lodgers.

SEC. 4607 (as amended by act of April 13, 1904). If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months. This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels.

Carrying sheath knives.

SEC. 4608. No seaman in the merchant service shall wear any sheath knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the

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United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of the Treasury; one-half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

Recovery of penalties, etc.

SEC. 4610. All penalties and forfeitures imposed by this title, for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section forty-five hundred and forty-five: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

Provisos.

Corporal punishment.

SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and no form of corporal punishment on board any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section or either thereof shall be deemed guilty of a misdemeanor, punishable by imprisonment not less than three months or more than two years. Whenever any officer other than the master of such vessel shall violate any provisions of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable. Any failure upon the part of such master to comply herewith, which failure shall result in the escape of such officer, shall render said master liable in damages to the person illegally punished by such officer.

Definitions.

SEC. 4612. In the construction of this title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman;" and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

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SCHEDULE.

TABLE A.

FORM OF ARTICLES OF AGREEMENT.

UNITED STATES OF AMERICA.

Articles of agreement.

(Date and place of first signature and agreement, including name of shipping office):

It is agreed between the master and seamen or mariners of the ——— ———, of which ——— ——— is at present master, or whoever shall go for master, now bound from the port of ———, ———, to ———, ———, (here the voyage is to be described, and the places named at which the vessel is to touch, or if that can not be done, the general nature and probable length of the voyage is to be stated).

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by ——— ———, master, on the —— day of ———, eighteen hundred and ———.

Signature of crew.	Birthplace.	Age.	Height.		Description.		Wages per month.	Wages per run.	Advance wages.	Amount of monthly allotment.	Time of service.		Hospital money.	Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Shipping commissioner's signature or initials.	Allotment payable to—	Conduct qualifications.
			Feet.	Inches.	Complexion.	Hair.					Months.	Days.									

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the consul or vice consul, officer of customs, or witnesses before whom the man is engaged, is to be substituted for that of the shipping master.

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ACCOUNT OF APPRENTICES ON BOARD.

Apprentices.

Christian and surname of apprentice in full.	Date of registry of indenture.	Port at which indenture was registered.	Date of register of assignment.	Port at which assignment was registered.

SCALE OF PROVISIONS TO BE ALLOWED AND SERVED OUT TO THE CREW DURING THE VOYAGE.

Provisions.

	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
Water.....quarts..	4	4	4	4	4	4	4
Biscuit.....pound..	½	½	½	½	½	½	½
Beef, salt.....pounds..	----	----	1¼	----	1¼	----	1¼
Pork, salt.....pound..	----	1	----	1	----	1	----
Flour.....pound..	½	----	½	----	½	----	----
Canned meat.....pound..	1	----	----	1	----	----	----
Fresh bread.....pounds..	1½	1½	1½	1½	1½	1½	1½
Fish, dry, preserved, or fresh.....pound..	----	----	----	----	----	----	----
Potatoes or yams.....pound..	1	1	1	1	1	1	1
Canned tomatoes.....pound..	½	----	----	----	----	½	----
Pease.....pint..	----	----	½	----	----	½	----
Beans.....pint..	----	½	----	½	----	----	----
Rice.....pint..	----	½	----	----	----	----	½
Coffee (green berry).....ounce..	⅜	⅜	⅜	⅜	⅜	⅜	⅜
Tea.....ounce..	⅛	⅛	⅛	⅛	⅛	⅛	⅛
Sugar.....ounces..	3	3	3	3	3	3	3
Molasses.....pint..	½	----	½	----	½	----	----
Dried fruit.....ounces..	3	----	3	----	3	----	----
Pickles.....pint..	----	¼	----	¼	----	¼	----
Vinegar.....pint..	----	----	½	----	----	----	½
Corn meal.....ounces..	4	----	----	----	4	----	----
Onions.....ounces..	4	----	----	----	4	----	4
Lard.....ounce..	1	1	1	1	1	1	1
Butter.....ounce..	1	1	1	1	1	1	1

Mustard, pepper, and salt sufficient for seasoning.

SUBSTITUTES.

Substitutes.

One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, or two ounces of tapioca, for six ounces of rice; six ounces of canned vegetables for one-half pound of canned tomatoes, one-eighth of an ounce of tea for three-fourths of an ounce of coffee; three-fourths of an ounce of coffee for one-eighth of an ounce of tea; six ounces of canned fruit for three ounces of dried fruit; one-half ounce of lime juice for the daily ration of vinegar; four ounces of oatmeal or cracked wheat for one-half pint of corn meal; two ounces of pickled onions for four ounces of fresh onions.

When the vessel is in port and it is possible to obtain the same, one and one-half pounds of fresh meat shall be substituted for the daily rations of salt and canned meat; one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vegetables shall be served while in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions.

The foregoing scale of provisions shall be inserted in every article of agreement, and shall not be reduced by any contract,

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except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the forecastle of each vessel.

Accepting other than the statutory provisions without making formal demand for the scale named is no bar to an action to recover the damages provided in section 4568, where there was no opportunity for choice, and complaint of improper food was in fact made. 200 Fed. 523.

TABLE B.

Discharge.

CERTIFICATE OF DISCHARGE.

Name and official number of ship.	Port of registry.	Tonnage.	Description of voyage or employment.	Name of seaman.	Place of birth.	Date of birth.	Character.	Declines to give statement of character.	Capacity.	Date of entry.	Date of discharge.	Place of discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated —— day of ———, eighteen hundred and ———.

(Signed) ——— ———, *Master.*

(Countersigned) ——— ———, *Seaman.*

Given to the above-named seaman in my presence this ——— day of ———, eighteen hundred and ———.

(Signed) ——— ———,

Shipping Commissioner.

TABLE C.

FEES (SEAMEN).

Fees.

Fee payable on engaging crew, for each member of the crew, (except apprentices) ---------- $2.00

Fee payable on discharging crew, for each member of crew discharged---------- $0.50

TABLE D.

FEES (APPRENTICES).

For each boy apprenticed to the merchant service, including the indenture---------- $5.00

TABLE E.

REDUCTION FROM WAGES OF SEAMEN.

Reduction from wages.

In partial repayment of the fees payable in Table C, in respect of engagements, from the wages of each member of the crew, twenty-five cents.

In respect of discharges, from the wages of each member of the crew, twenty-five cents.

[The fees allowed by Tables C and D are abolished by chapter 421, Acts of 1885–86, as amended by chapter 61, Acts of 1887–88. This chapter provides, however, that the amounts fixed by these tables shall be paid the shipping commissioners by the Secretary of the Treasury for services necessarily rendered. The duties and jurisdiction of the Secretary of the Treasury relating to seamen

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are transferred to the Secretary of Commerce and Labor by chapter 552, Acts of 1902–3.]

Railroads—Safety appliances.

(Page 3174. Act of March 2, 1893.)

Power brakes.

SECTION 1. From and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any common carrier engaged in interstate commerce by railroad to use on its line any locomotive engine in moving interstate traffic not equipped with a power driving-wheel brake and appliances for operating the train brake system, or to run any train in such traffic after said date that has not a sufficient number of cars in it so equipped with power or train 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.

It was held that in the operation of switching it was not necessary to couple the air hose so as to bring the brakes into use; and that the cities of Bergen, Weehawken, and Jersey City (forming a triangle about 3½ by 4 by 1½ miles) constitute a single shifting yard. 197 Fed. 287.

Automatic couplers.

SEC. 2. On and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its line any car used in moving interstate 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.

The benefits of this section are not restricted to employees engaged in coupling or uncoupling cars, but reach to any employee who is injured in the scope of his duty by reason of defects in the prescribed equipment. 169 Fed. 372.

The statute requires both ends of a car to be equipped with effective couplers, and the fact that a defective coupler was in contact with an effective one so that couplings could be made from one side of the train but not the other does not relieve the company of its liability to a penalty. 205 Fed. 40.

Cars without equipment.

SEC. 3. When any person, firm, company, or corporation engaged in interstate commerce by railroad shall have equipped a sufficient number of its cars so as to comply with the provisions of section one of this act, it may lawfully refuse to receive from connecting lines of road or shippers any cars not equipped sufficiently, in accordance with the first section of this act, with such power or train brakes as will work and readily interchange with the brakes in use on its own cars, as required by this act.

Grab irons.

SEC. 4. From and after the first day of July, eighteen hundred and ninety-five, until otherwise ordered by the Interstate Commerce Commission, it shall be unlawful for any railroad company to use any car in interstate commerce that is not provided with secure grab irons or handholds in the ends and sides of each car for greater security to men in coupling and uncoupling cars.

Height of drawbars.

SEC. 5. Within ninety days from the passage of this act the American Railway Association is authorized hereby to designate to the Interstate Commerce Commission the standard height of drawbars for freight cars, measured perpendicular from the level of the tops of the rails to the centers of the drawbars, for each of the several gauges of railroads in use in the United States, and shall fix a maximum variation from such standard height to be allowed between the drawbars of empty and loaded cars. Upon their determination being certified to the Interstate Commerce Commission, said Commission shall at once give notice of the standard fixed upon to all common carriers, owners, or lessees engaged in interstate commerce in the United States by such means as the Commission may deem proper. But should said association fail to determine a standard as above provided, it shall be the duty of the Interstate Commerce Commission to do so, before July first, eighteen hundred and ninety-four, and immediately to give notice thereof as aforesaid. And after July first, eighteen hundred and ninety-five, no cars either loaded or un-

Cars to be refused, when.

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loaded, shall be used in interstate traffic which do not comply with the standard above provided for.

This section is constitutional. The duty of maintaining the couplers in the prescribed condition is an absolute one, which can not be discharged by the use merely of reasonable care or by its delegation to competent persons. 28 Sup. Ct. 616.

Penalty.

SEC. 6 (as amended by act of April 1, 1896). Any such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any 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, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge: *Provided*, That nothing in this act contained shall apply to trains composed of four-wheel cars or to trains composed of eight-wheel standard logging cars where the height of such car from top of rail to center of coupling does not exceed twenty-five inches, or to locomotives used in hauling such trains when such cars or locomotives are exclusively used for the transportation of logs.

Proviso.

Extension of time.

SEC. 7. The Interstate Commerce Commission may from time to time upon full hearing and for good cause extend the period within which any common carrier shall comply with the provisions of this act.

Employees do not assume risk, when.

SEC. 8. Any employee of any such common carrier who may be injured by any locomotive, car, or train in use contrary to the provisions of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, car, or train had been brought to his knowledge.

[See also chapter 976, Acts of 1902–3, pp. 2413, 2414, and chapter 160, Acts of 1909–10, pp. 2423–2425.]

Courts will take official cognizance of the effect of this statute, though the plaintiff in no way indicates that he relies on it for recovery. Couplers which have become worn and inoperative are not a compliance with the requirements of this act, though of proper form and style. A car designed for use in interstate traffic, though empty, is within the provisions of the statute. 116 Fed. 867.

Failure by a railroad company to equip its cars with couplers as required by this statute is negligence per se, and the defense of contributory negligence can not be made against an employee injured because of such failure, even if the employee was thus negligent. 122 N. C. 977.

And an employee remaining in service does not assume the risk. 30 S. E. 115.

A locomotive is a car requiring automatic couplers under this statute. Not only must the couplers provided work automatically with others of the same make, but the different kinds used must couple automatically one with another. 25 Sup. Ct. 158, 196 U. S. 1.

Absence of grab irons does not prove such negligence on the part of the company as to abrogate the defense of contributory negligence. 91 Fed. 224.

The purpose of this act is to promote a high degree of care and diligence for the protection of employees. Knowledge is not an element of an offense. 156 Fed. 180.

Antitrust law.

(Page 3200. Act of July 2, 1890.)

Restraint of trade.

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprison-

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ment not exceeding one year, or by both said punishments, in the discretion of the court.

Monopoly.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Trusts.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Jurisdiction of courts.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

Additional parties.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section four of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

Forfeiture of property in transit.

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Damages.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

Definition.

SEC. 8. That the word "person," or "persons," 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 any of the Territories, the laws of any State, or the laws of any foreign country.

This act applies to combinations of laborers as well as of capitalists. The fact that a combination of men is in its origin and general purposes

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innocent and lawful is no ground of defense when the combination is turned to the unlawful purpose of restraining interstate and foreign commerce. A combination to secure or compel the employment of none but union men becomes a combination in restraint of interstate commerce within the meaning of this act, when, in order to gain its ends, it seeks to enforce and does enforce, by violence and intimidation, a discontinuance of labor in all departments of business, including the transportation of goods from State to State, and to and from foreign nations. 54 Fed. 994.

A rule of a labor organization which forbids its members to handle the cars of a railroad against which the organization has a grievance until such grievance has been adjusted is violative of section 1 of this act as being in restraint of trade or commerce. 55 Fed. 149.

A combination of workingmen to interfere with the manufacture, transportation and sale of an article of interstate commerce by a boycott is in restraint of trade, and violates this statute. 28 Sup. Ct. 301.

Under section 5, an injunction order may provide that it shall be in force on defendants not named in the bill, but who are within the terms of the order where it also provides that it is operative on all persons acting in concert with the designated defendants, though not named in the writ, after the commission of some act by them in furtherance of the conspiracy against which the order is directed, and service of the writ on them. 62 Fed. 801.

The provision for forfeiture in section 6 of this act does not imply that only cases in which property shall be found subject to forfeiture shall be deemed within the scope of the act. The power given to circuit courts "to prevent and restrain violations" of the act, is not an invasion of the right of trial by jury, as the jurisdiction so given by equity will be deemed to be limited to such cases only as are of equitable cognizance. 64 Fed. 724.

Labor organizations—Incorporation of national trade-unions.

(Page 3204. Act of June 29, 1886.)

Definition.

SECTION 1. The term "national trade-union," in the meaning of this act, shall signify any association of working people having two or more branches in the States or Territories of the United States for the purpose of aiding its members to become more skillful and efficient workers, the promotion of their general intelligence, the elevation of their character, the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of their trade or trades, the raising of funds for the benefit of sick, disabled, or unemployed members, or the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit.

Incorporation, powers, etc.

SEC. 2. National trade-unions shall, upon filing their articles of incorporation in the office of the recorder of the District of Columbia, become a corporation under the technical name by which said national trade-union desires to be known to the trade; and shall have the right to sue and be sued, to implead and be impleaded, to grant and receive, in its corporate or technical name, property, real, personal, and mixed, and to use said property, and the proceeds and income thereof, for the objects of said corporation as in its charter defined: *Provided*, That each union may hold only so much real estate as may be required for the immediate purposes of its incorporation.

Constitution, etc.

SEC. 3. An incorporated national trade-union shall have power to make and establish such constitution, rules, and by-laws as it may deem proper to carry out its lawful objects, and the same to alter, amend, add to, or repeal at pleasure.

Officers.

SEC. 4. An incorporated national trade-union shall have power to define the duties and powers of all its officers, and prescribe their mode of election and term of office, to establish branches and subunions in any Territory of the United States.

Headquarters.

SEC. 5. The headquarters of an incorporated national trade-union shall be located in the District of Columbia.

There is nothing in this act to countenance the idea that it so changes the common law as to authorize combinations and conspiracies of interstate employees to quit the service in a body, with the design and intent of crippling the property in their custody, or embarrassing the operation of the road, with the ulterior purpose of enforcing a demand against the master. 60 Fed. 803.

It does not sanction illegal combinations. 63 Fed. 310.

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Seamen—Hospital relief.

Donations.

SECTION 4801. The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen.

Supervising surgeon.

SEC. 4802. The Secretary of the Treasury shall, from time to time, appoint a surgeon to act as supervising surgeon of Marine-Hospital Service, who shall, under the direction of the Secretary, supervise all matters connected with the Marine-Hospital Service, and with the disbursement of the fund for the relief of sick and disabled seamen. * * *

(Page 3322. Act of August 4, 1894.)

Admission to hospital.

SECTION 1. The privilege of admission to and temporary treatment in the marine hospitals under the control of the Government of the United States is hereby extended to the keepers and crews of the Life-Saving Service under the same rules and regulations as those governing sailors and seamen, and for the purposes of this act members of the Life-Saving Service shall be received in said hospitals and treated therein, and at the dispensaries thereof, as are seamen of American registered vessels; but this act shall not be so construed as to compel the establishment of hospitals or dispensaries for the benefit of said keepers and crews, nor as establishing a home for the same when permanently disabled.

Who excluded.

SECTION 4804. No person employed in or connected with the navigation, management, or use of canal boats engaged in the coasting trade shall by reason thereof be entitled to any benefit or relief from the marine-hospital fund.

Foreign seamen.

SEC. 4805. Sick foreign seamen may be admitted to the marine hospitals within the United States, if it can with convenience be done, on the application of the master of any foreign vessel to which any such seaman may belong. Each seaman so admitted shall be subject to a charge of seventy-five cents per day for each day he may remain in the hospital, which shall be paid by the master of such foreign vessel to the collector of the collection district in which such hospital is situated. And the collector shall not grant a clearance to any foreign vessel until the money so due from her master shall be paid. The officer in charge of each hospital is hereby directed, under penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital under his direction, and render the same to the collector.

(Page 3324. Act of March 3, 1875.)

Definition.

SECTION 3. [The] term "seaman," wherever employed in legislation relating to the Marine-Hospital Service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

Copyrights—Type to be set and plates, etc., to be made in the United States.

Deposit of title, etc.

SECTION 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in his or any foreign country, deliver at the office of the

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Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of same: *Provided*, That in the case of a book, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom. During the existence of such copyright the importation into the United States of any book, chromo, lithograph, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby prohibited, except in the cases specified in paragraphs five hundred and twelve to five hundred and sixteen, inclusive, in section two of the act entitled "An act to reduce the revenue and equalize the duties on imports, and for other purposes," approved October first, eighteen hundred and ninety [superseded by chap. 11, sec. 2, paragraphs 500 to 504, Acts of 1897, Special Session]; and except in the case of persons purchasing for use and not for sale, who import subject to the duty thereon, not more than two copies of such book at any one time; and except in the case of newspapers and magazines, not containing in whole or in part matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation: *Provided, nevertheless*, That in the case of books in foreign languages of which only translations in English are copyrighted the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be permitted.

Typesetting, etc., to be done within the United States.

Bankruptcy.

(Page 3423. Act of July 1, 1898.)

Who may become bankrupts.

SECTION 4. a Any person who owes debts, except a corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

b Any natural person, except a wage earner or a person engaged chiefly in farming or the tillage of the soil, * * * may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. * * *

Exemptions governed by State laws.

SEC. 6. This act shall not affect the allowance to bankrupts of the exemptions which are prescribed by the State laws in force at the time of the filing of the petition in the State wherein they have had their domicile for the six months or the greater portion thereof immediately preceding the filing of the petition.

Order of payment of demands.

SEC. 64. a The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of the payment of dividends to creditors, * * *

b (as amended by act of June 15, 1906). 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 by creditors in involuntary cases; (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 in-

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voluntary cases, as the court may allow; (4) wages due to workmen, clerks, traveling or city salesmen, 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.

* * * * *

The preference granted in subdivision (4) is effective, even though the wage claim had been assigned prior to the filing of the petition in bankruptcy. 128 Fed. 170.

Liens for wages, perfected under State laws, have precedence over wage claims not so preserved. 95 Fed. 116.

Negligence of employees on steamboats.

Negligence causing death.

SECTION 5344 (as amended by act of March 3, 1905). Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law, the life of any person is destroyed, shall be deemed guilty of the felony of manslaughter, and upon conviction thereof, before any circuit court of the United States, shall be sentenced to pay a fine of not more than ten thousand dollars, or to confinement at hard labor for a period of not more than ten years, or either, or both: *Provided,* That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be deemed guilty of the felony of manslaughter, and upon conviction thereof, before any circuit court of the United States, shall be sentenced to confinement at hard labor for a period of not more than ten years.

Seamen—Crimes.

Maltreatment of crew.

SECTION 5347. Every master or other officer of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both.

Inciting to revolt.

SEC. 5359. If any one of the crew of any American vessel on the high seas, or other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master, or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master, or other commanding officer thereof, he shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both such fine and imprisonment.

Mutiny.

SEC. 5360. If any one of the crew of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers

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such authority and command to another not lawfully entitled thereto, he is guilty of a revolt and mutiny, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor not more than ten years.

Abandoning seamen.

SEC. 5363. Every master or commander of any vessel belonging, in whole or part, to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months.

Laying hands on commander.

SEC. 5369. Every seaman who lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall suffer death.

Peonage.

Holding or returning peons.

SECTION 5526. Every person who holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one year nor more than five years, or by both.

Obstructing enforcement.

SEC. 5527. Every person who obstructs or attempts to obstruct, or in any way interferes with, or prevents the enforcement of, the preceding section, shall be liable to the pains and penalties therein prescribed.

A person who hires another, and induces him to sign a contract by which he agrees during the term to be imprisoned or kept under guard, and under cover of such agreement afterwards holds the party to the performance of the contract by threats or punishment, or undue influence, subduing his free will, when he desires to abandon the service, is guilty of holding such a person to "a condition of peonage." 123 Fed. 671.

ACTS OF 1890-91—FIFTY-FIRST CONGRESS, SECOND SESSION.

CHAPTER 564.—*Mine regulations—Coal mines.*

Inspector.

SECTION 1. In each organized and unorganized Territory of the United States wherein are located coal mines, the aggregate annual output of which shall be in excess of one thousand tons per annum, the President shall appoint a mine inspector, who shall hold office until his successor is appointed and qualified. Such inspector shall, before entering upon the discharge of his duties, give bond to the United States in the sum of two thousand dollars, conditioned for the faithful discharge of his duties.

Qualifications.

SEC. 2. No person shall be eligible for appointment as mine inspector under section one of this act who, is not either a practical miner or mining engineer and who has not been a resident for at least six months in the Territory for which he shall be appointed; and no person who shall act as land agent, manager, or agent of any mine, or as mining engineer, or be interested in operating any mine in such Territory shall be at the same time an inspector under the provisions of this act.

Duties.

SEC. 3. It shall be the duty of the mine inspector provided for in this act to make careful and thorough inspection of each coal mine operated in such Territory, and to report at least annually upon the condition of each coal mine in said Territory with reference to the appliances for the safety of the miners, the number of air or ventilating shafts, the number of shafts or slopes for ingress or egress, the character and condition of the machinery for ventilating such mines, and the quality of air supplied to same. Such reports shall be made to the governor of the Territory in which such mines are located and a duplicate thereof for-

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warded to the Secretary of the Interior, and in the case of an unorganized Territory directly to the Secretary of the Interior.

Defective conditions.

SEC. 4. In case the said mine inspector shall report that any coal mine is not properly constructed or not furnished with reasonable and proper machinery and appliances for the safety of the miners and other employees it shall be the duty of the governor of such organized Territory it shall be the duty of the Secretary of the Interior [sic] to give notice to the owners or managers of said coal mine that the said mine is unsafe and notifying them in what particular the same is unsafe, and requiring them to furnish or provide such additional machinery, slopes, entries, means of escape, ventilation, or other appliances necessary to the safety of the miners and other employees within a period to be in said notice named, and if the same be not furnished as required in such notice it shall be unlawful after the time fixed in such notice for the said owners or managers to operate said mine.

Notice.

Escape shafts.

SEC. 5. In all coal mines in the Territories of the United States the owners or managers shall provide at least two shafts, slopes, or other outlets, separated by natural strata of not less than one hundred and fifty feet in breadth, by which shafts, slopes, or outlets distinct means of ingress and egress shall always be available to the persons employed in said mine[s]. And in case of the failure of any coal mine to be so provided it shall be the duty of the mine inspector to make report of such fact, and thereupon notice shall issue, as provided in section four of this act, and with the same force and effect.

Ventilation.

SEC. 6 (as amended by act of July 1, 1902). The owners or managers of every coal mine shall provide an adequate amount of ventilation of not less than eighty-three and one-third cubic feet of pure air per second, or five thousand cubic feet per minute for every fifty men at work in said mine, and in like proportion for a greater number, which air shall by proper appliances or machinery be forced through such mine to the face of each and every working place, so as to dilute and render harmless and expel therefrom the noxious or poisonous gases.

Sprinkling.

Wherever it is practicable to do so the entries, rooms, and all openings being operated in coal mines shall be kept well dampened with water to cause the coal dust to settle, and when water is not obtainable at reasonable cost for this purpose accumulations of dust shall be taken out of the mine, and shall not be deposited in way places in the mine where it would be again distributed in the atmosphere by the ventilating currents: *Provided*, That all owners, lessees, operators of, or any other person having the control or management of any coal shaft, drift, slope or pit in the Indian Territory, employing twenty or more miners to work in the same, shall employ shot firers to fire the shots therein.

Shot firers.

Said shots shall not be fired to exceed one [once] per day; at twelve o'clock noon in cases where the miners work but half a day, and at five o'clock in the evening when the mine is working three-quarters or full time, and they shall not be fired until after all miners and other employees working in said shafts, drifts, slopes or pits, shall be out of same. The violation of this act shall constitute a misdemeanor and any person convicted of such violation shall pay a fine of not exceeding five hundred dollars.

The above section prescribes an absolute duty as to ventilation and does not at all leave the points prescribed to the judgment of the operator. The consequences of negligence can not be excused because of a workman's contributory negligence. 20 Sup. Ct. 967.

Operating mine after notice.

SEC. 7. Any mine owner or manager who shall continue to operate a mine after failure to comply with the requirements of this act and after the expiration of the period named in the notice provided for in section four of this act, shall be deemed guilty of a misdemeanor, and shall be fined not to exceed five hundred dollars.

Furnace shaft not escape shaft.

SEC. 8. In no case shall a furnace shaft be used or for the purposes of this act be deemed an escape shaft.

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Time for constructing shafts.

SEC. 9. Escape shafts shall be constructed in compliance with the requirements of this act within six months from the date of the passage hereof, unless the time shall be extended by the mine inspector, and in no case shall said time be extended to exceed one year from the passage of this act.

Speaking tubes.

SEC. 10. A metal speaking tube from the top to the bottom of the shaft or slope shall be provided in all cases, so that conversation may be carried on through the same.

Safety cages.

SEC. 11. An improved safety catch shall be provided and sufficient cover overhead on every carriage used in lowering or hoisting persons. And the mine inspectors shall examine and pass upon the adequacy and safety of all such hoisting apparatus.

Employment of children.

SEC. 12. No child under twelve years of age shall be employed in the underground workings of any mine. And no father or other person shall misrepresent the age of anybody so employed. Any person guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed one hundred dollars.

Regulations as to hoisting.

SEC. 13. Only experienced and competent and sober men shall be placed in charge of hoisting apparatus or engines. And the maximum number of persons who may ascend or descend upon any cage or hoisting apparatus shall be determined by the mine inspector.

Access to mines.

SEC. 14. It shall be lawful for any inspector to enter and inspect any coal mine in his district and the work[s] and machinery belonging thereto at all reasonable times, but so as not to impede or obstruct the working of the mine; and to make inquiry into the state of the mine, works and machinery, and the ventilation and mode of lighting the same, and into all matters and things connected with or relating to the safety of the persons employed in or about the same, and especially to make inquiry whether the provisions of this act are complied with; and the owner or agent is hereby required to furnish means necessary for such entry, inspection, examination and inquiry, of which the said inspector shall make an entry in the record in his office, noting the time and material circumstances of the inspection.

Accidents.

SEC. 15. In all cases of fatal accident a full report thereof shall be made by the mine owner or manager to the mine inspector, said report to be in the [sic] writing and made within ten days after such death shall have occurred.

Injunctions.

SEC. 16. As a cumulative remedy, in case of the failure of any owner or manager of any mine to comply with the requirements contained in the notice of the governor of such Territory or the Secretary of the Interior, given in pursuance of this act, any court of competent jurisdiction, or the judge of such court in vacation, may, on the application of the mine inspector in the name of the United States and supported by the recommendation of the governor of said Territory, or of the Secretary of the Interior, issue an injunction restraining the further operation of such mine until such requirements are complied with, and in order to obtain such injunction no bond shall be required.

Definition.

SEC. 17. Wherever the term "owner or manager" is used in this act the same shall include lessees or other persons controlling the operation of any mine. And in case of the violation of the provisions of this act by any corporation the managing officers and superintendents, and other managing agents of such corporation, shall be personally liable and shall be punished as provided in [this] act for owners and managers.

Salaries of inspectors.

SEC. 18. The mine inspectors provided for in this act shall each receive a salary of two thousand dollars per annum, and their actual traveling expenses when engaged in their duties.

Laws superseded, when.

SEC. 19. Whenever any organized Territory shall make or has made provision by law for the safe operation of mines within such Territory, and the governor of such Territory shall certify said fact with a copy of said law to the Secretary of the Interior, then and thereafter the provisions of this act shall no longer be enforced in such organized Territory, but in lieu thereof the statute of such Territory shall be operative in lieu of this act.

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ACTS OF 1894–95—FIFTY-THIRD CONGRESS, THIRD SESSION.

CHAPTER 177.—*Department of Labor—Bulletins.*

* * * * *

Bulletins authorized.

The Commissioner of Labor is hereby authorized to prepare and publish a Bulletin of the Department of Labor, as to the condition of labor in this and other countries, condensations of State and foreign labor reports, facts as to conditions of employment, and such other facts as may be deemed of value to the industrial interests of the country, and there shall be printed one edition of not exceeding ten thousand copies of each issue of said bulletin for distribution by the Department of Labor.

* * * * *

[The sundry civil appropriation bill of June 4, 1897, authorizes the printing of fifteen thousand copies of each issue, while that of June 6, 1900, authorizes not to exceed twenty thousand copies of any single issue as an extra edition.]

ACTS OF 1901–2—FIFTY-SEVENTH CONGRESS, FIRST SESSION.

CHAPTER 641.—*Chinese labor exclusion—Island territory—International expositions.*[1]

Extension of prior laws.

SECTION 1 (as amended by act of April 27, 1904). All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, reenacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however*, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the District of Alaska shall be considered a part of the mainland under this section.

Island territory.

Proviso.

Foreign exhibits at fairs, etc.

SEC. 3. Nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the admission and return of such person or persons.

[1] Jurisdiction and control over the immigration of aliens was transferred to the Department of Labor by Chapter 141, Acts of 1912–13.

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Certificates of residence.

SEC. 4. It shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however,* That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act, said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

CHAPTER 1093.—*Irrigation works.*

Eight hours a day's labor.

SECTION 4. Upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, * * *

Mongolian labor prohibited.

Provided, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

ACTS OF 1902–3—FIFTY-SEVENTH CONGRESS, SECOND SESSION.

CHAPTER 552.—*Department of Commerce and Labor.*[1]

Department created.

SECTION 1. There shall be at the seat of government an executive department to be known as the Department of Commerce and Labor, and a Secretary of Commerce and Labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of eight thousand dollars per annum, and whose term and tenure of office shall be like that of the heads of the other executive departments; * * *

Duties.

SEC. 3. It shall be the province and duty of said Department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. * * *

Offices, etc., included.

SEC. 4. The following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment, the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners, the National Bureau of Standards, the Coast and Geodetic Survey, the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration, the immigration service at large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; * * *

Report.

SEC. 8. The Secretary of Commerce and Labor shall annually, at the close of each fiscal year, make a report in writing to Congress,

[1] See Chapter 141, Acts of 1912–13.

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giving an account of all moneys received and disbursed by him and his Department, and describing the work done by the Department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities, of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

Inspection of vessels, etc.

SEC. 10. * * * All duties, power, authority and jurisdiction, whether supervisory, appellate or otherwise, now imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their * * * officers, seamen, * * * inspection, equipment for the better security of life, * * * the use of petroleum or other similar substances to produce motive power and relating to the remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, * * * shall be and hereby are transferred to and imposed and conferred upon the Secretary of Commerce and Labor * * *

CHAPTER 976.—*Railroads—Safety appliances.*

Application of law of 1893.

SECTION 1. The provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March second, eighteen hundred and ninety-three, and amended April first, eighteen hundred and ninety-six [see pp. 2401, 2402], shall be held to apply to common carriers by railroads in the Territories and the District of Columbia and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type; and the provisions and requirements hereof and of said acts relating to train brakes, automatic couplers, grab irons, and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section six of said act of March second, eighteen hundred and ninety-three, as amended by the act of April first, eighteen hundred and ninety-six, or which are used upon street railways.

Fifty per cent of cars to be equipped.

SEC. 2. Whenever, as provided in said act, any train is operated with power or train brakes, not less than fifty per centum of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said fifty per centum shall have their brakes so used and operated; and, to more fully carry into effect the objects of said act, the Interstate Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirements of the said Interstate Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section.

Act construed.

SEC. 3. The provisions of this act shall not take effect until September first, nineteen hundred and three. Nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities,

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or requirements of said act of March second, eighteen hundred and ninety-three, as amended by the act of April first, eighteen hundred and ninety-six; and all of the provisions, powers, duties, requirements and liabilities of said act of March second, eighteen hundred and ninety-three, as amended by the act of April first, eighteen hundred and ninety-six, shall, except as specifically amended by this act, apply to this act.

[See also chapter 160, Acts of 1909–10, pp. 2423–2425.]

ACTS OF 1905–6—FIFTY-NINTH CONGRESS, FIRST SESSION.

CHAPTER 3583 (as amended by act of March 2, 1907).—*Seamen—Shipping under false inducements, etc.*

Coercing, drugging, etc., seamen.

SECTION 1. Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in any wise enter into any agreement to go on board of any such vessel to perform service or labor thereon, or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof or to enter into any agreement to go on board thereof by any means herein defined, or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

CHAPTER 3912.—*Hours of labor—Eight-hour law on Isthmian Canal construction.*

Exemption.

SECTION 4. The provisions of an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August first, eighteen hundred and ninety-two, * * * shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the Isthmian Canal within the Canal Zone.

ACTS OF 1906–7—FIFTY-NINTH CONGRESS, SECOND SESSION.

CHAPTER 1134.—*Alien labor immigration—Contract labor.*

Passports to Canal Zone.

SECTION 1. * * * Whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Excluded classes.

SEC. 2 (as amended by act of March 26, 1910). The following classes of aliens shall be excluded from admission into the United States: * * * persons hereinafter called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, expressed or implied, to perform

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labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Contract laborers.

SEC. 4. It shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this act.

Violations.

SEC. 5. For every violation of any of the provisions of section four of this act the persons, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

An alien induced to come into the United States by promise of employment as superintendent of a lumbering company, conditioned that he must be a competent woodsman, logger, and mill man, and a first-class mechanic, does not come within the provisions of the above sections if his agreement does not require him to perform manual labor, they being limited to manual labor, skilled or unskilled. 27 Op. A.-G. 383.

Advertisements.

SEC. 6. It shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

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Soliciting immigrants.

SEC. 7. No transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision, any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this act.

Bringing in aliens not duly admitted.

SEC. 8. Any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

Deportation.

SEC. 20. Any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: *Provided*, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

Repeal.

SEC. 43. The act of March third, nineteen hundred and three, being an act to regulate the immigration of aliens into the United States, except section thirty-four thereof, * * * and all acts and parts of acts inconsistent with this act are hereby repealed:

Proviso.

Provided, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, * * *

CHAPTER 1180.—*Child labor—Incorporation of national committee.*

Incorporation.

SECTION 1. Felix Adler, * * * [and others], and their successors and associates, be, and they hereby are, constituted a body corporate of the District of Columbia; the name of such body corporate shall be National Child Labor Committee, and by such name the said persons, or a majority of them, shall hold a meeting and adopt a constitution and by-laws, and shall have power to amend the same at pleasure: *Provided*, That such constitution or by-laws, or any amendments thereof, do not conflict with the laws of the United States; and that they may use a common seal and alter and change the same at pleasure, and may take, receive, hold, and

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convey real and personal estate necessary for the purposes of the organization.

Objects.

SEC. 2. The objects of the said corporation shall be: To promote the welfare of society with respect to the employment of children in gainful occupations; to investigate and report the facts concerning child labor; to raise the standard of parental responsibility with respect to the employment of children; to assist in protecting children, by suitable legislation, against premature or otherwise injurious employment, and thus to aid in securing for them an opportunity for elementary education and physical development sufficient for the demands of citizenship and the requirements of industrial efficiency; to aid in promoting the enforcement of laws relating to child labor; to coordinate, unify, and supplement the work of State or local child-labor committees, and encourage the formation of such committees where they do not exist.

Place of meeting.

SEC. 3. Said corporation shall have a right to hold its meetings at any place in the United States as may be best suited or most advantageous for the carrying out of the purposes for which this corporation is formed.

Restrictions.

SEC. 4. Said corporation shall not engage in any business for gain, the purposes of said corporation being educational and philanthropic.

Amendments.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

CHAPTER 2558.—*Foundation for the Promotion of Industrial Peace.*

Trustees named.

SECTION 1. The Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public, to be appointed by the President of the United States, are hereby created trustees of an establishment by the name of the Foundation for the Promotion of Industrial Peace, with authority to receive the Nobel peace prize awarded to the President and by him devoted to this foundation, and to administer it in accordance with the purposes herein defined. Any vacancies occurring in the number of trustees shall be filled in like manner by appointment by the President of the United States.

Duties.

SEC. 2 (as amended by act of February 18, 1909). It shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of sixteen persons, to be known as the "Industrial Peace Committee;" said committee to consist of the seven trustees and nine other persons to be selected by the trustees, three of whom shall serve as members of the committee for the period of one year, three as members for the period of two years, and three as members for the period of three years, three of the nine members thus selected by the trustees to be representatives of labor, three to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and three members to represent the general public. Any vacancies which may occur in this committee shall be filled by selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for the period of three years or for the unexpired portion of such term.

Conferences.

SEC. 3 (as amended by act of February 18, 1909). The Industrial Peace Committee herein constituted shall arrange for such

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meetings and conferences in the city of Washington, District of Columbia, as it may deem advisable, of representatives of labor and capital for the purpose of discussing industrial problems with the view of arriving at a better understanding between employers and employees. It shall call such conferences in case of great industrial crises and take such other steps as in its discretion will promote the general purposes of the foundation, subject, however, to such rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the meetings and conferences, and be charged with the conduct of the proceedings at such meetings and conferences, and shall also arrange for the publication of the results of such meetings and conferences.

Expenses. SEC. 4. All expenditures authorized by the trustees shall be paid exclusively from the accrued income and not from the principal of the foundation.

Value of holdings. SEC. 5. The trustees herein named are authorized to hold real and personal estate in the District of Columbia to an amount not exceeding three million dollars, and to use and dispose of the same for the purposes of this foundation.

Office. SEC. 6. The principal office of the foundation shall be located in the District of Columbia, but offices may be maintained and meetings of the trustees and committees may be held in other places, to be provided for in by-laws to be adopted from time to time by the trustees, for the proper execution of the purposes of the foundation.

Power to cooperate. SEC. 7. The Foundation for the Promotion of Industrial Peace is hereby authorized and empowered, at its discretion, to cooperate with any institutions or societies having similar or like purposes.

CHAPTER 2039.—*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 District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. 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 and 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:

Nine hours. *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

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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 Interstate Commerce 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.

A train crew gathering up loaded cars from spur lines and placing them for movement by an interstate train is engaged in interstate commerce. A protracted delay of an indefinite period, liable to be terminated at any time, can not be deducted from the working day, though the actual labor was of less than 16 hours' duration, since the men were on duty and not definitely laid off. 197 Fed. 624.

Thirty minutes' preparation time required of an engineer before beginning his run is to be counted as part of his work period. 180 Fed. 630.

Communications by telephone between towermen, not emanating from a train dispatcher's office, are orders within the meaning of this section. 205 Fed. 344.

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 United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such 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 Interstate Commerce 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 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.

Enforcement.

SEC. 4. It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this act, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this act.

A separate penalty is recoverable for each member of a train crew working overtime in violation of this act. 34 Sup. Ct. 26.

A violation of this statute does not make the employer absolutely liable for injuries received by the employee during his overtime employment, but such violation must be shown to be the proximate cause of the injury. 33 Sup. Ct. 858.

ACTS OF 1907–S—SIXTIETH CONGRESS, FIRST SESSION.

CHAPTER 149.—*Liability of railroad companies for injuries to employees.*

Interstate commerce.

SECTION 1. Every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, 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

Liability for negligence of officers, etc.

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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 carrier, 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.

Defects.

A workman repairing a bridge on an interstate road, injured by an interstate train, was held entitled to the benefits of the act, since his employment was indispensable to interstate commerce. 33 Sup. Ct. 648.

So of track repair men. 179 Fed. 893, 180 Fed. 832, 149 S. W. 951.

And of a yard clerk in a railway yard for the purpose of taking the numbers of the cars on an interstate freight train. 33 Sup. Ct. 651.

And of the members of a switching crew placing loaded cars and cars for loading, for the convenience of an interstate train. 131 Pac. 507.

And of a workman engaged in loading interstate freight into a car. 207 Fed 311.

And a brakeman injured while getting ice to cool a hot box on an interstate train. 203 Fed. 956.

And a pumper at a water station going to his work on a hand car furnished by his employer. 130 Pac. 897.

And a fireman crossing tracks on his way to work. 196 Fed. 336.

And a repair hand working on an interstate engine tender while standing on a side track between runs. 204 Fed. 751.

Commerce within Territories, etc.

SEC. 2. Every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, 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 carrier, 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.

Comparative negligence.

SEC. 3. In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this act 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, 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 common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Under this section the full measure of damages is to be reduced in proportion to the amount of the employee's negligence as compared with the combined negligence of himself and his employer. 33 Sup. Ct. 654.

Risk not assumed, when.

SEC. 4. In any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks 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.

Contracts of waiver.

SEC. 5. Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier 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 common carrier under or 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, 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.

The receipt of benefits from a relief fund under an agreement that such receipt shall operate as a release from all claims for damages is not a bar

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to an action for injuries under this act. Prior contracts are controlled by this section no less than those made after its enactment. It is constitutional. 224 U. S. 603, 32 Sup. Ct. 589.

Nor does the actual signing of a release and the receipt of benefits bar an action for damages, the release being the contractual method of obtaining the relief benefits. 197 Fed. 31.

Limitation.

SEC. 6 (as amended by act of April 5, 1910). No action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

Place of bringing suit.

Under this act an action may be brought in a circuit court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing of such action. The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to any court of the United States.

Definition.

SEC. 7. 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 and operation of the business of a common carrier.

Effect of law.

SEC. 8. Nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other act or acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the act of Congress entitled "An act relating to liability of common carriers in the District of Columbia and Territories, and to common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June 11, 1906.

Survival of right of action.

SEC. 9 (added by act of April 5, 1910). Any right of action given by this act to a person suffering injury shall survive 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, but in such cases there shall be only one recovery for the same injury.

This statute is constitutional, and supersedes State laws covering the same field. It is enforcible in State courts of competent jurisdiction, as well as in the courts of the United States. No man has a vested interest in any rule of the common law, and Congress had power to abrogate or modify the employers' customary defenses. The restriction to certain classes of workmen is a reasonable classification. 223 U. S. 1, 32 Sup. Ct. 169.

Courts are presumed to be cognizant of its existence, and that it supersedes State laws. 33 Sup. Ct. 135.

The liability created is for pecuniary loss and damage sustained by the dependent relatives, and not for speculative loss of care and advice to a wife, though a child may recover for loss of care, training, or education. 33 Sup. Ct. 192.

One not dependent can recover nothing. 33 Sup. Ct. 426.

CHAPTER 200.—*Railroads—Safety appliances—Inspection—Tests.*

* * * * *

Mail cars.

Hereafter all inspectors employed for the enforcement of said act [to promote the safety of employees and travelers upon railroads] shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster General.

Safety appliances.

Hereafter the Interstate Commerce Commission shall be, and is, hereby authorized, at its discretion, to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape to such commission for such investigation and test entirely free of cost to the Government. For this purpose the commission is authorized to employ persons

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familiar with the subject to be investigated and tested, and may also make use of its regular employees for such purposes.

* * * * *

CHAPTER 225.—*Railroads—Safety appliances.*

Locomotives for interstate use; SECTION 1. On and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad to use any locomotive in moving interstate or foreign traffic, not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

For use in Territories, etc. SEC. 2. On and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia to use any locomotive not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

Violations. SEC. 3. Any such common carrier using any locomotive in violation of any of the provisions of this act shall be liable to a penalty of two hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United Sates having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

Enforcement. SEC. 4. It shall be the duty of the Interstate Commerce Commission to enforce the provisions of this act, and all powers heretofore granted to said Commission are hereby extended to it for the purpose of the enforcement of this act.

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 and operation of the business of a common carrier.

Application. SEC. 6. Nothing in this act contained shall apply to any locomotive upon which, by reason of the use of oil, electricity, or other such agency, an ash pan is not necessary.

ACTS OF 1908-9—SIXTIETH CONGRESS, SECOND SESSION.

CHAPTER 299.—*Rates of wages of employees in the Government Printing Office—Linotype, etc., operators.*

* * * * *

Rate per hour. The Public Printer may hereafter, in his discretion, pay printer linotype operators and printer monotype keyboard operators at a rate not exceeding sixty cents per hour: *Provided*, That when the exigencies of the service require that work be performed on Sunday the Public Printer may, in his discretion, pay to employees, not receiving annual salaries, not exceeding fifty per centum in addition to the regular rate paid for such work.

Sunday labor.

CHAPTER 321.—*Enticement of employees in arsenals or armories.*

Inducing violation of contract. SECTION 43. Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement, shall retain, hire, or in any wise employ, harbor, or conceal such artificer or workman, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both.

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CHAPTER 321.—*Kidnaping to service—Peonage.*

SECTION 268. Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other persons to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. Seizing for slavery.

SEC. 269. Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. Peonage.

SEC. 270. Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of the section last preceding, shall be liable to the penalties therein prescribed. Obstructing enforcement of act.

SEC. 271. Whoever shall knowingly and willfully bring into the United States or any place subject to the jurisdiction thereof, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than five thousand dollars and imprisoned not more than five years. Importing kidnaped person.

ACTS OF 1909—SIXTY-FIRST CONGRESS, FIRST SESSION.

CHAPTER 6.—*Excise tax on corporations—Labor organizations exempt.*

SECTION 38. Every corporation, joint-stock company or association, organized for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States or of any State or Territory of the United States or under the acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint-stock company or association, or insurance company, * * * *Provided, however,* That nothing in this section contained shall apply to labor, * * * organizations, * * * Tax levied. Exceptions.

ACTS OF 1909–10—SIXTY-FIRST CONGRESS, SECOND SESSION.

CHAPTER 160.—*Railroads—Safety appliances.*

SECTION 1. The provisions of this act shall apply to every common carrier and every vehicle subject to the act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three, commonly known as the "Safety-appliance Acts." [Pp. 2401, 2402, and 2413, 2414.] Application of law.

SEC. 2. On and after July first, nineteen hundred and eleven, it shall be unlawful for any common carrier subject to the provisions of this act to haul, or permit to be hauled or used on its line any car subject to the provisions of this act not equipped with appliances provided for in this act, to wit: All cars must be equipped Equipment required.

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with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards, and all cars having ladders shall also be equipped with secure handholds or grab irons on their roofs at the tops 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.

Number, style, etc., of appliances.

SEC. 3. Within six months from the passage of this act the Interstate Commerce Commission, after hearing, shall designate the number, dimensions, location, and manner of application of the appliances provided for by section two of this act and section four of the act of March second, eighteen hundred and ninety-three, and shall give notice of such designation to all common carriers subject to the provisions of this act by such means as the commission may deem proper, and thereafter said number, location, dimensions, and manner of application as designated by said commission shall remain as the standards of equipment to be used on all cars subject to the provisions of this act, unless changed by an order of said Interstate Commerce Commission, to be made after full hearing and for good cause shown; and failure to comply with any such requirement of the Interstate Commerce Commission shall be subject to a like penalty as failure to comply with any requirement of this act: *Provided*, That the Interstate Commerce Commission may, upon full hearing and for good cause, extend the period within which any common carrier shall comply with the provision of this section with respect to the equipment of cars actually in service upon the date of the passage of this act. Said commission is hereby given authority, after hearing, to modify or change, and to prescribe the standard height of drawbars and to fix the time within which such modification or change shall become effective and obligatory, and prior to the time so fixed it shall be unlawful to use any car or vehicle in interstate or foreign traffic which does not comply with the standard now fixed or the standard so prescribed, and after the time so fixed it shall be unlawful to use any car or vehicle in interstate or foreign traffic which does not comply with the standard so prescribed by the commission.

Violations.

SEC. 4. Any common carrier subject to this act using, hauling, or permitting to be used or hauled on its line, any car subject to the requirements of this act not equipped as provided in this act, shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered as provided in section six of the act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six: *Provided*, That where any car shall have been properly equipped, as provided in this act and the other acts mentioned herein, and such equipment shall have become defective or insecure while such car was being used by such carrier upon its line of railroad, such car may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car can be repaired, without liability for the penalties imposed by section four of this act or section six of the act of March second, eighteen hundred and ninety-three as amended by the act of April first, eighteen hundred and ninety-six, if such movement is necessary to make such repairs and such repairs can not be made except at such repair point; and such movement or hauling of such car shall be at the sole risk of the carrier, and nothing in this section shall be construed to relieve such carrier from liability in any remedial action for the death or injury of any railroad employee caused to such employee by reason of or in connection with the movement or hauling of such car with equipment which is defective or insecure or which is not maintained in accordance with the requirements of this act and the other acts herein referred to; and nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars, in revenue trains or in

Moving defective cars.

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association with other cars that are commercially used, unless such defective cars contain live stock or "perishable" freight.

Construction of act.

SEC. 5. Except that, within the limits specified in the preceding section of this act, the movement of a car with defective or insecure equipment may be made without incurring the penalty provided by the Statutes, but shall in all other respects be unlawful, nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States attorney from any of the provisions, powers, duties, liabilities, or requirements of said act of March second, eighteen hundred and ninety-three, as amended by the acts of April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three; and, except as aforesaid, all of the provisions, powers, duties, requirements, and liabilities of said act of March second, eighteen hundred and ninety-three, as amended by the acts of April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three, shall apply to this act.

Enforcement.

SEC. 6. It shall be the duty of the Interstate Commerce Commission to enforce the provisions of this act, and all powers heretofore granted to said commission are hereby extended to it for the purpose of the enforcement of this act.

CHAPTER 208.—*Accidents on railroads—Reports.*

Monthly reports required.

SECTION 1. It shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate or foreign commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly report, under oath, of all collisions, derailments, or other accidents resulting in injury to persons, equipment, or roadbed arising from the operation of such railroad under such rules and regulations as may be prescribed by the said commission, which report shall state the nature and causes thereof and the circumstances connected therewith: *Provided*, That hereafter all said carriers shall be relieved from the duty of reporting accidents in their annual financial and operating reports made to the commission.

Failure to report.

SEC. 2. Any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than one hundred dollars for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

Investigations.

SEC. 3. The Interstate Commerce Commission shall have authority to investigate all collisions, derailments, or other accidents resulting in serious injury to person or to the property of a railroad occurring on the line of any common carrier engaged in interstate or foreign commerce by railroad. The commission, or any impartial investigator thereunto authorized by said commission, shall have authority to investigate such collisions, derailments, or other accidents aforesaid, and all the attending facts, conditions, and circumstances, and for that purpose may subpœna witnesses, administer oaths, take testimony, and require the production of books, papers, orders, memoranda, exhibits, and other evidence, and shall be provided by said carriers with all reasonable facilities: *Provided*, That when such accident is investigated by a commission of the State in which it occured, the Interstate Commerce Commission shall, if convenient, make any investigation it may have previously determined upon, at the same time as, and in connection with, the State commission investigation. Said commission shall, when it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper.

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Reports not to be used as evidence.

SEC. 4. Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

Form of reports.

SEC. 5. The Interstate Commerce Commission is authorized to prescribe for such common carriers a method and form for making the reports hereinbefore provided.

Repealer.

SEC. 6. The act entitled "An act requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission," approved March third, nineteen hundred and one, is hereby repealed.

Definition.

SEC. 7. The term "interstate commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

CHAPTER 240 (as amended by act of February 25, 1913).—*Bureau of Mines.*

Bureau established.

Director.

SECTION 1. There is hereby established in the Department of the Interior a bureau of mining, metallurgy, and mineral technology, to be designated the Bureau of Mines, and there shall be a director of said bureau, who shall be thoroughly equipped for the duties of said office by technical education and experience and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of six thousand dollars per annum; and there shall also be in the said bureau such experts and other employees, to be appointed by the Secretary of the Interior, as may be required to carry out the purposes of this act in accordance with the appropriations made from time to time by Congress for such purposes.

Experts, etc.

Investigations.

SEC. 2. It shall be the province and duty of the Bureau of Mines, subject to the approval of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions, and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; to investigate explosives and peat; and on behalf of the Government to investigate the mineral fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient mining, preparation, treatment and use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

Mineral fuels, etc.

Reports.

SEC. 3. The director of said bureau shall prepare and publish, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this act.

Mine rescue work, etc.

Officials not to be interested in mines.

SEC. 4. In conducting inquiries and investigations authorized by this act neither the director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination

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of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property: *Provided*, That nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, at a compensation not to exceed ten dollars per day, in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau. Temporary employment of experts.

SEC. 5. For tests or investigations authorized by the Secretary of the Interior under the provisions of this act, other than those performed for the Government of the United States or State governments within the United States, a reasonable fee covering the necessary expenses shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts. Fees.

ACTS OF 1910–11—SIXTY-FIRST CONGRESS, THIRD SESSION.

CHAPTER 103.—*Inspection of locomotive boilers.*

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 District of Columbia, or in any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all the roads 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. Scope of law. Definitions.

SEC. 2. From and after the first day of July, nineteen hundred and eleven, it shall be unlawful for any common carrier, its officers or agents, subject to this act to use any locomotive engine propelled by steam power in moving interstate or foreign traffic unless the boiler of said locomotive and appurtenances thereof are in proper condition and safe to operate in the service to which the same is put, that the same may be employed in the active service of such carrier in moving traffic without unnecessary peril to life or limb, and all boilers shall be inspected from time to time in accordance with the provisions of this act, and be able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for. Boilers, etc., to be safe.

SEC. 3. There shall be appointed by the President, by and with the advice and consent of the Senate, a chief inspector and two assistant chief inspectors of locomotive boilers, who shall have general superintendence of the inspectors hereinafter provided for, direct them in the duties hereby imposed upon them, and see that the requirements of this act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto. The said chief inspector and his two assistants shall be selected with reference to their practical knowledge of the construction and repairing of boilers, and to their fitness and ability to systematize and carry into effect the provisions hereof relating to the inspection and maintenance of locomotive boilers. The chief inspector shall receive a salary of four thousand dollars per year and the assistant chief inspectors shall each receive a salary of three thousand dollars per year; and each of the three shall be paid his traveling expenses in- Inspectors.

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curred in the performance of his duties. The office of the chief inspector shall be in Washington, District of Columbia, and the Interstate Commerce Commission shall provide such stenographic and clerical help as the business of the offices of the chief inspector and his said assistants may require.

Fifty districts.

SEC. 4. Immediately after his appointment and qualification the chief inspector shall divide the territory comprising the several States. the Territories of New Mexico and Arizona, and the District of Columbia into fifty locomotive boiler-inspection districts, so arranged that the service of the inspector appointed for each district shall be most effective, and so that the work required of each inspector shall be substantially the same. Thereupon there shall be appointed by the Interstate Commerce Commission fifty inspectors of locomotive boilers. Said inspectors shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. The chief inspector shall assign one inspector so appointed to each of the districts hereinafter named. Each inspector shall receive a salary of one thousand eight hundred dollars per year and his traveling expenses while engaged in the performance of his duty. He shall receive in addition thereto an annual allowance for office rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not to exceed in the case of any district inspector six hundred dollars per year. In order to obtain the most competent inspectors possible, it shall be the duty of the chief inspector to prepare a list of questions to be propounded to applicants with respect to construction, repair, operation, testing, and inspection of locomotive boilers, and their practical experience in such work, which list, being approved by the Interstate Commerce Commission, shall be used by the Civil Service Commission as a part of its examination. No person interested, either directly or indirectly, in any patented article required to be used on any locomotive under supervision or who is intemperate in his habits shall be eligible to hold the office of either chief inspector or assistant or district inspector.

Inspectors in classified civil service.

Rules, etc., of companies to be filed.

SEC. 5. Each carrier subject to this act shall file its rules and instructions for the inspection of locomotive boilers with the chief inspector within three months after the approval of this act, and after hearing and approval by the Interstate Commerce Commission, such rules and instructions, with such modifications as the commission requires, shall become obligatory upon such carrier: *Provided, however*, That if any carrier subject to this act shall fail to file its rules and instructions the chief inspector shall prepare rules and instructions not inconsistent herewith for the inspection of locomotive boilers, to be observed by such carrier; which rules and instructions, being approved by the Interstate Commerce Commission, and a copy thereof being served upon the president, general manager, or general superintendent of such carrier, shall be obligatory, and a violation thereof punished as hereinafter provided: *Provided also*, That such common carrier may from time to time change the rules and regulations herein provided for, but such change shall not take effect and the new rules and regulations be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: *Provided, however*, That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect.

Duties of inspectors.

SEC. 6. It shall be the duty of each inspector to become familiar, so far as practicable, with the condition of each locomotive boiler ordinarily housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the chief inspector or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work. Each inspector shall make such personal inspection of the

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locomotive boilers under his care from time to time as may be necessary to fully carry out the provisions of this act, and as may be consistent with his other duties, but he shall not be required to make such inspections at stated times or at regular intervals. His first duty shall be to see that the carriers make inspections in accordance with the rules and regulations established or approved by the Interstate Commerce Commission, and that carriers repair the defects which such inspections disclose before the boiler or boilers or appurtenances pertaining thereto are again put in service. To this end each carrier subject to this act shall file with the inspector in charge, under the oath of the proper officer or employee, a duplicate of the report of each inspection required by such rules and regulations, and shall also file with such inspector, under the oath of the proper officer or employee, a report showing the repair of the defects disclosed by the inspection. The rules and regulations hereinbefore provided for shall prescribe the time at which such reports shall be made. Whenever any district inspector shall, in the performance of his duty, find any locomotive boiler or apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations established and approved as hereinbefore stated, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such boiler shall not be used until in serviceable condition: *Provided*, That a carrier, when notified by an inspector in writing that a locomotive boiler is not in serviceable condition, because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the chief inspector by telegraph or by letter to have said boiler reexamined, and upon receipt of the appeal from the inspector's decision, the chief inspector shall assign one of the assistant chief inspectors or any district inspector other than the one from whose decision the appeal is taken to reexamine and inspect said boiler within fifteen days from date of notice. If upon such reexamination the boiler is found in serviceable condition, the chief inspector shall immediately notify the carrier in writing, whereupon such boiler may be put into service without further delay; but if the reexamination of said boiler sustains the decision of the district inspector, the chief inspector shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within thirty days, appeal to the Interstate Commorce Commission, and upon such appeal, and after hearing, said Commission shall have power to revise, modify, or set aside such action of the chief inspector and declare that said locomotive is in serviceable condition and authorize the same to be operated: *Provided further*, That pending either appeal the requirements of the inspector shall be effective.

Defective boilers.

SEC. 7. The chief inspector shall make an annual report to the Interstate Commerce Commission of the work done during the year, and shall make such recommendations for the betterment of the service as he may desire.

Reports.

SEC. 8. In the case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, a statement forthwith must be made in writing of the fact of such accident, by the carrier owning or operating said locomotive, to the chief inspector. Whereupon the facts concerning such accident shall be investigated by the chief inspector or one of his assistants, or such inspector as the chief inspector may designate for that purpose. And where the locomotive is disabled to the extent that it can not be run by its own steam, the part or parts affected by the said accident shall be preserved by said carrier intact, so far as possible, without hindrance or interference to traffic until after said inspection. The chief inspector or an assistant or the designated inspector making the investigation shall examine or cause to be examined thoroughly the boiler or part affected, making full and detailed report of the cause of the accident to the chief inspector.

Accidents to be reported.

Investigations.

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Reports. The Interstate Commerce Commission may at any time call upon the chief inspector for a report of any accident embraced in this section, and upon the receipt of said report, if it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such report shall be made public in such manner as the commission deems proper. Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

Violations. SEC. 9. Any common carrier violating this act or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring such suits upon duly verified information being lodged with them, respectively, of such violations having occurred; and it shall be the duty of the chief inspector of locomotive boilers to give information to the proper United States attorney of all violations of this act coming to his knowledge.

Annual expenditure. SEC. 10. The total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of three hundred thousand dollars.

CHAPTER 241.—*Appropriations for the service of the Post Office Department—Hours of labor of letter carriers—Construction of cars—Sunday labor.*

Eight-hour day. SECTION 1. * * * No part of this appropriation [for pay of letter carriers] shall be used to pay letter carriers who are required or permitted to work more than forty-eight hours in the six working days of a week: *Provided further*, That this limitation shall not apply to service performed during the first five and the last fifteen days of the calendar year.

* * * * * * *

Post-office cars. No part of this amount [appropriated for railway post-office car service] shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: *Provided further*, That after the first of July, nineteen hundred and eleven, no pay shall be allowed for the use of any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for any wooden full railway post-office car run in any train between adjoining steel cars or between the engine and a steel car adjoining, and that hereafter additional cars accepted for this service shall be of steel, or with steel underframe, if used in a train in which a majority of the cars are of like construction: *Provided further*, That after the first of July, nineteen hundred and sixteen, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or with steel underframe, if such post-office car is used in a train in which a majority of the cars are of steel or of steel underframe construction.

* * * * * * *

Sunday work. SEC. 3. Hereafter for services required on Sundays of supervisory officers, clerks in first and second class post offices, and city letter carriers, compensatory time off during working days in amount equal to that of the Sunday employment may be allowed, under such regulations as the Postmaster General may prescribe; but this provision shall not apply to auxiliary or substitute employees.

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ACTS OF 1911–12—SIXTY-SECOND CONGRESS, SECOND SESSION.

CHAPTER 73.—*Children's Bureau.*

SECTION 1. There shall be established in the Department of Commerce and Labor a bureau to be known as the Children's Bureau.[1] Bureau established.

SEC. 2. The said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of five thousand dollars. The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories. But no official, or agent, or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence. The chief of said bureau may from time to time publish the results of these investigations in such manner and to such extent as may be prescribed by the Secretary of Commerce and Labor. Chief. Duties.

SEC. 3. There shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Commerce and Labor, who shall receive an annual compensation of two thousand four hundred dollars; one private secretary to the chief of the bureau, who shall receive an annual compensation of one thousand five hundred dollars; one statistical expert, at two thousand dollars; two clerks of class four; two clerks of class three; one clerk of class two; one clerk of class one; one clerk, at one thousand dollars; one copyist, at nine hundred dollars; one special agent, at one thousand four hundred dollars; one special agent, at one thousand two hundred dollars, and one messenger at eight hundred and forty dollars. Organization.

CHAPTER 75.—*Manufacture, etc., of white phosphorus matches.*

SECTION 1. For the purposes of this act the words "white phosphorus" shall be understood to mean the common poisonous white or yellow phosphorus used in the manufacture of matches and not to include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus. Term defined.

SEC. 3. All white phosphorus matches shall be packed by the manufacturer thereof in packages containing one hundred, two hundred, five hundred, one thousand, or one thousand five hundred matches each, which shall then be packed by the manufacturer in packages containing not less than fourteen thousand four hundred matches, and upon white phosphorus matches manufactured, sold, or removed there shall be levied and collected a tax at the rate of two cents per one hundred matches, which shall be represented by adhesive stamps, and this tax shall be paid by the manufacturer thereof, who shall affix to every package containing one hundred, two hundred, five hundred, one thousand, or one thousand five hundred matches such stamp of the required value and shall place thereon the initials of his name and the date on which such stamp is affixed, so that the same may not again be used. Every person who fraudulently makes use of an adhesive stamp to denote any tax imposed by this section without so effectually canceling such stamp shall forfeit the sum of fifty dollars for every stamp in respect to which such offense is committed. Packages.

SEC. 7. Every manufacturer of white phosphorus matches who defrauds or attempts to defraud the United States of the tax imposed by this act, or any part thereof, shall forfeit the factory and manufacturing apparatus used by him and all the white Fraud.

[1] Transferred to Department of Labor by chapter 141, Acts of 1912–13.

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phosphorus matches and all raw material for the production of white phosphorus matches found in the factory and on the factory premises, or owned by him, and shall be fined not more than five thousand dollars or be imprisoned not more than three years, or both. All packages of white phosphorus matches subject to tax under this act that shall be found without stamps as herein provided shall be forfeited to the United States.

CHAPTER 174.—*Hours of labor on public contracts.*

Scope of act.

SECTION 1. Every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

Contracts to stipulate penalty.

Appeals.

Exemptions.

SEC. 2. Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section one of this act. The President, by Executive

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order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this act shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" being chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, as modified by the acts of Congress approved February twenty-seventh, nineteen hundred and six, and June thirtieth, nineteen hundred and six, or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.

Waivers.

Act of 1892.

SEC. 3. That this act shall become effective and be in force on and after January first, nineteen hundred and thirteen.

Act in effect.

[See also pp. 2361, 2362.]

This statute does not apply to the dressing of stone or marble for public buildings, the work not being done on the sites of the buildings. 30 Op. 211.

Nor to the manufacture of materials and articles for use in public buildings, if of a class that could be purchased in the open market, even though made to meet certain specifications. 30 Op. 31.

Nor to paper, leathers, cloth, ink, etc., manufactured according to specifications for the use of the Government Printing Office. 30 Op. 24.

CHAPTER 236.—*Inventions, etc., of employees of the Ordnance Department—Rewards.*

SECTION 1. The Secretary of War is hereby authorized to offer periodically at such of the establishments of the Ordnance Department as he may select a cash reward for the suggestion, or series of suggestions, for an improvement or economy in manufacturing processes or plant, submitted within the period by one or more employees of the establishment which shall be deemed the most valuable of those submitted and adopted for use: *Provided*, That to obtain this reward the winning suggestion must be one that will clearly effect a material economy in production or increase efficiency or enhance the quality of the product in comparison with its cost and in the opinion of the Secretary shall be so worthy as to entitle the employee making the same to receive the reward: *Provided further*, That the sums awarded to employees in accordance with this act shall be paid them in addition to their usual compensation and shall constitute part of the general or shop expense of the establishment: *Provided further*, That the total amount paid under the provisions of this act shall not exceed one thousand dollars for any one month: *And provided further*, That no employee shall be paid a reward under this act until he has properly executed an agreement to the effect that the use by the United States of the suggestion, or series of suggestions, made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns, and that application for patent has not been made for the invention.

Rewards authorized.

Provisos.

CHAPTER 335.—*Duties of enlisted men in the Navy.*

SECTION 1.

* * * * *

No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships

Dock labor.

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are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port.

* * * * *

CHAPTER 350.—*Bureau of Labor—Transfer of duties.*

SECTION 1. Those certain duties of the Department of Labor, or Bureau of Labor, contained in section seven of the act approved June thirteenth, eighteen hundred and eighty-eight, that established the same, which especially charged it "to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living, and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices," are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce. * * *

* * * * *

CHAPTER 355.—*Plate printers—Rates of wages—Power presses.*

SECTION 1.

* * * * *

Current rates.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, $1,742,028 [is appropriated], to be expended under the direction of the Secretary of the Treasury: * * *

Power presses permitted.

Hereafter the proviso of the act of July first, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page six hundred and four), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the backs and tints of all United States bonds, the backs and tints of all United States paper money, and the backs and tints of bonds and paper money issued by any of the insular possessions of the United States, any or all of which shall be printed from intaglio plates and on such plate printing presses as may be directed by the Secretary of the Treasury, said presses to be operated by plate printers, except that checks and tints may be printed by any desired process: *Provided*, That the backs of all United States paper money shall be printed from four-subject plates, and the faces of all internal-revenue stamps now printed from intaglio plates on hand-roller or power plate printing presses shall continue to be printed from intaglio plates on hand-roller or power plate printing presses, as the Secretary of the Treasury may determine, said presses to be operated by plate printers: *Provided further*, That should the Secretary of the Treasury decide to print on the aforesaid power plate printing presses any of the classes of work hereinbefore permitted to be printed on such presses, not more than one-fifth of the total number of hand-roller presses required to produce the estimated quantity of such work in any fiscal year shall be displaced in such fiscal year: *Provided further*, That the Secretary of the Treasury may, in his discretion, apply motors to hand-roller presses that are now, or may hereafter be, operated in the Bureau of Engraving and Printing, but such presses, if equipped with motors, shall be regarded as hand-roller presses within the meaning of this act.

Rate of substitution.

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CHAPTER 389.—*Post Office Department—Sunday labor—Rewards for inventions, etc., of employees—Leave of absence for employees in bag and lock repair shops—Mail cars—Compensation for injured employees—Publications of trade-unions—Hours of labor—Membership in unions.*

SECTION 1.

* * * * *

Post offices closed on Sunday.

Hereafter post offices of the first and second classes shall not be open on Sundays for the purpose of delivering mail to the general public, but this provision shall not prevent the prompt delivery of special delivery mail.

* * * * *

Inventions of employees.

The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, and for that purpose the sum of ten thousand dollars is hereby appropriated: *Provided*, That not to exceed one thousand dollars shall be paid for one invention.

* * * * *

Annual leave.

Hereafter the employees of the mail-bag repair shop in Washington, District of Columbia, and Chicago, Illinois, and the employees of the mail-lock repair shop in Washington, District of Columbia, may be allowed thirty days annual leave of absence.

* * * * *

Sound and sanitary cars.

No part of this amount [appropriated for railway post-office car service] shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: *Provided further*, That after the first of July, nineteen hundred and seventeen, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or steel underframe or equally indestructible material, and not less than twenty-five per centum of the railway post-office cars of a railroad company not conforming to the provisions of this act shall be replaced with cars constructed of steel annually after June, nineteen hundred and thirteen; and all cars accepted for this service and contracted for by the railroad companies after the passage of this act shall be constructed of steel: *Provided further*, That the Postmaster General is authorized to pay for full railway post-office cars necessarily used in service by the Post Office Department from July first, nineteen hundred and eleven, to March first, nineteen hundred and twelve, when in his judgment reasonable and proper effort was being made by railroad companies to comply with the provisions of the act of March fourth, nineteen hundred and eleven, but on account of insufficient time the requisite work could not be completed on July first, nineteen hundred and eleven.

Construction.

* * * * *

Period of payment during disability; railway postal clerks.

For acting [railway postal] clerks in place of clerks or substitutes injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of fifty per centum of the clerk's annual salary for the period of disability exceeding one year, but not exceeding twelve months additional, and to enable the Postmaster General to pay the sum of two thousand dollars, which shall be exempt from payment of debts of the deceased, to the legal representatives of any railway postal clerk, substitute railway postal clerk, or post-office inspector, who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, one hundred and thirty thousand dollars [is appropriated].

* * * * *

Sea-post clerks.

Acting [sea-post] clerks may be employed in place of clerks or substitutes injured while on duty who shall be granted leave of absence with full pay during the period of disability, but not

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exceeding one year, then at the rate of fifty per centum of the clerk's annual salary for the period of disability exceeding one year but not exceeding twelve months additional, and that the Postmaster General may pay the sum of two thousand dollars, which shall be exempt from payment of debts of the deceased, to the legal representative of any sea-post clerk or substitute sea-post clerk who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury.

* * * * *

Publications of trade-unions.

From and after the passage of this act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, * * * by or under the auspices of a trade-union, * * * shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter; and such periodical publications, * * * shall have the right to carry advertising matter, whether such matter pertains to such * * * trade-unions, * * * or to other persons, institutions, or concerns; but such periodical publications, hereby permitted to carry advertising matter, must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such benevolent or fraternal societies or orders, trades-unions, or other societies, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather or other substantial binding, such as distinguish printed books for preservation from periodical publications: *Provided*, That the circulation through the mails of periodical publications issued by, or under the auspices of, benevolent or fraternal societies or orders, or trades-unions, * * * as second-class mail matter, shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or otherwise, not less than fifty per centum of the regular subscription price; to other bona fide subscribers; to exchanges, and ten per centum of such circulation as sample copies: *Provided further*, That when such members pay therefor as a part of their dues or assessments, individual subscriptions or receipts shall not be required: *Provided further*, That the office of publication of any such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto.

Provisos.

* * * * *

Eight-hour day for letter carriers.

SEC. 5. On and after March fourth, nineteen hundred and thirteen, letter carriers in the city delivery service and clerks in first and second class post offices shall be required to work not more than eight hours a day: *Provided*, That the eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duty of the employees shall be regulated accordingly.

Overtime.

In cases of emergency, or if the needs of the service require, letter carriers in the city delivery service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

Weekly day of rest.

Should the needs of the service require the employment on Sunday of letter carriers in the city delivery service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service.

Permission to join organizations.

SEC. 6. * * * Membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of

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absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.

Right of petition.

CHAPTER 390.—*Compensation for injuries of employees on the Isthmian Canal and the Panama Railroad.*

SECTION 5.

* * * * *

The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and prescribe a schedule of compensation therefor, and may revise and modify such method and schedule at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Company, if said company was responsible for said injury, as the case may require. And after such method and schedule shall be provided by the President, the provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May thirtieth, nineteen hundred and eight, and of the act entitled "An act relating to injured employees on the Isthmian Canal," approved February twenty-fourth, nineteen hundred and nine, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.

System to be provided.

Acts superseded.

[In accordance with the above an order was issued February 26, 1913. The operation of this order was suspended by order of March 24, 1913, and a new order was issued March 20, 1914.]

CHAPTER 408.—*Wages of mechanics, etc.—Increases.*

SECTION 7 (as amended by act of March 4, 1913). No part of any money contained herein [appropriations for deficiencies] or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government.

Restriction on salaries paid from lump-sum appropriations.

Not applicable to mechanics, etc., on public works.

ACTS OF 1912–13.—SIXTY-SECOND CONGRESS, THIRD SESSION.

CHAPTER 118.—*Quota of officers for vessels.*

SECTION 2. The board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by ma-

Minimum number of deck officers.

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chinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

No such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

Large vessels. Every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than four hundred miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have two licensed mates.

Smaller vessels. Every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate; but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours, then such vessel shall have two licensed mates.

Nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats as defined in the act of June ninth, nineteen hundred and ten.

Time on and off duty. SEC. 3. It shall be unlawful for the master, owner, or agent, or other person having authority, to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered.

Violations. Any violation of this section shall subject the person or persons guilty thereof to a penalty of one hundred dollars.

CHAPTER 141.—*Department of Labor.*

Department created. SECTION 1. There is hereby created an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate; and who shall receive a salary of twelve thousand dollars per annum, and whose tenure of office shall be like that of the heads of the other executive departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department; and the Department of Commerce and Labor shall hereafter be called the Department of Commerce, and the Secretary thereof shall be called the Secretary of Commerce, ad the act creating the said Department of Commerce and Labor is hereby amended accordingly.

Purpose. The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment. The said Secretary shall cause a seal of office to be made for the said department of such device as the President shall approve and judicial notice shall be taken of the said seal.

Assistant Secretary, etc. SEC. 2. There shall be in said department an Assistant Secretary of Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such

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duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk, and such other clerical assistants, inspectors, and special agents as may from time to time be provided for by Congress. The Auditor for the State and Other Departments shall receive and examine all accounts and salaries and incidental expenses of the office of the Secretary of Labor and of all bureaus and offices under his direction, and all accounts relating to all other business within the jurisdiction of the Department of Labor, and certify the balances arising thereon to the division of bookkeeping and warrants and send forthwith a copy of each certificate to the Secretary of Labor.

Officers transferred.

SEC. 3. The following-named officers, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and Naturalization, the Division of Information, the Division of Naturalization, and the immigration service at large, the Bureau of Labor, the Children's Bureau, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department. The Bureau of Immigration and Naturalization is hereby divided into two bureaus, to be known hereafter as the Bureau of Immigration and the Bureau of Naturalization, and the titles Chief Division of Naturalization and Assistant Chief shall be Commissioner of Naturalization and Deputy Commissioner of Naturalization. The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, and the appointments of these two officers shall be made in the same manner as appointments to competitive classified civil-service positions. The Bureau of Labor shall hereafter be known as the Bureau of Labor Statistics, and the Commissioner of the Bureau of Labor shall hereafter be known as the Commissioner of Labor Statistics; and all the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the Commissioner of Labor Statistics; and the administration of the act of May thirtieth, nineteen hundred and eight, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

New bureau.

Bureau of Labor Statistics.

Duties.

SEC. 4. The Bureau of Labor Statistics, under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

Transfer of records.

SEC. 5. The official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the Department of Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Labor.

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Quarters. SEC. 6. The Secretary of Labor shall have charge in the buildings or premises occupied by or appropriated to the Department of Labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; he shall be allowed to expend for periodicals and the purposes of the library and for rental of appropriate quarters for the accommodation of the Department of Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however,* That where any office, bureau, or branch of the public service transferred to the Department of Labor by this act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: *And provided further,* That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service in this act transferred to the Department of Labor are each and all hereby transferred to said department at their present grades and salaries, except where otherwise provided in this act: *And provided further,* That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the Department of Labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect, to be executed under the direction of the Secretary of Labor.

Officers, clerks, etc.

Solicitor. SEC. 7. There shall be a solicitor of the Department of Justice for the Department of Labor, whose salary shall be five thousand dollars per annum.

Conciliation. SEC. 8. The Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done; and all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the Department of Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Labor.

Reports. SEC. 9. The Secretary of Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department and describing the work done by the department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by Congress, or which he himself may deem necessary.

Organization. SEC. 10. The Secretary of Labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor.

ACTS OF 1913—SIXTY-THIRD CONGRESS, FIRST SESSION.

CHAPTER 6.—*Arbitration of labor disputes, etc.*

Scope of law. SECTION 1. The provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous car-

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riage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

Definitions.

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 corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however*, That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

A common carrier subject to the provisions of this act is hereinafter referred to as an "employer," and the employees of one or more of such carriers are hereinafter referred to as "employees."

Applications to board.

SEC. 2. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall with all practicable expedition put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

Mediation.

Arbitration.

Proffer of services.

In any case in which an interruption of traffic is imminent and fraught with serious detriment to the public interest, the Board of Mediation and Conciliation may, if in its judgment such action seem desirable, proffer its services to the respective parties to the controversy.

In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this act either party to the said agreement may apply to the Board of Mediation and Conciliation for an expression of opinion from such board as to the meaning or application of such agreement and the said board shall upon receipt of such request give its opinion as soon as may be practicable.

Boards of arbitration.

SEC. 3. Whenever a controvery shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in the preceding section, such controversy may be submitted to the arbitration of a board of six, or, if the parties to the controversy prefer so to stipulate, to a board of three persons, which board shall be chosen in the following manner: In the case of a board of three, the employer or employers and the

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employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; and the two arbitrators thus chosen shall select the third arbitrator; but in the event of their failure to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the Board of Mediation and Conciliation. In the case of a board of six, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators, and the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators; but in the event of their failure to name the two arbitrators within fifteen days after their first meeting the said two arbitrators, or as many of them as have not been named, shall be named by the Board of Mediation and Conciliation.

In the event that the employees engaged in any given controversy are not members of a labor organization, such employees may select a committee which shall have the right to name the arbitrator, or the arbitrators, who are to be named by the employees as provided above in this section.

Agreements to arbitrate.

SEC. 4. The agreement to arbitrate—

First. Shall be in writing;

Second. Shall stipulate that the arbitration is had under the provisions of this act;

Third. Shall state whether the board of arbitration is to consist of three or six members;

Fourth. Shall be signed by duly accredited representatives of the employer or employers and of the employees;

Fifth. Shall state specifically the questions to be submitted to the said board for decision;

Sixth. Shall stipulate that a majority of said board shall be competent to make a valid and binding award;

Seventh. Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board, as provided for in the agreement, within which said board shall commence its hearings;

Eighth. Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That this period shall be thirty days unless a different period be agreed to;

Ninth. Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force;

Tenth. Shall provide that the respective parties to the award will each faithfully execute the same;

Eleventh. Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record;

Twelfth. May also provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is unable or unwilling to serve another arbitrator shall be named in the same manner as such original member was named.

Powers of arbitrators.

SEC. 5. 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 or-

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dered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

Agreements to be acknowledged.

SEC. 6. Every agreement of arbitration under this act shall be acknowledged by the parties thereto before a notary public or a clerk of the district or the circuit court of appeals of the United States, or before a member of the Board of Mediation and Conciliation, the members of which are hereby authorized to take such acknowledgements; and when so acknowledged shall be delivered to a member of said board or transmitted to said board to be filed in its office.

Notice to arbitrators.

When such agreement of arbitration has been filed with the said board, or one of its members, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the respective parties to the controversy, the board, or a member thereof, shall cause a notice in writing to be served upon the said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board, and advising them of the period within which, as provided in the agreement of arbitration, they are empowered to name such arbitrator or arbitrators.

Notice to Board of Mediation and Conciliation.

When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or abitrators, they shall notify the Board of Mediation and Conciliation; and in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this act they shall, at the expiration of such period, notify the Board of Mediation and Conciliation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

Reconvening boards of arbitration.

If the parties to an arbitration desire the reconvening of a board to pass upon any controversy arising over the meaning or application of an award, they shall jointly so notify the Board of Mediation and Conciliation, and shall state in such written notice the question or questions to be submitted to such reconvened board. The Board of Mediation and Conciliation shall thereupon promptly communicate with the members of the board of arbitration or a subcommittee of such board appointed for such purpose pursuant to the provisions of the agreement of arbitration, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board will meet for hearings upon the matters in controversy to be submitted to it.

Organization.

SEC. 7. The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation, and any member of the board of arbitration shall have the power to administer oaths or affirmations. It may employ such assistants as may be necessary in carrying on its work. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may adjourn for its deliberations. The board of arbitration shall furnish a certified copy of its awards to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph eleven of section four

Awards to be filed.

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of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the Board of Mediation and Conciliation, to be filed in its office.

The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the Board of Mediation and Conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the act approved June first, eighteen hundred and ninety-eight, providing for mediation and arbitration.

Award in effect.

SEC. 8. The award, being filed in the clerk's office of a district court of the United States 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

Exceptions.

within such ten days either party shall file exceptions thereto for matter of law apparent upon 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.

Appeals.

At the expiration of ten days from the decision of the district court upon exceptions 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 circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

Final judgment.

The determination of said circuit court of appeals 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 in whole or in part; 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 an award.

No compulsory employment.

Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service.

Receiverships.

SEC. 9. Whenever receivers appointed by a Federal court are in the possession and control of the business of employers covered by this act the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway or in the customary places on the premises of other employers covered by this act.

Compensation.

SEC. 10. Each member of the board of arbitration created under the provisions of this act shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. The sum of

Appropriation.

$25,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available and to continue available until the close of the fiscal year ending June thirtieth, nineteen hundred and fourteen, for the necessary and proper expenses incurred in connection with any arbitration or with the carrying on of the work of mediation and conciliation, including per diem, traveling, and other necessary expenses of members or employees

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of boards of arbitraton and rent in the District of Columbia, furniture, office fixtures and supplies, books, salaries, traveling expenses, and other necessary expenses of members or employees of the Board of Mediation and Conciliation, to be approved by the chairman of said board and audited by the proper accounting officers of the Treasury.

Commissioner of Mediation and Conciliation.

SEC. 11. There shall be a Commissioner of Mediation and Conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be $7,500 per annum, who shall hold his office for a term of seven years and until a successor qualifies, and who shall be removable by the President only for misconduct in office. The President shall also designate not more than two other officials of the Government who have been appointed by and with the advice and consent of the Senate, and the officials thus designated, together with the Commissioner of Mediation and Conciliation, shall constitute a board to be known as the United States Board of Mediation and Conciliation.

Added members of board.

Assistant commissioner.

There shall also be an Assistant Commissioner of Mediation and Conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be $5,000 per annum. In the absence of the Commissioner of Mediation and Conciliation, or when that office shall become vacant, the assistant commissioner shall exercise the functions and perform the duties of that office. Under the direction of the Commissioner of Mediation and Conciliation, the assistant commissioner shall assist in the work of mediation and conciliation and when acting alone in any case he shall have the right to take acknowledgments, receive agreements of arbitration, and cause the notices in writing to be served upon the arbitrators chosen by the respective parties to the controversy, as provided for in section five of this act.

* * * * *

CHAPTER 16.—*Labor organizations—Exemption from income tax.*

G. (a) * * * Nothing in this section [providing for the collection of a tax on incomes] shall apply to labor, * * * organizations * * *

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