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BULLETIN OF THE U. S. BUREAU OF LABOR STATISTICS.

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REVIEW OF LABOR LEGISLATION OF 1914.

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

INTRODUCTION.

This annual review of labor legislation covers the action of fourteen legislative bodies, besides the Congress of the United States, and the Industrial Commission of Wisconsin. Of the sessions considered, thirteen were regular, and the legislatures of Ohio and Porto Rico met in extra session. The Legislature of Colorado also met in extra session, but passed no labor laws, while the Legislature of Delaware considered in special session the code of laws prepared by a commission on the subject. The United States Congress, besides its general legislation, enacts laws for the District of Columbia, so that labor laws were enacted during the year affecting fifteen jurisdictions, besides the laws of Congress of general application. Laws initiated by popular action and becoming laws by referendum vote usually appear with the laws of the next succeeding legislative session, so that such laws of 1914 will appear in a later bulletin.

The labor legislation of the year 1913 was not published separately, but is included in the compilation of Labor Laws of the United States, which presents the labor legislation in force at the end of the year 1913, published as Bulletin No. 148, the present bulletin being in effect a supplement thereto, containing amending and additional laws. The current bulletin is also indexed cumulatively with Bulletin No. 148, so that reference need be made to but a single index to discover the entire law of a State on a given subject. It should be noted in this connection that the workmen's compensation laws in force at the end of 1913 were reproduced in Bulletin No. 126, this being a special publication on that subject. It is necessary, therefore, to include index references to this bulletin in connection with that specific subject.

The legislation of the current year can not be said to have any conspicuously outstanding feature such as marked the activities of

some preceding years, though the question of workmen's compensation continues prominent, several amending acts being passed, while the States of Kentucky and Louisiana enacted original laws, and Maryland enacted a law entirely different from its earlier legislation. Laws relating to the employment of children and of women, and provisions as to factory regulation and inspection continue to form a considerable bulk of legislation of the class under consideration. Important lines of legislative action practically new in this country are laws declaring the status of certain actions of labor organizations in their activities in connection with labor disputes. These will be considered in some detail under the heading "Labor organizations."

COMMISSIONS.

The legislative commissions of the current year are less numerous than in other recent years, doubtless for the reason that some of the important subjects which commanded extensive interest have been pretty thoroughly canvassed, and the results have become generally known. The New York Legislature (ch. 110) continued the existing commission appointed to investigate the conditions of labor in factories, to report in February, 1915, and appropriated \$50,000 for its use. In Maryland (ch. 460) a commission was provided for, to report in January, 1916, proposing plans and measures to protect the life and health of miners, the recommendations to be embodied in the form of an act. No appropriation was made for salary or expenses. The Massachusetts Legislature provided by resolution (ch. 121) for a commission of three persons to revise and codify the State law relative to liens and mortgages, including mechanics' liens. This commission is to report in January, 1915, and has the sum of \$2,500 furnished it for expenses. In the same State by resolution (ch. 160) a commission on the rates of insurance for workmen's compensation, etc., was provided for, \$4,000 being appropriated for its expenses. The commission is to consist of three persons, their inquiry being directed to the reasonableness of existing rates, and to what extent Government regulation is desirable. No date is fixed for the making of a report. A commission on immigration is provided for by an act of the Legislature of Rhode Island (ch. 1078), the educational and business status of immigrants being the subjects assigned. This commission is to be without expense to the State.

Somewhat outside the direct field of labor is the question of housing. The Legislature of Porto Rico by joint resolution No. 10 (p. 221) provided for a commission to investigate and report on the subject of housing, its object being to determine what would be fair to the owners of property and to the laboring classes, and to protect "laborers as far as concerns their necessities of life." The Legislature

of Massachusetts proposed an amendment to the constitution of the State (p. 798), authorizing the State to secure land, subdivide and build upon it, and sell to purchasers for the purpose of relieving congestion and providing homes for citizens of the State.

REGULATION OF THE CONTRACT OF EMPLOYMENT.

The legislation of this year classed under this head affects the contract of employment only indirectly, the two laws most appropriately classifiable here being acts of the legislatures of Mississippi (ch. 152) and Virginia (ch. 157), relating to the bonds of employees of common carriers. The Mississippi statute directs that the employee shall be free in his choice of a company, and that no non-resident company shall be designated as required by the employer. The Virginia law directs that any surety company refusing or canceling a surety contract must give the reason therefor in writing, and rejection by one company shall not be ground for a discharge of the employee from service if another company will become his surety. The statement of reasons is privileged, and the company is not required to reveal its sources of information.

Introduced here, for lack of a better classification, is a law of Massachusetts (ch. 347) requiring that notice of any existing strike be given in advertisements for labor, this law undertaking to make more explicit and effective the provisions of an earlier statute; a law of the Philippine Legislature (No. 2300) adopting the provisions of the United States Penal Code, sections 268-271, penalizing slavery or peonage; and a law of Massachusetts (ch. 742) authorizing gas and electric companies to issue employees' stock, and providing for the payment therefor in monthly installments of \$1 upon each share.

EXAMINATION AND LICENSING OF WORKMEN.

The development of new lines of employment has been in part responsible for the extension of the idea of requiring tests and certificates of competency for certain classes of occupations. Those coming into notice in recent years include chauffeurs, moving-picture machine operators, aeronauts, etc. Operators of moving-picture machines received attention from two legislatures of 1914, a law of Massachusetts (ch. 791) requiring such employees to be 21 years of age and thoroughly skilled. The fee for an examination is \$3, the annual license renewal calling for a fee of \$1. In New Jersey (ch. 112), the law exempts from the operation of any ordinance of a municipality operators of machines using nonexplosive films not over 100 feet long and 1 inch wide, operated with an electric current of not over 500 watts. A Kentucky statute (ch. 69) provides for a State board of examiners of chauffeurs. Applicants for certificates of capacity

must be 18 years of age, furnish references as to honesty and sobriety, and pass an examination to prove their qualifications. The fee for an examination is \$2, and for the annual renewal of license \$1.

Laws amending existing statutes relating to the examination and licensing of plumbers were enacted in Massachusetts (ch. 287), in which a new section relating to penalties was created; and in Virginia (ch. 133), the change in this State being unimportant. A new law relating to this class of workmen was enacted in South Carolina (No. 386), applicable in cities of 15,000 population or above, except in the city of Charleston. This exception was stricken out by an amending act (No. 8) of the extraordinary session of October 6 to November 3, 1914. Local examining boards are provided for, the examination fee for a master being \$5 and for a journeyman \$2; the annual renewal fee is 50 cents. In Kentucky, also (ch. 22), persons desiring to work as plumbers in cities of the first class must pass an examination before a local board, the tests to be both theoretical and practical. The fee is \$5, licenses being valid for five years. The renewal fee is a like sum, but no examination is required. A law requiring barbers to be examined and licensed was passed by the Legislature of Georgia (p. 75), applicable in cities having above 5,000 inhabitants. A State board is provided for, which is to give examinations, prescribe sanitary rules, etc. Applicants must be skilled and have a knowledge of the treatment of the diseases common to the face and skin. The original fee is \$5, the annual renewal fee being \$1. Barbers having practiced three years at the trade are exempt from examination, but pay an original license fee of \$2.

In connection with this class of legislation a law of the State of Louisiana may be noted (No. 150), which requires that before engaging in regular service on street railways motormen and conductors shall have had at least 10 days' instruction under competent instructors employed by the company whose service they intend to enter. Instructors must have had at least one year's service with the company.

PUBLIC SERVICE.

The new laws coming under this head are three that were enacted by the Legislature of Massachusetts, the first (ch. 600) directing that citizens be preferred for employment on public works, and that only citizens of the United States be listed on the civil-service lists for public labor. A second law (ch. 486) places engineers and others in charge of steam boilers, heating, lighting, and power plants maintained by the State under the civil-service provisions of the State. The third act (ch. 541) directs that in constructing additions to the state-house preference be given to material quarried or manufactured within the State.

WAGES.

A semimonthly pay day is prescribed by a Louisiana statute (No. 25), applicable to all employers of 10 or more persons engaged in manufacturing, and to all public-service corporations. A similar law was passed by the Legislature of Mississippi (ch. 166, amended by ch. 167), applicable to all employers engaged in manufacturing having 50 or more employees, and to all public-service corporations; wages for 7 days preceding pay day may be retained by the employer. The law of Massachusetts providing for a weekly pay day was amended (ch. 247) so as to make it of uniform application to all individuals, firms, and corporations engaged in the occupations enumerated in the original act, instead of making distinctions between corporations and other classes of employers in some cases. A South Carolina statute (No. 399) is applicable to but a single group of workmen, railroad shop employees, who must be paid semimonthly.

A Mississippi statute (ch. 138) declares it unlawful to discount any checks or coupons, etc., issued in payment of wages, the same to be redeemable at face value on or after the next regular pay day succeeding their issue. The general law relating to the payment of wages in scrip in South Carolina was amended (ch. 314) so as to limit its application to corporations engaged in the manufacture of cotton goods. The period within which presentation for redemption must be made was reduced from 30 days to two weeks. An act of the preceding Legislature of Louisiana was reenacted this year (No. 170) directing that wages due discharged employees be paid at the time of their discharge, the new law adding a proviso that the employee must make a demand at the time for the payment due. Another act of the Louisiana Legislature (No. 62) forbids forfeitures for breach of contract or discharge before the end of a contract of employment. Fines, except for willful or negligent injury to goods or property, are forbidden.

As affecting the amount of wages payable, note may be made here of an act of the Ohio Legislature (p. 181) which directs that coal shall be weighed before screening where the earnings of the miner are determined by the weight of the coal mined. Allowances for slate or other impurities are to be fixed by the industrial commission of the State.

Of limited application, but of interest as showing the attitude of State legislatures toward the subject of regulating the conditions of employment of labor on public works, are laws of Maryland (ch. 98) directing that in the city of Cumberland laborers employed by the mayor and city council shall receive not less than \$2 per day; of Massachusetts (ch. 458), fixing the wages of male laborers employed by the prison commissioner of the State at not less than \$2.50 per

day; of the same State (ch. 474), requiring that mechanics employed on public works shall be paid the prevailing local rates; and of New York (ch. 217), directing that contractors on public works in the city of Buffalo shall employ their laborers but 8 hours per day within 9 hours, and that time and a half be allowed for any necessary overtime work.

The minimum wage law of Massachusetts received an amendment this year (ch. 368) by which the composition of the wage boards was modified, the option of the board as to publishing the names of employers broadened, provisions added requiring a detailed record of wages to be kept, and protecting employees serving on wage boards, etc. The constitution of California was amended so as to authorize minimum wage and other welfare legislation.

Mechanics' lien laws received attention in Kentucky, Louisiana, and New York. In the State first named the law relating to liens of employees of mine, railroad, turnpike, or canal companies making assignments in bankruptcy was amended (ch. 49). An act of the Louisiana Legislature (No. 185) gives a lien to managers, mechanics, and laborers in sugar refineries, sugar mills, and syrup mills on all sugar and syrup made during the season so long as such articles remain in the possession or custody of the refiners or mill owners. Of the New York statutes, the first (ch. 241) provides that watchmakers and jewelers shall have a lien on articles worked on by them; the second (ch. 266) amends the provision of the law as to the discharge of liens for public improvements; while the third (ch. 506) amends the defining section of the statute.

A different form of protection of wages is contemplated in an act of the Louisiana Legislature (No. 221) which amends a law of that State with reference to contractors' bonds. It is required that contracts involving \$500 or more shall be in writing, signed by the parties, and recorded in the office of the recorder of mortgages, such recordation creating a lien. The owner of the property on which the work is done must require a bond of the contractor, and the statute fixes the process by which claimants may recover on this bond.

The preference of wage debts in assignments by insolvents is the subject of an amendment by the New York Legislature (ch. 360), the amount entitled to such preference being limited to the wages for three months instead of one year as formerly; the sum entitled to preference may not exceed \$300.

The assignment of wages to secure the repayment of loans is the subject of laws in three States. The Legislature of Mississippi (ch. 112) provides for a heavy tax on lenders of money charging more than 20 per cent interest per annum. Lenders on assignments of wages must make affidavit that they do not charge more than 20 per cent, or the presumption runs against them. A list of borrowers must be filed

semiannually with the sheriff of the county. A new law was enacted in New Jersey (ch. 49) superseding earlier legislation. Wage brokers are required to secure a license, and the business is subjected to regulations prescribed by State law instead of municipal regulation by ordinance. The maximum loan is \$300, and the maximum interest to be charged is 3 per cent per month. Assignments of wages are not valid until accepted by the employer, nor without the written consent of the wife. The business is supervised by the State commissioner of banking and insurance. In New York also (ch. 518) a supervisor of personal loans is provided for in the office of the State superintendent of banks. This official is to prescribe rules for personal loan companies and brokers. Regulations are made for the organization of corporations and the granting of certificates to brokers, and the amount of loans is limited to \$200 to the individual, the interest rate not to exceed 2 per cent per month. Another law of this State (ch. 164) declares that assignments of wages of municipal employees shall not be valid unless approved in writing by the head of the department or board under which the debtor is employed.

A statute of Georgia exempting wages from garnishment is amended (p. 62) by fixing the amount exempted at \$1.25 daily and 50 per cent of any excess, instead of exempting full wages of journeymen, mechanics, and day laborers as formerly.

HOURS OF LABOR.

The Legislature of Louisiana enacted a law (No. 201) regulating the hours of labor of stationary firemen in cities of 50,000 or more. This statute provides an 8-hour day for stationary firemen, and takes the place of an earlier law that was held unconstitutional. This law provided an 8-hour day for firemen employed in establishments in continuous operation, while the present law applies to all establishments within the designated localities. A law of Massachusetts (ch. 746) directs that for baggagemen, laborers, crossing tenders, etc., employed by railroads, 9 hours' work in 10 consecutive hours shall constitute a day's labor, one hour to be allowed for a lay off. Two amendments were made to the law of Mississippi prescribing a 10-hour day in manufacturing establishments, one (ch. 168) exempting from the operation of the law manufacturers engaged in the handling of perishable agricultural products employing only male adults, while the other (ch. 169) permits 20 minutes' daily excess work for 5 days in order that a shorter workday may be had on Saturday, but the total for the week may not exceed 60 hours. The period of work in compressed air is regulated by a statute of New Jersey (ch. 121), the time of employment varying with the degree of pressure.

HOLIDAYS AND REST DAYS.

Coming partly under this heading and partly under the preceding one is an act of the Legislature of Porto Rico (No. 24) amending the law of that island as to closing time in industrial and mercantile establishments. Seven p. m. is fixed as the regular time for closing during the week, instead of 6 o'clock as formerly, and the list of excepted employments is revised. Municipalities may by ordinance waive the application of the law requiring the closing of establishments on Sunday, permitting them to remain open on that day up to 12 o'clock noon. The Massachusetts Legislature (ch. 757) amended the Sunday labor law of the State so as to permit the operation on Sunday of motor vehicles. The law of New York prescribing generally a weekly day of rest is amended (ch. 388) by exempting employees handling milk or manufacturing ice cream in establishments in which not more than seven persons are employed; also (ch. 396) by authorizing the commissioner of labor to exempt establishments of continuous operation in which an 8-hour day is observed. Another law of this State (ch. 514) grants to drug clerks one afternoon and evening off each week in addition to the full day each two weeks already given by law. The Maryland Legislature (ch. 26) directed that if signalmen, towermen, gatemen, lever men, train dispatchers, etc., connected with the operation of railroad trains work 8 hours or more daily they must be allowed two days of 24 hours each per month as days of rest. A similar law was enacted by the Legislature of Massachusetts (ch. 723).

Acts of the Massachusetts Legislature relating to employees in public service are: One (ch. 217) directing that laborers so employed for more than one year shall have two weeks' vacation with pay; another (ch. 455) adding the months of April and May to the time during which Saturday half holidays are to be allowed, the months of June, July, August, and September having been already included; and one (ch. 688) authorizing a referendum as to a general law allowing Saturday half holidays for public employees throughout the State.

REGULATION AND INSPECTION OF FACTORIES.

Additional factory inspection officers are provided for in an act of the Legislature of Maryland (ch. 675), which provides that the State shall be divided into 10 sanitary districts outside the city of Baltimore, with a deputy for each, whose duty it shall be to inspect the sanitary conditions of workshops, factories, and all places where offensive industries are carried on. Another amendatory law of this State (ch. 840) relates to the inspectors charged with the enforcement of the child-labor laws, providing for 7 inspectors at \$1,000

each, instead of 8 at \$900 each, and adding an officer at \$1,200 whose duty it is to issue employment certificates. The appropriation for the State bureau of statistics and information is advanced from \$12,000 to \$17,000 annually.

In Massachusetts (ch. 421) a special inspector is provided for, to enforce the laws of the State as to explosives and inflammable fluids and compounds. The Mississippi Legislature (ch. 163) provides for a State factory inspector, to be appointed by the State board of health, whose duty it shall be to inspect three times a year all factories and canneries where children and women are employed. Every factory employing five or more persons must be registered and a license fee paid according to a schedule embodied in the law. Annual reports are required from employers as to the number of employees, the sanitary condition, buildings, equipment, etc.

The Legislature of Virginia passed three laws relating to the regulation of factories, one (ch. 16) requiring stairways to have handrails, and, where females are employed, to be screened at sides and bottom, dangerous machinery to be guarded, belt shifters to be provided, and workrooms to be adequately lighted. If more than 25 persons are employed, doors are to open outward and not to be fastened during work hours. The second statute (ch. 286) amends an earlier law (ch. 14, Acts of 1910) by adding thereto a section making the application of the law to towns and cities of 5,000 population or less discretionary with the State commissioner of labor. The third law of this State (ch. 333) undertakes to provide for the ventilation of foundries. A statute of Kentucky (ch. 72), regulating the employment of children, requires the installation of belt shifters and of guards for dangerous machinery in establishments in which persons under 21 years of age are employed.

A Maryland statute (ch. 779) revises the law of that State on the subject of sweatshops. It requires the registration of all manufacturing and mercantile establishments having 5 or more employees, directs that workrooms in tenements be licensed after inspection, and prescribes a minimum of 500 cubic feet of air space for workrooms; only resident members of the families are to be employed in such tenements. Lofts, workrooms, etc., in general, are to be licensed, must furnish a minimum of 500 cubic feet of air space for the workers, and be provided with suitable fire escapes. The same legislature enacted a law (ch. 678) relating to the manufacture, packing, storage, etc., of food products. This law is of what may be designated as the standard type, and prescribes cleanliness, freedom of employees from disease, sanitation, toilet rooms, etc. The State board of health may make rules for such establishments, which are to be in effect after public hearings thereon and promulgation. An-

other law of this State (ch. 81) is one that forbids any employer or workman in a cigar factory to stand or sit on a mold or press while the same is in use. The Legislature of Georgia passed a law (p. 134) in general terms requiring suitable light, drainage, ventilation, screening of windows, etc., and provisions for the health of operatives, and employees in all places where food is sold, manufactured, packed, etc.

Three laws of the State of Massachusetts relate specifically to the subject of toilets in factories, etc. One (ch. 164) provides a penalty for defacing any toilet appliances; another (ch. 726) requires the designation of separate toilets for each sex and forbids their use by persons of the opposite sex; while the third (ch. 328) requires separate toilet conveniences in all places of employment without reference to the number of employees, instead of where 5 or more persons are employed, of whom 2 or more are women or children, as was provided in the earlier law. This chapter also amends the labor law of the State by striking out elevators from the places to be guarded under this act. The enforcement of sanitary regulations is to be in the hands of the board of labor and industries instead of the board of health, as formerly. An additional section refers to the board of elevator regulations created in 1913, and provides that this act shall not affect the requirements as to guarding belting, shafting, or other machinery used in the operation of elevators. By another act of this legislature (ch. 263) the State board of labor and industries is authorized to require employers to post the cards or notices issued by the board for the information of employees.

The orders of the Wisconsin Industrial Commission relating to elevators (Nos. 400-454) were extensively amended and some additions made thereto during the year. Detailed regulations as to stationary boilers were also issued (Nos. 4000-4273).

The New York Legislature (ch. 512) amended the defining section of its labor law by adding generating plants to the list of establishments included under the term "factory," and making other changes of a minor nature.

Besides some items already noted, several laws were enacted relating specifically to the matter of safety in case of fire. Thus in Louisiana (No. 171) it is provided that if there are employees above the second story, one or more fire escapes on the outside of the building, as directed by the State commissioner of labor, must be provided unless he deems it unnecessary, or unless the erection of an external fire escape is impracticable, in which case an internal means of escape is allowed. The type and form of such escapes are prescribed by the statute. Orders of the Wisconsin Industrial Commission (Nos. 5000-5415) relate largely to protection against fire, the erection of fire escapes,

floor areas, loads, exits, etc. A law of Massachusetts (ch. 795) regulates the storage of inflammable articles, and authorizes the fire prevention commissioner of the State to make rules as to extinguishers, smoking in factories, the cleaning of chimneys, etc. Another law (ch. 566) makes the statute forbidding the locking of doors during work hours obligatory without the notice formerly required from the State factory inspector, and provides penalties for the violation of the law. The Legislature of New York (ch. 182) made minor changes in the law as to fire escapes on factories, etc., with a view to giving it added effectiveness. Chapter 366 gives details as to the construction of means of escape. This statute also designates the operator of any factory as the person who shall provide the dressing or emergency rooms required by law in factories where females are employed. A third law of this State (ch. 459) relates only to the city of New York and authorizes the fire commissioner to require fire drills in places "where numbers work."

Two laws of limited application were enacted in Massachusetts, one (ch. 467) requiring safety valves to be installed in ammonia compressors, and authorizing the board of boiler rules to formulate rules for inspection of such safety valves; the second (ch. 649) repeals and reenacts an earlier law as to inspection of receptacles charged with compressed air, the law being made applicable to all such receptacles instead of only those over 18 inches in diameter.

For lack of better classification notice may be taken here also of a statute of New Jersey (ch. 121) relating to work in compressed air. This statute relates to equipment, requires dressing rooms, the inspection of machinery, medical examination of workmen, etc. A physician must be kept at hand, and also a nurse if the pressure exceeds 17 pounds to the square inch. Exit by decompression locks must be provided for. Enforcement of this law is intrusted to the commissioner of labor.

A law of Massachusetts required factories to provide such first-aid supplies for injured persons as the local boards of health may designate. This was changed by an act (ch. 557), so as to put the matter in the hands of the State board of labor and industries; the law is also made to apply to mercantile establishments where 20 or more women or minors are employed.

In this connection may be noted amendments of the New York statute relating to the inspection of mercantile establishments, one act (ch. 183) adding provisions as to cleanliness, the disposition of rubbish, the supply of drinking water, ventilation, toilets, etc. Another act (ch. 333) increases the salary of the mercantile inspector from \$3,000 to \$4,000.

PROTECTION OF EMPLOYEES ON BUILDINGS.

This subject was taken up by the Industrial Commission of Wisconsin, and a series of orders issued (Nos. 3500-3519) requiring care in the construction and protection of scaffolds, the installation of counter-floors, the inclosure of floor openings, and other details intended to safeguard workmen employed in the construction, etc., of buildings.

MINE REGULATIONS.

Legislation under this head was enacted by the legislatures of Kentucky and Ohio. Mention has already been made of one of the Ohio acts (p. 181) requiring coal to be weighed before screening when used as a basis for the payment of miners' wages. Another act (p. 161), requires operators wishing to have "solid shooting" of coal done in their mines to obtain a permit for the same from the industrial commission of the State. A third act (p. 164) requires a stretcher and a pair of blankets to be kept at mines for each 35 persons employed instead of two such outfits if more than 200 miners are employed. These are to be kept in a safe and dry place, and other requisites for first aid provided as prescribed by the industrial commission.

The Kentucky Legislature (ch. 79) repealed generally the existing mine regulations, and established a department of mines, with a chief inspector and assistants. The duties of superintendents, foremen, fire bosses (required in gaseous mines), and shot firers (required in gaseous or dusty mines where 10 or more persons are employed), are prescribed. Assistant inspectors, foremen, and fire bosses must pass an examination as to qualifications, etc. Stretchers and first-aid provisions are required, electric installations regulated, and maps, ventilation, drainage, safety equipment, etc., provided for.

RAILROADS.

The Legislature of Mississippi (ch. 170) enacted a law fixing the number of persons in a crew for passenger trains, exempting roads under 50 miles in length. The Missouri statute of 1913 (p. 183, Acts of 1913) on this subject was repealed by referendum, November 3, 1914. In South Carolina (No. 403) railroad companies are required to maintain shelters at division points if repair work is regularly done at such points. By another act (No. 401) warning boards must be erected within one mile from stations, drawbridges, and grade crossings of other roads. The Virginia Legislature (ch. 89) took up the subject of adequate headlights on locomotives, setting 500 candle-power as the minimum requirement. The same legislature (ch. 87) amended an earlier law relative to caboose cars, and directed that all freight trains be provided with such a car. The law prescribes the length, the number of windows, kind of trucks, brakes, constructive strength, etc.

STREET RAILWAYS.

Mention has already been made of the act of the Louisiana Legislature (No. 150) requiring motormen and conductors to be experienced men. Another act of the same legislature (No. 16) fixed the period during which inclosed vestibules must be furnished for the protection of employees to run from September 1 to May 1, instead of from November 15 to March 15, as under an earlier law. The Legislature of South Carolina also (No. 253) amends its law on this subject, requiring vestibules to be supplied with side doors for the more complete protection of the employees; the meaningless proviso of the earlier law as to a line south of and parallel to the thirty-fourth meridian is also stricken out.

EMPLOYMENT OF WOMEN AND CHILDREN.

As has so frequently happened in past years, the largest number of laws in any single group is to be found under this head, 26 separate enactments, affecting 12 jurisdictions, having been made during the year. Laws affecting the employment of women will be considered first.

An act of Congress (Pub. No. 60) relates to the employment of women in the District of Columbia, fixing the hours of labor at 8 per day, with a maximum of 6 days, or 48 hours, per week. The law is of general application, covering manufacturing and mercantile establishments, laundries, hotels, telegraph and telephone offices, etc. Girls under 18 may not be employed between the hours of 6 p. m. and 7 a. m., and if three or more females are employed for more than 6 hours there must be an interval of three-quarters of an hour, unless employment ends not later than 1.30 p. m., when 6½ hours may be worked continuously. A time book or record must be kept, and three inspectors are provided for to enforce the law. These inspectors are also authorized to enforce an earlier law requiring seats to be furnished for female employees and their use permitted. A Massachusetts statute which undertook to protect women against undue exertion by limiting the dimensions of boxes to be handled by them was amended (ch. 241) by using the number of pounds of weight as the standard instead of the dimensions of the box. The Maryland law was changed (ch. 382) in the matter of the salary of women inspectors, the amount being raised from \$800 to \$1,200 for the inspector, and from \$600 to \$900 for assistants. The question of the hours of labor of women was considered by the Legislature of Mississippi (ch. 165), a 10-hour day and 60-hour week being fixed as the maximum of employment in laundries, millinery, dressmaking or mercantile establishments, offices, or other occupations. The South Carolina statute

relating to hours of labor of women in mercantile establishments was amended (No. 262) by authorizing its enforcement by duly authorized agents of the commissioner of labor as well as by himself and the inspectors connected with the department. In New York also the law as to the employment of women in mercantile establishments was amended (ch. 331) so as to limit employment to 6 days and 54 hours per week in all such establishments, instead of only in cities of the second class, the earlier law permitting a 60-hour week elsewhere. The requirement for a 6-o'clock closing in cities of the second class was eliminated, permitting employment until 10 o'clock in all places, but not allowing an extra long day on Saturday.

The Georgia Legislature passed a new law (p. 88) governing the employment of children. The minimum age is fixed at 14 instead of 12, though the exception as to dependents and widows' children remains, the minimum age for them being 12 years. A special certificate, to be renewed every 6 months, is required for the employment of any child under the age of 14. Any child under the age of 14½ years must have a schooling certificate showing that he attended school at least 12 weeks in the preceding year. Children under this age may not be employed at night between the hours of 7 p. m. and 6 a. m. The enforcement of this law is in the hands of the commissioner of labor. Another law of this State (p. 157) provides for the registration of vital statistics, and contains a provision that after 14 years a certificate of birth issued by the registration office to be established under this act shall be required by factory inspectors and employers as *prima facie* proof of age.

The existing laws of Kentucky on this subject were repealed and a new law enacted (ch. 72), fixing the minimum age of employment at 14 years in designated employments, and forbidding all employment under that age during the school term. Age and schooling certificates for children under 16 are issued by school superintendents, records being specified as evidence of age. The hours of labor of children under 16 are restricted to 8 per day and 48 per week, no work to be done between 6 p. m. and 7 a. m. A standard list of prohibited occupations for children under 16 is given, and messenger service and street trades are regulated. No female under 21 may be required to stand constantly.

A Louisiana act of 1908 regulated the employment of children, the statute being applicable to establishments in which 5 or more persons are employed. An act of the present legislature (No. 133) struck out this limitation, making the law of general application, and adding hotels and restaurants to the classes of establishments covered by its scope, and concludes with a general phrase so as to include "any other occupation whatsoever," instead of those deemed unhealthful or dangerous. Another act of this legislature (No. 91) requires chil-

dren up to 14 years of age to attend school for at least 4 months during the year, unless they are the sole dependence of their mothers or sisters.

The statute of Maryland relating to the employment of children in street trades was amended (ch. 27) by reducing the minimum age for such employment to 10 years, the former standard having been 12 years. Another amendment (ch. 840) makes the fees of examining physicians payable from the funds of the State bureau of statistics and information instead of from county funds. The provisions of this act affecting the numbers and salaries of inspectors have already been noted.

Two acts of the Massachusetts Legislature relate to the issue of employment certificates, one (ch. 316) directing that no public official shall make any charge for the issuing of such certificates. The second act (ch. 580) authorizes the local superintendent of schools to suspend in his discretion the requirements of 130 days' school attendance after the child has reached 13 years of age as a condition to the issue of employment certificates.

The Legislature of Mississippi (ch. 164) passed a special law regulating the employment of children in cotton and knitting mills, the prior law as to employment of children being repealed only in so far as its provisions are superseded by the new act in its particular field. The age limit remains as before, i. e., 12 years for males and 14 for females. The age below which hours of labor are regulated is 14 years for males and 16 for females, instead of 16 and 18 years in the general law. The provisions as to the length of a day's work and the limitations on nightwork are the same.

Five laws were passed by the New Jersey Legislature, all in the nature of amendments, one (ch. 60) adding newspaper plants, printeries, and commercial laundries to the places coming within the scope of the law as to the age limit of employment. Another (ch. 236) brings mines and quarries within the purview of this law, and provides for an additional inspector skilled in the operation of such working places. A third act (ch. 223) makes special provision for the issue of employment certificates, setting forth in detail the requirements as to age, school attendance, examination for physical condition, etc. The issue of special certificates for children between the ages of 10 and 16 years desiring to work for their own support or that of the family is provided for. The fourth act (ch. 252) relates chiefly to the question of enforcement, and declares places where children are habitually unlawfully employed to be disorderly houses. Certificates must be provided for all children under 16 years of age, under penalty of having the employer declared a disorderly person. A standard list of dangerous employments for children under 16 years of age is given, and the employment of children under 16 is limited

to 8 hours per day instead of 10 hours as formerly, and 48 hours per week, no labor being permitted on Sundays or holidays. The period during which nightwork is forbidden is from 7 p. m. to 7 a. m., instead of from 6 p. m. to 6 a. m. as under the earlier law. The last act to be noted (ch. 253) relates to the employment of children in mercantile establishments. This act forbids the employment of children under 14 at any time instead of only during school hours as before, fixes an 8-hour day and 48-hour week, instead of the 58-hour week previously allowed, cuts out the permit to work until 9 p. m. one day in each week and until 10 p. m. from December 15 to 25. No work is allowed on Sunday, and injurious, excessive, or exposing employments are forbidden. A violator of this act is to be adjudged a disorderly person, and any establishment where its violation is habitual, a disorderly house.

The employment of children in street trades was the subject of legislation in New York, the act (ch. 21) providing for the issue of newsboy permits to boys over 12 years of age for work from the close of school until 6.30 p. m., and to those over 14 years of age from 5.30 to 8 a. m. Another law (ch. 331) amends a law as to the employment of children in mercantile establishments, limiting such employment to 8 hours per day and 48 per week instead of 9 per day and 54 per week as formerly. The time for their stopping work is fixed at 6 p. m. instead of 7 p. m. This law also applies to offices, bowling alleys, shoe-shining establishments, and barber shops.

Minor changes were made in the Ohio law governing the school attendance of children, one act (p. 129) making slight technical changes in the matter of the issue of age and schooling certificates. Such certificates are to show that female children are over 16 years of age instead of over 18, thus harmonizing the law in this respect with its other provisions. The other amendment (p. 225) makes changes in the law to correspond with changes made in other acts, substituting the industrial commission and the superintendent of public instruction for officers who have been superseded by these newer agencies.

The Virginia Legislature (ch. 339) amended its child-labor law considerably, extending the list of employments forbidden for children under 14 years of age, and striking out the exemption of orphans from its scope. Children under 16 may not be employed between the hours of 9 p. m. and 7 a. m., and must have employment certificates with proof of age. The act does not apply to employment in canneries between July 1 and November 1. The employment of children as messengers and newsboys in towns of a population of 5,000 or over is regulated by this act. Another law of this State (ch. 158) amends the law governing the hours of labor of women and children, adding laundries to the establishments to which the

statute applies. The provision permitting longer hours on Saturday is stricken out, and the employment of minors and females in places where intoxicating liquors are sold is forbidden, except in hotels and country stores.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

The activity of the State legislatures in this field was noted in the introduction to this review. But two or three of the 16 acts to be noted under this head relate to the subject of liability, strictly construed, the others being connected with the subject of workmen's compensation. A statute of Mississippi (ch. 156) provides that if the employer was negligent an injured employee shall not be held to have assumed the risks; an exception is made of cases in which railroad conductors and locomotive engineers voluntarily operate dangerous or unsafe cars or engines. The Massachusetts Legislature (ch. 553) provides that in actions against employers due care on the part of the injured person shall be presumed, contributory negligence being a matter of affirmative defense only. Another act of this legislature (ch. 464) relates to the subject of employers' liability insurance, making the liability of the insurance company absolute on the occurrence of the loss, and giving the judgment creditor a direct claim on the insurance money.

The constitution of Wyoming was amended so as to authorize a workmen's compensation act.

As already noted, new States entering the group having workmen's compensation laws are Kentucky and Louisiana. The Kentucky statute (ch. 73) provides for an elective compensation system covering an extensive list of employments, and applicable where six or more persons are employed. Other employments may come within the scope of the law by agreement between the parties concerned, or they may be brought in by classifications made by the workmen's compensation board provided for by the act. Election is made by the employer by paying premiums into the State insurance fund, which is to be administered by the compensation board, or by posting notices in the establishment. Election by the employee is presumed if the employer elects, though he may give contrary notice. If an employer fails to accept the provisions, the three usual common-law defenses are abrogated in any action against him for damages.¹ No benefits are payable during the first week, except that medical and surgical aid not to exceed \$100 is to be furnished. Benefits are payable on the basis of 50 per cent of the employee's wages, with a maximum of \$12 per week and a minimum of \$5, or full wages

¹ This provision was held by the court of appeals to amount to a compulsion not permissible under the constitution of the State. The statute was therefore declared unconstitutional Dec. 11, 1914.

if less than \$5 is earned. Payments may not exceed \$3,750 in amount, nor be continued during more than 6 years. Disputes are settled by the compensation board, with appeals to courts.

The Louisiana statute (No. 20) is likewise an elective compensation system, but is compulsory as to the State and its municipalities. The law applies to an extensive list of hazardous employments, and other occupations may be included as hazardous by agreement between employers and employees, or by a decision of the courts. Election is presumed in the absence of contrary notice, and the three common-law defenses abrogated if the law is rejected by the employer. Two weeks' waiting time is fixed by the statute, and benefits are on a 50 per cent basis. Death benefits continue during life or until remarriage of the widow, disability benefits not to continue more than 400 weeks, the minimum payment being \$3 and the maximum \$10. Medical and surgical aid are to be furnished during the first two weeks, the amount not to exceed \$100. Agreement between parties as to awards must be approved by the courts, which also decide disagreements.

The Maryland statute (ch. 800) is a compulsory compensation law in its application to a list designated as extrahazardous, being elective for other employments. Farm and domestic labor, rural mechanics, and persons receiving more than \$2,000 per annum as wage earnings are excluded. Two weeks' waiting time is prescribed unless the injury is permanent, when payments begin at the end of the first week. A State insurance fund is provided for, though insurance in other companies is permitted, or the employer need not insure if he shows sufficient proof of financial ability to meet possible obligations. Benefits are paid on a 50 per cent basis, extending over eight years for death with a minimum payment of \$1,000 and a maximum of \$4,250. Medical and surgical aid in an amount not exceeding \$150 is to be furnished. A State industrial accident commission decides disputes and administers the law, with appeals to the courts.

By an Executive order of March 20, 1914, the President provided a compensation system for the Canal Zone, superseding the earlier order. Benefits are 75 per cent of the wages for three months, and 50 per cent thereafter, 8 years, maximum.

All the foregoing laws place the burden of cost on the employer and provide for fixed rates of compensation for specified injuries.

The New York Legislature (ch. 41) reenacted for constitutional reasons the State compensation law (ch. 816, Acts of 1913), practically the only change made being to provide that the board of five members which is to administer the act should have not more than three persons of the same political party in its membership.

The remaining laws to be considered under this head are either amendatory to existing acts or refer to related subjects. Thus the Maryland Legislature (ch. 489) authorizes at least 20 employers with

not less than 2,000 employees to form mutual associations for the purpose of insuring against loss under the provisions of the workmen's compensation act, or to provide old age, unemployment, or other benefits for their employees. Each member has one vote, and an additional vote for each 500 employees or major fraction thereof. If the employees contribute to the fund they also are to be represented.

The Massachusetts act is amended (ch. 708) so as to require medical and surgical aid for two weeks after the beginning of the disability caused by the injury, instead of for two weeks after the injury. Any other physician than the one provided by the State employers' insurance association may act in an emergency, payments to such physicians to be subject to the approval of the industrial accident board. The most important change is one which makes the basis of the benefits payable $66\frac{2}{3}$ per cent of the employee's wages instead of 50 per cent as under the original act; the period of weekly payments is extended from 300 to 500 weeks, and the maximum sum fixed at \$4,000. Another change makes a conclusive presumption of dependence in favor of a wife who has been deserted by her husband, or who is living apart for justifiable causes, and also makes provision for the children of a deceased workman by a former marriage. If a legal representative is necessary for securing the benefits of the compensation act and for no other purpose, appointment may be made at the cost of the insurance association. Other provisions authorize the compensation payments of minors to be made in whole or in part by lump sums, enlarge the provisions as to the review of awards, provide for arbitration in case of disagreement as to physicians' or attorneys' fees, allow interest from the original date of award of benefits affirmed on appeal to court, direct insurance associations and companies to furnish statistical reports to the State industrial accident board, and authorize the establishment of four branch offices in cities selected by the board. Another act (ch. 618) authorizes municipalities to vote on the acceptance of the compensation law at the election in 1915 if they fail to do so at the first annual meeting after the act was passed, as was provided for in the act. In another act (ch. 338) changes were made in the matter of the selection of the board of directors of the State employees' insurance association, their election by ballot being provided for instead of their appointment by the governor; there are to be not less than 15 members, but more may be chosen, the restriction to this number being removed.

A single change was made in the New Jersey law by an amendment (ch. 244) which gives the expenses of the last sickness and burial in all fatal cases, instead of only those in which there were no dependents.

The New York law was the subject of amendment (ch. 316) before it became operative, the principal changes being the bringing of employees of the State and municipalities within the scope of the act,

and allowing deductions to be made from the compensation of any gratuitous payments made under other schemes. Provision was also made for increasing a child's share of the benefits accruing on account of the father's death in case of the mother's death before the child reached the age of 18 years. Another act (ch. 16) requires companies carrying on compensation insurance business in the State to file classification of their risks and premiums, also changes therein and basis rates and schedules, if used, with the State superintendent of insurance, no rate or classification to take effect until approved by him. An appropriation of \$350,000 was made for the State workmen's compensation commission, to provide salaries, office expenses, etc., by chapter 170.

Growing out of a court decision relative to the meaning of a term used in its compensation law, the Legislature of Ohio amended (p. 193) the original act by adding a definition of the term "willful act," for which an employer might be sued instead of settling under the compensation law. Such an act was defined as being one that was done knowingly and purposely with the direct object of injuring another.

BENEFIT AND RETIREMENT FUNDS.

The only act under this head relating to private employment is one by the New York Legislature (ch. 320) that is obviously the result of the recent disastrous failure of the benefit fund in a large establishment in New York City. This act forbids the compulsory contribution by employees of any amount for the maintenance of benefit or insurance funds in mercantile establishments.

Other laws that may be here considered relate to public employees, and were all enacted by the Massachusetts Legislature. The first of these (ch. 352) is a special law for the provision of pensions for employees of fire and water districts instead of bringing them under the general law as to employees of municipalities. The provisions in this act must be accepted by the various municipalities before it is operative. Another act (ch. 419) provides pensions for State employees disabled after 15 years of continuous service; a third (ch. 568) liberalizes the provisions of the existing law as to interruptions of service and their effect in the cutting off of pension rights. The fourth act (ch. 582) makes minor changes as to the computing of interest on refunds of the State employees' retirement association.

ACTIONS FOR INJURIES CAUSING DEATH.

The only legislation to be noted here is an amending act of the Mississippi Legislature (ch. 214) authorizing suits, in cases where injury has caused death, to be brought in the name of the personal representative for the benefit of all claimants. Individuals may still bring action in their own right, but only one suit can be brought in any case where a decision is reached on the merits of the case.

ACCIDENTS.

In addition to the provisions for first aid in case of accidents, already noted under the headings "Regulation and inspection of factories" and "Mine regulations," laws were enacted in Massachusetts (ch. 742) directing reports of accidents to be made by gas and electric companies; and by the Legislature of New York (ch. 466) making an appropriation for the American Museum of Safety on the condition that the museum be open to the public free of charge 5 days per week, 1 to be Sunday afternoon, and 2 evenings weekly, and that provisions be made for promulgating among the schools instruction as to the prevention of accidents, and industrial hygiene. A third act coming under this head is one of the Virginia Legislature (ch. 132) requiring at least 30 minutes per month in the public schools of the State to be spent in instructing the children as to means of accident prevention. The State superintendent of public instruction is directed to arrange information suitable for this purpose and distribute it.

OCCUPATIONAL DISEASES.

The New Jersey Legislature enacted an extensive and detailed law (ch. 162) on the subject of the prevention of occupational diseases, special attention being paid to manufacturing processes in which lead is used. The provisions prescribed include the cleaning of floors, ventilation, and the supplying and equipment of wash rooms, time for washing to be allowed by the employer and computed as a part of the working time. Eating rooms are to be provided, and no food or drink may be taken into the workrooms. Suitable clothing and respirators are to be furnished by employers, and a medical examination made of employees engaged in dangerous occupations at least monthly, and a record kept of the same. An act of the New York Legislature (ch. 318) declares tuberculosis an infectious and communicable disease, and authorizes employers to report cases to the local health officers, who are then to proceed according to the sanitary code of the State—a law that seems appropriate to be noted here, though it is not strictly one relating to occupational diseases.

LABOR ORGANIZATIONS.

The Legislature of Louisiana passed a law (No. 294) forbidding employers to procure agreements from their workmen or prospective employees not to be or become members of labor organizations. Of like intent is an act of the New York Legislature (ch. 217), forbidding contractors on public works in the city of Buffalo to discriminate against workmen on account of their membership in labor organizations. New legislative ground is broken in an act of Congress (Pub. No. 212) and an act of the Massachusetts Legislature (ch. 778).

The former declares that labor is not a commodity, and that the Federal antitrust laws do not apply to labor organizations. Peaceful picketing and persuasion are declared to be not unlawful, nor may the payment of strike benefits be interfered with, nor the peaceful assemblage in a lawful manner of workmen engaged in a labor dispute. Injunctions run only against the parties named, their officers, agents, servants, and employees, or those in active concert or participation who have actual notice by personal service or otherwise. The Massachusetts statute mentioned authorizes combinations as to wages and conditions of employment, and forbids injunctions unless to prevent irreparable injury to property particularly described. The right to carry on business is declared to be a personal right and not a property right, and acts in combination not punishable unless in themselves unlawful.

An act of Congress (Pub. No. 161) making appropriations for the expenses of the Department of Justice, provides a sum for the enforcement of the antitrust law, but forbids the use of any part of it for prosecuting organizations or individuals for combining to increase wages, shorten hours, or better conditions of employment.

An act of the Legislature of South Carolina (No. 393) that might also have been considered under the head "Benefit and retirement funds" is one authorizing labor organizations to form relief societies; reports are to be made to the insurance commissioner of the State and certificate must be had from him, though no license is required.

COOPERATIVE ASSOCIATIONS.

In Virginia a law was enacted (ch. 329) authorizing any number of persons, not less than five, to unite for the carrying on (among others) of any manufacturing or mechanical business on a cooperative plan. The maximum value of any individual's share is fixed at \$1,000, and no member may have more than one vote.

ARBITRATION OF LABOR DISPUTES.

Though remote geographically, a most striking law on this subject is one enacted by the Philippine Legislature (No. 2385). This act authorizes the director of the bureau of labor to arbitrate any labor disputes, summoning parties under subpœnas duces tecum to appear before him and testify. He is then to advise and bring about such an arrangement as may upon the hearing be shown to be just and fair. An attorney of the bureau is provided for, whose duty it is to bring suits in behalf of laborers in case of the failure of a friendly effort to settle labor disputes. Such service is to be without cost to the plaintiff, on a showing of his inability to pay, though where judgment is against the employer an attorney's fee is to be assessed as a part of the

recovery. This is obviously the nearest approach to compulsory arbitration that has been made in any jurisdiction under the United States Government.

The Massachusetts law on the subject of arbitration was amended (ch. 681) so as to call for investigation and publicity only in cases where the good offices of the arbitration board are rejected; it is also provided that the board shall call the attention of employers and employees to their duty to give notice to the board before resort is had to strikes. Another provision affects slightly arbitration by local boards.

EMPLOYMENT OFFICES.

A Louisiana statute (No. 307) authorizes municipalities to provide by ordinances of council for the establishment and maintenance of local free public employment offices. In Maryland the State immigration bureau is to maintain a free public employment office for the distribution of agricultural labor (ch. 429). The labor law of New York is amended (ch. 181) by adding a bureau of employment to the department of labor. The chief of this office is to be a director, to be employed after having passed a civil-service test. Local offices are to be under the direction of a superintendent, and shall have advisory committees of representative employers and employees attached to them. Notice of a strike may be filed with the superintendent of an office, such notice to be posted only after the other party interested has been notified that such information has been received. Special registers are to be maintained for children between 14 and 18 years of age, and bulletins giving information as to the state of the labor market are to be issued by the bureau of statistics and information.

Rules of the Wisconsin Industrial Commission (Nos. 1-27) regulate the issue of licenses, the keeping of registers, require fees to be scheduled, receipted for, and returned in certain cases, etc.

BUREAUS OF LABOR.

Mention has already been made of certain activities of bureaus of labor, and some of the laws to be noted here might also have been mentioned in connection with the regulation and inspection of factories. Thus the act of the Louisiana Legislature (No. 186) amending the existing law changes the title of the chief of the bureau to commissioner of labor, and authorizes him to appoint two assistant commissioners, who shall be residents of different sections of the State and different from his own, the headquarters of the commissioner and his assistants to be determined by the governor. The duty of inspection by the bureau is considerably enlarged and the salary of the commissioner is increased to \$2,000. In Virginia also (ch. 321) the commissioner of labor is designated as chief factory

inspector of the State, and his duties in this respect prescribed; he is authorized to appoint assistants and deputies and annual reports are to be made. A Massachusetts act (ch. 533) simply designates the number of annual reports to be printed by the State board of labor and industries; while an act of the New Jersey Legislature (ch. 156) changes the name of the bureau of statistics to bureau of industrial statistics and authorizes the State industrial directory to be continued and issued every three years.

CONVICT LABOR.

The laws under this head are chiefly of minor importance, several of them being only of local application. A Georgia statute (p. 87) authorizes the employment of county chain gangs to work the streets in cities of from 7,000 to 10,000 population. An act of the Legislature of Kentucky (ch. 52) authorizes the leasing of farm lands for raising vegetables and farm products to supply the State reformatory and the penitentiary; another (ch. 89) provides for the employment of convicts on the highways of the State, with a daily allowance of \$1 on fines and costs; while a third act (ch. 93) proposes an amendment to the constitution of the State so as to allow the employment of convicts outside the walls of the penitentiary, on highways and bridges and materials therefor, and on State farms. A law of the State of Mississippi (ch. 132) authorizes convict labor to be employed for the crushing of limestone, which is to be sold at cost for agricultural purposes. Another act (ch. 205) directs that supplies for State institutions be bought of the penitentiary if possible. The prison labor commission of New Jersey is directed (ch. 269) to provide agricultural employment for the convicts of the State and establish a wage system, part of the earnings to be for the benefit of the convicts. The New York law relating to the employment of convicts for labor on highways is amended (chs. 60, 61); another law (ch. 188) regulates the forfeiture of convicts' earnings for disciplinary purposes. Besides a law of only local application (No. 291) the Legislature of South Carolina provided (No. 366) that county supervisors may select convicts sentenced from their respective counties to the State penitentiary to work on the county highways. Much the same provision as in the Mississippi statute already noted is found in a Virginia law (ch. 308) authorizing the employment of convicts to grind limestone and oyster shells for sale to the citizens of the State at a price 10 per cent above the cost of production.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1914.

[Bulletin No. 148 of this Bureau contains the laws of the various States and Territories and of the United States relating to labor in force Jan. 1, 1914, with the exception of the compensation acts, which appear in Bulletin No. 126. Later enactments are reproduced below, forming in effect a supplement to the bulletins named. Instead of reproducing the text of the law in full in cases where slight changes occur, such changes have in some instances been indicated in brief notes, these notes being inclosed within brackets. A cumulative index of the laws printed in Bulletins Nos. 126 and 148 and in the present bulletin is to be found on pages 247 to 290.]

CALIFORNIA.

CONSTITUTION.

ARTICLE 20.—*Minimum wages—Protection of employees.*

SECTION 17½. The legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created, such power and authority as the legislature may deem requisite to carry out the provisions of this section. Power of legislature.

Amendment adopted Nov. 3, 1914.

DISTRICT OF COLUMBIA.

ACTS OF 1914.

Employment of women—Hours of labor.

(Public No. 60, 63d Cong.)

SECTION 1. No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia more than eight hours in any one day or more than six days or more than forty-eight hours in any one week. Scope.
Eight-hour day.

SEC. 2. No female under eighteen years of age shall be employed or permitted to work in or in connection with any of the establishments or occupations named in section one of this act before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening of any one day. Nightwork.

SEC. 3. No female shall be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in section one of this act in which three or more such females are employed without an interval of at least three-quarters of an hour; except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half past one o'clock in the afternoon and if she is then dismissed for the remainder of the day. Continuous employment.

SEC. 4. Every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section one of this act in which any females are employed a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. The printed form of such notice shall be furnished List to be posted.

by the inspectors authorized by this act. The employment of any such female for a longer time in any day than that stated in the printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the inspectors authorized to enforce this act may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends, and requiring only the posting of the total number of hours which females are required or permitted to work on each day of the week and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this act.

Record.

Sec. 5. Every employer shall keep a time book or record for every female employed in any establishment or occupation named in section one of this act, stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. Such time book or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this act. Any employer who fails to keep such record as required by this section, or makes any false statement therein, or refuses to exhibit such time book or record, or makes any false statement to an official authorized to enforce this act in reply to any question put in carrying out the provisions of this act shall be liable for a violation thereof.

Inspectors.

Sec. 6. The Commissioners of the District of Columbia are hereby authorized to appoint three inspectors, two of whom shall be women, to carry out the purposes of this act at a compensation not exceeding \$1,200 each per annum.

Entering rooms, etc.

Sec. 7. The inspectors authorized by this act may in the discharge of their duties enter any place, building, or room where any labor is being performed by females which is affected by the provisions of this chapter whenever such inspectors may have reasonable cause to believe that any such labor is being performed therein.

Inspection.

Sec. 8. The inspectors authorized by this act shall visit and inspect the establishments and places of employment named in section one as often as practicable, during reasonable hours, and shall cause the provisions of this act to be enforced therein and also the provisions of an act entitled "An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed," approved March second, eighteen hundred and ninety-five. They shall make a daily report to the Commissioners of the District of Columbia, and also report any cases of illegal employment contrary to the provisions of this act to the corporation counsel of the District of Columbia.

Law as to seats.**Violations.**

Sec. 9. Any person who violates or does not comply with any of the provisions of this act shall upon conviction be punished for a first offense by a fine of not less than \$20 nor more than \$50; for a second offense, by a fine of not less than \$50 nor more than \$200; for a third offense, by a fine of not less than \$250.

Approved February 24, 1914.

GEORGIA.

ACTS OF 1914.

Exemption of wages from execution, etc.

(Page 62.)

SECTION 1. Section 5298 of Vol. I of the Code adopted August 15, 1910, is hereby amended * * * so that when amended said section shall read as follows:

[Section 5298.] All persons shall be exempt from the process and liabilities of garnishment on one dollar and twenty-five cents per day of their daily, weekly, or monthly wages and on fifty per cent of the excess thereof, whether in the hands of their employers or others. All wages above the exemption herein provided for shall be subject to garnishment, and garnishee in making answer shall state specifically when the wages therein referred to were earned by defendant and whether the same were earned as daily, weekly, or monthly wages.

What wages exempt.

Approved August 14, 1914.

Employment of children—General provisions.

(Page 88.)

SECTION 1. No child under the age of fourteen years shall be employed by or permitted to work in or about any mill, factory, laundry, manufacturing establishment, or place of amusement; except that children over twelve years of age who have widowed mothers dependent upon them for support, or orphan children over twelve years of age dependent upon their own labor for support, may work in factories and manufactories; except that the foregoing provisions of this section shall not be applicable in instances specified and provided for in section 8, of this act.

Age limit.

Children of widows, etc.

SEC. 2. No child under fourteen years and six months shall be employed or be permitted to work in any of the establishments or occupations mentioned in section 1, unless the person, firm, or corporation employing such child has and keeps on file accessible to the officials charged with the enforcement of this act, a certificate from the superintendent of schools in the county or city in which such child resides, that such child is not less than fourteen years of age, has attended school for not less than twelve weeks of the twelve months preceding the date of issuance of such certificate; except that the foregoing provisions of this section shall not be applicable in instances specified and provided for in section 8, of this act.

Certificates.

SEC. 3. The certificate mentioned in the foregoing section shall state the full name, date and place of birth of the child, with the name and address of the parent, guardian, or person sustaining the parental relationship to such child, and that the child has appeared before the officer, and satisfactory evidence submitted that the child is of legal age. Blank forms of these certificates shall be furnished by the commissioner of labor to the superintendent of schools in the respective cities and counties. A duplicate copy of each certificate shall be filed with the commissioner of labor within four days from its issuance. The commissioner of labor may at any time revoke any certificate if, in his judgment, the certificate was improperly issued. He is authorized to investigate the true age of any child employed, hear evidence, and require the production of relevant books or documents. If the certificate is revoked the then employer shall be notified, and said child shall not thereafter be employed or permitted to labor until a new certificate has been legally obtained; except that the foregoing provisions of this section shall not be applicable in instances specified and provided for in section 8, of this act.

Contents.

Powers of commissioner of labor.

SEC. 4. No child under fourteen years and six months of age shall be permitted to work in or about any of the establishments mentioned in section 1, or section 2, of this act, between the hours of 7 p. m. and 6 a. m., according to the standard time of the community in which such establishment is located.

Nightwork.

- Enforcement.** SEC. 5. It shall be the duty of the commissioner of labor and his authorized assistants to see that the provisions of this act are enforced.
- Violations.** SEC. 6. Any person, agent, or representative of any firm or corporation violating any of the provisions of this act; or any parent, guardian or other person standing in parental relationship to any child who shall hire or place for employment or labor any child under the age limits in any of the establishments or occupations mentioned in section 1 of this act, or any superintendent of county or city schools who shall issue a certificate knowing that its issuance was illegal; or any person who shall knowingly furnish any untrue evidence with reference to the date or place of birth of said child, or the age of said child or its educational qualifications, shall be guilty of a misdemeanor, and upon conviction shall be punished accordingly.
- Children of widows, etc.** SEC. 8. It shall be lawful for a child twelve years of age or more to work in and for a mill, factory, laundry, manufacturing establishment or place of amusement if such child has dependent upon his labor a widowed mother or if such child is an orphan dependent upon his own labor. Whenever such child desires to work in any of such places as is specified above the fact that such child's labor is necessary to support a widowed mother or to support such orphan child must be found to be true after an investigation by a commission composed of the county school superintendent and the ordinary of the county where the work is to be done, and the head of the school in the school district where the said child lives. After an investigation by said commission if it or a majority of its members, find that the facts exist to authorize such child to work in or for any of the establishments mentioned in section 1, of this act, because of the existence of either of the conditions hereinbefore set out, such commission shall issue a certificate to that effect which shall be kept of [on] file in the office of the establishment where said child is at work. Such commission shall make an investigation and issue a new certificate at least once each six months and may prescribe as a condition precedent to issuance of such certificate school attendance for such length of time and at such time as in its discretion seems wise. No such certificate more than six months old shall authorize the employment of any child under fourteen and one-half years of age in or for any of the places specified in section one of this act.
- Certificate to be renewed.** SEC. 10. The provisions of this act shall be in force on and after January 1, 1915.
- Act in effect.** Approved August 14, 1914.

Factory, etc., regulations—Manufacture of food products.

(Page 134.)

- Sanitation, etc., required.** SECTION 1. Every place occupied or used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food shall be properly lighted, drained, ventilated, screened and conducted with strict regard to the influence of such conditions upon the health of operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the foods therein produced.
- Approved August 14, 1914.

Employment of children—Certificates.

(Page 157.)

- Proof of age.** SECTION 17. * * * At the expiration of fourteen years from the passage of this act [providing for the registration of vital statistics] certified copies of birth registration certificates shall be required by all factory inspectors and employers of youthful labor as prima facie proof of age, and no other proof shall be required from children born in this State or States which for fourteen years previous to the date of such certificate have had registration laws essentially identical with this act: *Provided*, That when it is not possible to secure such certified copy of birth registration certificate for any child, the school authorities and factory inspectors may accept as secondary proof of age any competent evidence by which the age of persons is usually established.

Approved August 17, 1914.

KENTUCKY.

ACTS OF 1914.

CHAPTER 72.—*Employment of children—Factory regulations.*

SECTION 1. An act entitled "An act to regulate child labor and to make the provisions thereof effective," approved March 18, 1908 (which act constitutes section 331-A, of the Kentucky Statutes of 1909), and an act entitled "An act to amend an act entitled 'An act to regulate child labor and to make the provisions thereof effective, approved March 18, 1908,' approved March 25, 1910," are hereby repealed; and the following sections are hereby enacted in lieu thereof and shall constitute section 331-A of the Kentucky Statutes:

Repealer.

Section 331-A. 1. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, mill, workshop, mercantile establishment, store, office, [printing establishment, bakery, laundry, restaurant, hotel, apartment house, theater, motion-picture establishment, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm, or corporation to employ any child under fourteen years of age in any business or service whatever during any part of the term during which the public schools of the district in which the child resides are in session. Nor shall any child under fourteen years of age be permitted to perform in or appear upon the stage of any theater, motion-picture establishment or other place of public amusement, whether for pay or not.

Age limit.

2. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theater, motion-picture establishment, or in the distribution or transmission of merchandise or messages, unless the person, firm or corporation employing him procures from the local school authorities and keeps on file and accessible to the truant officers and to the labor inspectors, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be returned by the employer to the officer by whom it was issued within two days of the termination of the employment of such child. A labor inspector may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact sixteen years of age or over, or shall cease to employ, or permit, or suffer such child to work therein. A labor inspector may require from such employer the same evidence of age of such child as is required for the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the labor inspector, within ten days after such demand, such evidence of the age therein required of him, and thereafter continue to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for violation of the provision that such child is under sixteen years of age and is unlawfully employed.

Certificates.

File.

Labor Inspector.

- Who may issue certificates.** 3. Employment certificates shall be issued only by the superintendent of schools or by a person authorized by him in writing, acting in his name. Where there is no local superintendent of schools they shall be issued by the county superintendent of schools, or by a person so authorized by him.
- Evidence.** 4. The person authorized to issue employment certificates shall not issue such certificate until the child in question, accompanied by its parent or guardian, has personally made application to him therefor and until he has received, examined, approved and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided hereinafter. (2) A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births; or a passport, or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child; or, in case the officer authorized to issue the certificate is satisfied that none of such proofs of age can be produced, other evidence of age, such as a duly attested school census, or school-enrollment record, or affidavit of the parent, guardian, or custodian of such child, such as shall convince such officer that the child is fourteen years of age or upwards. (3) The written statement of the person, firm or corporation in whose service the child is about to enter, that he intends to employ the child, which statement shall give the nature of the occupation for which the child is to be employed. (4) A certificate signed by a physician appointed by the school board, or other public medical officer, stating that such child has been examined by him, and, in his opinion, has reached the normal development of a child of its age and is in sufficiently sound health and physically able to be employed in the work which it intends to do. The superintendent of schools in any city, town, county or district wherever there is one, and where there is none then the county superintendent, shall, between the first and tenth days of each month, transmit to the office of the labor inspector a report, which report shall give (1) the name of each child to whom a certificate has been issued in the preceding month, together with the name and address of the establishment where such child was to be employed; and (2) the name of each child to whom a certificate has been denied in the preceding month, together with the ground of such denial. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting same to the labor inspector shall constitute a misdemeanor, punishable by a fine of not more than twenty-five dollars nor less than five dollars, to be disposed of as provided in the section of this act numbered 16.
- Reports.** 5. The school record herein required shall be signed by the principal or chief teacher of the school which such child has last attended and shall be furnished, on demand, to a child who, after due examination and investigation, is found to be entitled thereto. It shall contain a statement certifying that the child has regularly attended a public school or school equivalent thereto or parochial school for not less than one hundred days, either during the twelve months previous to arriving at the age of fourteen years or during the twelve months previous to applying for such school record, and is able to read intelligently and write legibly simple sentences in the English language and has completed satisfactorily a course of study equivalent to the first five yearly grades in reading, spelling, writing, English language and geography, as established in the graded schools of this Commonwealth, and is familiar with the fundamental operations of arithmetic up to and including common fractions. Such school record shall also give the name, date of birth and residence of the child as shown by the records of the school and the name of its parent, guardian or custodian: *Provided, however,* That upon the filing with the person authorized to issue employment certificates of the affidavit of the applicant or of his or her parent, guardian or custodian showing that diligent effort has been made to obtain the school record hereby required, and that it cannot be obtained, then the person authorized to issue the certificate may issue such a certificate without having received such school record, if the other requirements for such certificate have been fulfilled, but it shall be his duty in such case to examine the applicant as to his or her proficiency in each of
- School record.**

the studies mentioned in this section, and he shall issue such certificate only after such applicant has shown that he or she has acquired a knowledge of said studies equivalent to that imparted by a course therein covering the first five yearly school grades; in such case the employment certificate shall show that such examination was had in lieu of the filing of the school report. If the principal of any reputable school, other than a public school, certify that a pupil has regularly attended his or her school as required herein and has satisfactorily completed a course of study equivalent to the first five yearly grades in the public school, said pupil shall be treated in all respects as if a pupil of the public school.

6. The printed form of the certificate and other papers required in the issuing of employment certificates shall be drafted by the State superintendent of public institution [instruction] and furnished by him to the local and county superintendents of schools.

Forms.

7. No person under the age of sixteen years shall be employed or suffered or permitted to work in, about or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theater, motion-picture establishment, or in the distribution or transmission of merchandise or messages, for more than six days in any one week, nor more than forty-eight hours in any one week, nor more than eight hours in any one day; nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening of any day; the presence of such child in any such establishment during working hours shall be prima facie evidence of its employment therein. Every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end.

Hours of labor.

Nightwork.

The printed form of such notice shall be furnished by the State labor inspector, and the employment of any such minor for longer time in any day than so stated shall be deemed a violation of this section.

8. Truant officers may visit mines, factories, mills, workshops, mercantile establishments, stores, offices, printing establishments, bakeries, laundries, restaurants, hotels, apartment houses, theaters and motion-picture establishments, in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of schools and to the labor inspector, or other authorized officer of the State. Labor inspectors and truant officers may require that the employment certificates and lists, provided for in this act, of minors employed in such establishments shall be produced for their inspection. Complaints for offenses under this act, except as to the employment of children in mines, shall be brought by the labor inspector. The provisions of this act with regard to the employment of children in mines shall be enforced by the State inspector of mines and his assistants, who shall bring all complaints for violation of the same.

Enforcement.

9. No child under the age of sixteen years shall be employed, permitted or suffered (1) to sew or to assist in sewing belts in any capacity whatever; (2) nor to adjust any belt to any machinery; (3) nor to oil, wipe or clean machinery; (4) nor to operate or to assist in operating any of the following named machines: (a) Circular or band saws; (b) wood shapers; (c) wood joiners; (d) planers; (e) sandpaper or wood polishing machinery; (f) emery or polishing wheels used for polishing sheet metal; (g) wood turning or boring machinery; (h) picker machines or machines used in picking wool, cotton, hair or other materials; (i) carding machines; (j) paper-lace machines; (k) leather burnishing machines; (l) job or cylinder printing presses operated by other power than foot power; (m) boring or drill presses; (n) stamping machines used in sheet metal and tinware or in paper and leather manufacturing, or in washer and nut factories; (o) metal or paper cutting machines; (p) corner staying machines in paper box factories; (q) corrugating rolls such as are used in corrugated paper, roofing, or washboard factories; (r) steam boiler, steam machinery, or other steam generating apparatus; (s) dough brakes or cracker machinery of any description; (u) rolling mill

Employments forbidden.

- machinery; (v) power punchers or shears; (w) washing, grinding or mixing machinery; (x) calender rolls in paper and rubber manufacturing; or (y) laundering machinery; (5) nor work in proximity to any hazardous or unguarded belts, machinery or gearing; (6) nor to work upon any railroad whether steam, electric or hydraulic; (7) nor to operate or assist in operating any passenger or freight elevator; (8) nor to work in any capacity in processes in which dangerous or poisonous acids are used; (9) nor to work in any capacity in the manufacture or packing of paints, colors or white or red lead; (10) nor to work at soldering; (11) nor to work in occupations causing dust in injurious quantities; (12) nor to work in the manufacture or use of dangerous or poisonous dyes; (13) nor to work in the manufacture or preparation of compositions with dangerous or poisonous gases; (14) nor to work in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (15) nor to work in any tunnel or excavation; (16) nor to work on scaffolding; (17) nor to work in any capacity in, about, or in connection with any mine, coke oven or quarry; (18) nor to work in assorting, manufacturing or packing tobacco; (19) nor to operate any automobile, motor car or truck; (20) nor to work in any bowling alley; (21) nor to work in any pool or billiard room; (22) nor to work in any distillery, brewery, or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (23) nor to work in any hotel, theater, concert hall, club, place of amusement, or any other establishment where intoxicating liquors are sold; (24) nor to work in any other occupation dangerous to the life or limb or injurious to the health or morals of such child, and as to these matters the decision of the county physician or city health officer, as the case may be, shall be final: *Provided, however,* That nothing in this act shall prevent the use of suitable machinery for purposes of instruction in schools where the mechanical arts are taught in connection with and as part of the usual school curriculum. But the use of such machinery in any school, whether public or private, shall be subject to the approval of the board of education or other governing school authority of the city or district wherein such school is situated, and shall be subject to the provisions of this act as to supplying safeguards for the protection of those using such machinery.
- Industrial education.** 10. It shall be the duty of the owner of any manufacturing establishment where any person under twenty-one years of age is employed, his agents, superintendents or other persons in charge of same, to furnish and supply, when practicable, or cause to be furnished and supplied to him, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose belts.
- Belt shifters.** All vats, pans, saws, planes, cogs, gearings, belting, set screws and machinery of every description which is palpably dangerous, shall be properly guarded and no person shall remove or make ineffective any safeguard around or attached to any such appliances or machinery, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while it is in motion.
- Guards.** 11. In cities of the first, second or third class, no person under the age of twenty-one years shall be employed, permitted or suffered to work as a messenger for any telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before six o'clock in the morning or after nine o'clock in the evening of any day.
- Messenger service.** 12. No female under twenty-one years of age shall be employed, permitted or suffered to work in any capacity in this Commonwealth, where such work compels her to remain standing constantly.
- Minor females not to stand constantly.** 13. The walls and ceiling of each room in every manufacturing establishment where minors are employed shall be limewashed or painted when, in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the persons working therein.
- Lime washing, etc.** 14. A copy of this act shall be conspicuously posted and kept in each workroom of every mill, mine, workshop, theater, bowling alley, laundry or public messenger company, and manufacturing, mercantile or printing establishment in this Commonwealth.
- Act to be posted.**

15. No boy under fourteen years of age, nor girl under eighteen years of age shall be employed, permitted or suffered to work at any time in any city of the first, second or third class in or in connection with the street occupations of peddling, bootblacking, the distribution or sale of newspapers, magazines, periodicals or circulars, nor in any other occupation pursued in any street or public place. No boy between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any city of the first, second or third class in or in connection with the street occupations of peddling, bootblacking, the distribution or sale of magazines, periodicals or circulars, nor in any other occupation pursued in any street or public place except upon the following conditions:

Street trades.

(A) Boys between fourteen and sixteen years of age shall, upon application to the school authorities, as in the case of an employment certificate, and upon compliance with all of the requirements for the issuance of an employment certificate, be entitled to receive from the officer authorized to issue employment certificates a badge, which shall authorize the recipient to engage in the trades or occupations above mentioned between the hours of six o'clock a. m. and eight p. m. of each day, but at no other time. Such badge shall be displayed conspicuously by the recipient while so engaged and shall be renewed annually on the first day of January. The color of all such badges issued in the same calendar year shall be the same and said color shall be changed each year upon renewal.

Nightwork.

(B) Boys between fourteen and sixteen years of age who comply with all of the requirements for the issuance of an employment certificate except the educational requirement (that is, the filing of a school record or the passing of an examination in lieu thereof) shall be entitled to receive from the officer authorized to issue employment certificates a badge which shall authorize the recipient to engage in the above mentioned trades or occupations at such time or times between six a. m. and eight p. m. in each day as the public schools of the city or district where such boy resides are not in session, but at no other time. All such badges issued in the same calendar year shall be of the same color; but in either form, design, or color shall be so different from the badges issued to boys who comply with the educational requirements above mentioned as to be readily distinguishable therefrom. Such badges shall be renewed annually upon the first of January, and their color shall be changed each year upon renewal.

Any child who shall engage in any such street occupation in violation of any of the provisions of this section shall be deemed delinquent and shall be brought before any court or magistrate having jurisdiction over juvenile delinquents, and shall be dealt with according to law. The labor inspectors, truant officers, police officers, and juvenile court probation officers shall enforce the provisions of this section. Whoever furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this section, or who shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this section, or from the officer issuing the badge required as aforesaid, that said minor is unlicensed to sell such article, shall be punished by a fine of not less than fifteen dollars nor more than one hundred dollars for each offense.

Violations.

16. Whoever employs or suffers or permits a child under sixteen years of age to work, and any parent, guardian or any adult person under whose care or control a child under such age is, who suffers or permits such child to work, in violation of any of the provisions of this act, shall be punished for the first offense by a fine of not less than fifteen dollars nor more than fifty dollars; for a second offense by a fine of not less than fifteen dollars nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a third or any subsequent offense by a fine of not less than two hundred dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment. Whoever continues to employ any child in violation of any of the provisions of this act after having been notified thereof in writing by a truant officer, a labor

Penalties.

inspector or other authorized officer, shall, for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or labor inspector any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section numbered 2 of this act shall be fined ten dollars. Every person authorized to sign the certificates prescribed by the sections of this act numbered 2, 3 and 4, who knowingly certified to any false statement therein, shall be fined not more than fifty dollars nor less than ten dollars.

Any person, firm or corporation who hinders or delays any labor inspector, truant officer or any other officer charged with the enforcement of any of the provisions of this act, in the performance of his or her duties, shall be punished by a fine of not less than fifteen nor more than one hundred dollars. Every fine imposed under this law shall inure to the benefit of the public schools in the city, county, town or district in which the violation may have occurred; and the court imposing such fine shall promptly cause same to be paid over to the proper school authorities entitled to receive other moneys accruing to said schools.

Outstanding certificates.

17. Employment certificates issued and outstanding at the time this act goes into effect shall continue to be valid and effective as to all employments not absolutely prohibited by this act to children between fourteen and sixteen years of age.

Provisions severable.

SEC. 3. If any section of this bill shall be held to be unconstitutional in whole or in part, the fact shall not affect any other section of the act, it being the intention of the general assembly in enacting this bill to enact each section separately.

Approved March 21, 1914.

CHAPTER 73.—*Compensation of workmen for injuries.*¹

Workmen's compensation board.

SECTION 1. A board of commissioners is hereby created to be known as "The Workmen's Compensation Board" to administer the funds for the compensation of injured workmen, and the dependents of killed workmen, as herein provided. Said board shall consist of three members, who shall be the attorney general, the commissioner of insurance, and the commissioner of agriculture, labor and statistics of the Commonwealth of Kentucky, who shall receive seventy-five dollars each per month, payable out of the compensation fund.

Office, etc.

SEC. 2. The board shall keep and maintain in its main office in the city of Frankfort, Kentucky, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals, and maps for the same. All necessary expenses shall be audited and paid out of the workmen's compensation fund created under this act. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, on which shall be inserted the words: "Workmen's Compensation Board, State of Kentucky, Official Seal." The board may hold sessions at any place within the State. Said board shall have the power to sue and be sued.

Organization.

SEC. 3. The board shall elect one of its members president, and members shall receive the amount named in section one for their services. Their actual and necessary traveling expenses in the discharge of their duties shall be itemized and approved by the board, and certified by the auditor of public accounts, and shall be paid as now paid to other State officials. The board shall elect a secretary, who shall hold his office at the pleasure of the board and who shall receive for his services an annual salary not to exceed twenty-five hundred (\$2,500) dollars, to be paid out of the workmen's compensation fund created under this act.

Employees.

SEC. 4. The board may employ actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assist-

¹ Declared unconstitutional Dec. 11, 1914. Kentucky State Journal Co. v. Workmen's Compensation Board, 170 S. W., 1116.

ants, and fix their compensation. Such employment and compensation shall be first approved by the governor, and shall be paid out of the workmen's compensation fund created under this act. The secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants that may be employed shall be entitled to receive from the workmen's compensation fund created under this act their actual and necessary expenses while traveling on the business of the board, and the members of the board may confer with, and meet with, officers of other States and officers of the United States on matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by said board.

SEC. 5. The said board shall meet every Monday for the transaction of all business, and when necessary, the secretary shall call said board together to consider and transact such business as may be before it. All proceedings of the board shall be shown on its records of proceedings which shall be a public record and shall contain a record of each case considered and the award made, with respect thereto, and all voting shall be had by the calling of each member's name by the secretary, and each vote shall be recorded as cast.

SEC. 6. A majority of the board shall constitute a quorum for the transaction of business and vacancies shall not impair the right of the remaining members to exercise all the powers of the full board, so long as a majority remains. Any investigation, inquiry or hearing which the board is authorized to hold or undertake, may be held or undertaken by or before any one member of the board. All investigations, inquiries, hearings and decisions of the board, and every order made by a member thereof, when approved by a majority of the members and so shown on the record of its proceedings, shall be deemed to be the order of the board.

SEC. 7. The board shall adopt reasonable and proper rules to govern its procedure, regulate and provide for the kind and character of notice and the service thereof, in case of accident and injury to employees, the nature and extent of proof and evidence and the methods of taking and furnishing same, to establish the rights to benefits or compensation from the fund hereinafter provided for, the form of application of those claiming to be entitled to benefits or compensation therefrom; the methods of making physical examinations and inspections and prescribe the time within which adjudications and awards shall be made.

SEC. 8. Each member of the board, the secretary and every inspector or examiner appointed by the board, shall, for the purpose contemplated by this act, have power to administer oaths, certify to official acts, take depositions, issue subpoenas and compel the attendance of witnesses and the production of pertinent books, accounts, papers, records, documents and testimony.

SEC. 9. In the case of failure or refusal of any person to comply with the order of the commission or subpoena issued by it or one of its inspectors or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection, as aforesaid, the circuit judge of the county in which the person resides, on application of any member of the commission or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

SEC. 10. Each officer who serves a subpoena shall receive the same fees as a sheriff, and each witness who appears in obedience to a subpoena before a commission or inspector or examiner, or before the board, shall receive, for his attendance the fees and mileage provided for witnesses in civil cases in circuit court, which shall be audited and paid from the workmen's compensation fund, in the same manner as other expenses are audited and paid upon the presentation of proper vouchers approved by any two members of the commission. No witness subpoenaed at the instance of a party other than the commission or an inspector shall be entitled to compensation from the workmen's compensation fund, unless the commission shall certify that his testimony was material to the matter investigated.

Meetings.

Quorum.

Investigations.

Rules.

Powers.

Refusal to testify.

Fees.

- Depositions.** **Sec. 11.** In an investigation, the commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions to be used in the circuit court.
- Records as evidence.** **Sec. 12.** A transcribed copy of the evidence and proceedings or any specific part thereof, on any investigation, taken by a stenographer appointed by the commission, being certified and sworn to by said stenographer to be a true and correct transcript of the testimony in the investigation, or of a particular witness, or of a specific part thereof, or to be a correct transcript of the proceedings had on said investigation, so purporting to be taken and subscribed, may be received in evidence by the commission with the same effect as if such stenographer were present and testified to the fact certified. A copy of such transcript shall be furnished on demand to any party on payment of the fee therefor, as provided for transcripts in the circuit court.
- Forms.** **Sec. 13.** The board shall prepare and furnish, free of charge, blank forms and provide in its rules for their distribution, so that the same may be readily available, of applications for benefits for compensation from the workmen's compensation fund, notice to employers, proofs of injury or death, or medical attention, of employment and wage earnings, and such other blanks as may be deemed proper and advisable and it shall be the duty of employers to constantly keep on hand a sufficient supply of such blanks.
- Scope of law.** **Sec. 14.** All persons, firms and corporations, regularly employing six or more persons for profit for the purpose of carrying on any form of industry hereinafter mentioned, in the State of Kentucky, are employers within the meaning of this act, and are subject to its provisions. All persons in the service of employers, as herein defined, and employed by them for the purpose of carrying on the industries hereinafter mentioned, in which they are engaged (persons casually employed excepted), are employees within the meaning of this act and subject to the provisions thereof: *Provided*, That this act shall not apply to employers of employees in domestic or agricultural service, to employees of any employer who are employed wholly without the State, nor shall a member of a firm of employers or any officer of a corporation employer be deemed an employee within the meaning of this act.
- Classes of industries.** **Sec. 15.** The industries which are subject to this act are classified as follows:
- (1) Coal mines, including their tipples, power, light, heating and ventilating plants, tramways, private tracks and sidings and accessory and auxiliary plants, working in or with by-products.
 - (2) Paint manufactories, oil refineries, oil and gas wells, including their pipe lines, storage, power or light plants, tramways, private tracks and sidings, and accessory and auxiliary plants working in or with by-products.
 - (3) Iron and steel mills, including blast furnaces, smelters, tube works, rolling mills, and their accessory and auxiliary plants, working or with by-products, and plants generating power, light, or heat, and tramways, private tracks and sidings.
 - (4) Sheet and tin plate mills, including their accessory and auxiliary plants, working or with by-products, and plants generating power, light or heat, and tramways, private tracks or sidings.
 - (5) Foundries, machine shops, firearm factories, tool factories, car building and repairing, structural iron works, and working or with iron or steel not otherwise specified, when power driven machinery is used, together with their necessary and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.
 - (6) Stamped metal works, can factories, enamel iron works, and workings in or with sheet iron or tin plates, not otherwise specified where power driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, and plants generating power, light, or heat, and tramways, private tracks, and sidings.
 - (7) Logging—Logging railroads and tramways, sawmills, including their accessory and auxiliary plants working or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(8) Planing mills, wood pulp, cordage and paper mills, box factories, cooperage plants, furniture factories, woodenware or wood fiber ware manufactories, vehicle works of every kind, including their accessory and auxiliary plants working or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(9) Glass houses of all kinds, including manufactories of tableware, bar goods, bottles, tumblers, glass light fixtures, parts, lamps, window and plate glass, potteries of all kinds including tile, brick, terra cotta, fire clay, earthenware, porcelain, china, crockery ware, using automatic machinery together with accessory and auxiliary plants working or with by-products, and plants generating light or heat, and tramways, private tracks and sidings.

(9a) Glass houses of all kinds, including manufactures of tableware, bar goods, bottles, tumblers, gaslight fixture parts, lamps, window and plate glass, potteries of all kinds, including tile, brick, terra cotta, fire clay, earthenware, porcelain, china and crockery ware, not using automatic machinery, together with accessory and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(10) Printing plants of all kinds, electrotyping, photo engraving, engraving, lithographing, embossing, bookbinding, and accessory and auxiliary lines of work and manufacture.

(11) Woolen mills, knitting mills, cotton mills, carpet and rug mills, clothing manufactories of every kind and working in or with textiles not otherwise specified.

(12) Breweries, bottling works, canneries of fruit, vegetables, oils, fish, milk or meat, manufactories of preserves, jellies, ketchup, sauces, relishes, pickles, flour and feed mills, bakeries, confectioneries, drug and extract manufactories, tobacco, cigar and stogie cigarette manufactories, in which power driven machinery is used.

(13) Slaughter and packing houses, stockyards, soap, tallow, lard and grease manufactories, tanneries, artificial ice, and refrigerating and cold storage plants, creameries, and carbon-black factories, in which power driven machinery is used.

(14) Steam laundries, dyeing and cleaning plants, stamping, embossing and working with leather, shoe and harness manufactories, mattresses and bedding factories, upholstering factories, manufactories of rubber goods, and auxiliary and accessory lines of work and manufacture not otherwise specified.

(15) Steam and other railroads and transportation systems not otherwise specified.

(16) Street and interurban railways, whether propelled by electricity or other power.

(17) Telegraph and telephone plants and systems, electric light and power plants and systems, steam heat and power plants and systems, waterworks systems, gas works and systems, grain elevators and all lighting, heating or power systems not otherwise specified.

(18) Quarries, stone crushers, gravel pits, mines, other than coal mines, and working with asphalt, cement, stone or other building material not otherwise specified[,] power propelled ferries, sand diggers and other water craft.

(19) Such works, occupations and manufactories specified in the foregoing eighteen classifications as are operated without power driven machinery.

(20) Match factories, powder mills, fireworks factories, and works in which articles of an explosive nature are mixed or manufactured.

(21) Constructing of tunnels, shafts, bridges, trestles, steeples, towers, grain elevators, tanks, water towers, windmills, subaqueous [subaqueous] works, iron or steel frame structure, or parts of structures, blast furnaces, smokestacks, cupolas or chimney more than fifty feet high, water works and systems, electric lights and power plants and systems, gas works systems, installation of steam boilers, engines and dynamos, steam railroads, logging railroads, street railways and systems, boat building with scaffolds, floating docks, engineering works, structural work on buildings over three stories in height, not otherwise specified, and drilling of wells.

- (22) Construction and installation of sewers, fire escapes, freight or passenger elevators, advertising signs, ornamental work on or in buildings, metal ceilings, plate or window glass, electrical wiring, stairways, buildings which require galvanized iron or tin work, marble, stone or brick work, roof work, slate work, plumbing work, carpenter work, electric work, installing automatic sprinklers, electric or fire alarm systems, heating or ventilating systems, or machinery not otherwise specified, covering steam pipes and boilers, road and street making, street or other grading and structural work not otherwise specified.
- Reclassification.** (23) Such work or occupations not specified in the foregoing classifications in connection with which employer and employees shall voluntarily apply to the commission for the benefit and protection of this act. And the board shall have the power, on or before the first day of January and July of each year, to reclassify the industries subject to this act, or to create additional classifications in accordance with their respective degrees of hazard and determine the risk or [of] different classes and fix the rates or premiums for each class, according to the risk of same, sufficiently large to provide an adequate fund for the compensation provided for in this act and to create a surplus sufficiently large to guarantee a workmen's compensation fund from year to year: *Provided*, That the rate so fixed shall not exceed the maximum of one dollar and twenty-five cents on each one hundred dollars of the gross annual pay roll of each employer in any class for the first year after this act takes effect, but the board may increase the rate if deemed necessary on the first day of July or January in any year. But in determining the rate of premium the board shall consider the length of time during which payment to employers [employees] or dependents under the act may be paid: *And provided*, That employees engaged in the same industry shall be placed in the same class. The premium required to be paid by employers shall be based on the gross annual pay roll of each employer in any class. The classification so determined and the rates of premium established, shall be applicable for such year; or portion thereof: *And provided further*, That [for] the purpose of this act, the pay of any employee employed partly within and partly without the State shall be deemed to be such proportion of the total pay of said employee at [as] his service within this State bears to his service outside the State.
- Rates.**
- Duty of employers.** SEC. 16. Each employer shall furnish the board, upon request all the information required by it to carry out the purpose of this act. The board or any member thereof, or any person employed by the board for that purpose shall have the right to examine under oath, any employer or officer, agent or employee thereof.
- Notice to be given.** SEC. 17. Within thirty days from the organization of the board, every employer subject to this act, shall notify the commission of such fact. The board shall prepare blank reports for the use of and furnish same to employers subject to this act, and every employer receiving from the commission any blank, or blanks, with directions for filling out and returning same, shall return the same filled out, so as to answer fully and correctly all pertinent questions there propounded, and if unable to do so, shall give good and sufficient reason for such failure. Answers to such questions shall be verified under oath, and returned to the commission within the period fixed by the commission for such return.
- Information to be furnished.** SEC. 18. Every employer shall furnish the board, upon request, all information required by it to carry out the purposes of this act. In the month of January of each year, every employer subject to the act shall prepare and mail to the board at its main office in the city of Frankfort, Kentucky, a statement containing the following information, viz: The number of employees employed during the preceding year from January 1st to December 31st, inclusive; the number of such employees employed at each kind of employment and the aggregate amount of wages paid to such employees, which information shall be furnished on a blank or blanks to be furnished by the board and it shall be the duty of the board to furnish such blanks to employers free of charge, upon request therefor. Every employer receiving from the board any blanks with directions to fill out same shall cause the same to be properly filled out so as to answer fully and correctly all pertinent questions therein propounded and to give all the information therein sought, or if unable to do so, he shall give to the board, in writing, good

and sufficient reasons for such failure. Any employer who shall fail or refuse to furnish to the board the annual statement herein required, or who shall fail or refuse to furnish such other pertinent information as may be required by the board, as provided by this section, shall be liable to a penalty of not exceeding five hundred dollars to be collected in a civil action brought against said employer in the name of the State. All such penalties, when collected, shall be paid into the workmen's compensation fund and become a part thereof.

SEC. 19. The information contained in the annual report provided for in the preceding section, and such other information as may be furnished to the board by employers, in pursuance of the provisions of any section hereof, shall be for the exclusive use and information of said board in the discharge of its official duties, and shall not be open to the public; nor be used in any court in the section [action] or proceeding, but the information contained in said report may be tabulated and published by the department in statistical form for the use and information of other State departments and the public. Any person who shall divulge any information secured by him while a member of the board or an employee thereof in respect to the transactions, property or business of any company, firm, corporation, person, association or copartnership, to any person other than the members of the board, shall be fined not less than one hundred dollars nor more than five hundred dollars, and shall thereafter be disqualified from holding any appointment or employment with the board.

Information
confidential.

SEC. 20. The commission shall establish a workmen's compensation fund from the premiums paid thereto by the employers based on the pay rolls of such employers that have paid the premiums applicable to the class to which they belong, and for the benefit of the dependents of such employees, and shall adopt rules and regulations with respect in [to] the collection, maintenance and disbursement of said fund, not in conflict with the provisions of this act.

State fund.

SEC. 21. The board shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries and the disbursements on account of injuries and deaths of employees thereof and the disbursements for salaries and expenses, and it shall also keep an account of the money received from each individual employer, and the amount disbursed from the workmen's compensation fund on account of injuries and death of the employees of such employers should any money remain to the credit of any class, at the end of any year, after disbursements on account of deaths of and injuries to employers [employees] of that class during such year, such remainder not exceeding ten per cent of the money paid into said fund on account of such class shall be set aside for the creation of a surplus, until the surplus shall be sufficiently large to guarantee a workmen's compensation fund for such class. But claims for the benefits under this act shall always have priority over the surplus fund.

Accounts.

Surplus.

SEC. 22. On the first day of July, 1915, and semiannually thereafter, a readjustment of the rates shall be made for each of the several classes of occupation or industry, which in the judgment of the board, have developed an average loss ratio in accordance with the experience of the board in the administration of law, as shown by the accounts kept, as provided herein.

Readjust-
ments.

SEC. 23. The treasurer of the State shall be the custodian of the workmen's compensation fund, and all disbursements therefrom shall be paid by him upon vouchers furnished by the workmen's compensation board, and signed by any two members of the board, or such vouchers may bear the facsimile signature of the board members printed thereon and the signature of the secretary of said board.

Custodian of
fund.

SEC. 24. The State treasurer shall give a separate and additional bond, in such amount as may be fixed by the governor with sureties to be approved by him conditioned on the faithful performance of his duties as custodian of the workmen's compensation fund.

Special bond.

SEC. 25. The State treasurer is hereby authorized to deposit any portion of the workmen's compensation fund, not needed for immediate use, in the same manner and subject to all provisions of law with respect to the deposit of State funds by such treasurer, and all interest earned by such portion of the workmen's compensation fund as may be de-

Deposits.

- posited by said treasurer, in pursuance of authority herein given, shall be collected by him and placed to the credit of such fund.
- Investments.** SEC. 26. The workmen's compensation board shall have the power to invest any surplus or reserve belonging to the workmen's compensation fund, in bonds of the United States, State of Kentucky, or of any county, city, school district or taxing district of the State of Kentucky, at current market prices for such bonds: *Provided*, That such purchase be authorized by a resolution adopted by the board and approved by the governor.
- Payment of premiums.** SEC. 27. Every employer subject to this act who shall elect to pay into said workmen's compensation fund and receive the benefit of this act shall, on or before the 1st day of January, 1915, and monthly thereafter in advance, and on or before the 10th day of each month, beginning March 10th, 1915, pay into the said workmen's compensation fund the amount of premiums so paid by each employer to be determined by the classification, rules and rates made and prepared by the board, and a receipt or certificate, certifying that such payment has been made, shall immediately be mailed to such employer by the workmen's compensation board, which receipt or certificate, attested by the seal of the board shall be prima facie evidence of the payment of such premium.
- Initial payment.** SEC. 28. In order to create a fund available on the application of this act as aforesaid on the first day of January, 1915, the payments for the months of January, February and March, 1915, inclusive, shall be made on or before the first day of January, 1915, and be preliminary [preliminarily] based upon the pay roll of the operations of any three months between July, 1914, and January, 1915, to be selected by the said board. If any employer be found to have overpaid for such three months, he may deduct such overpayment from the first monthly payment made to the fund. If any employer be found to have underpaid for such three months, he shall pay the deficiency made by him after the end of said three months. Every employer electing to pay into said workmen's compensation fund after January 1, 1915, shall pay into said fund three months in advance the amount of premium to be based preliminarily upon such employers' pay roll for the three months preceding the application; any overpayment to be credited on his first monthly payment after the expiration of said three months and any underpayment to be made up by him upon his first monthly payment as hereinbefore provided with respect to employers who elect to pay into said fund on or before January 1st, 1915; and the board shall make proper rules and regulations to carry this provision into effect and for cases where the employer has had no pay roll preceding his application.
- Contracts of employees.** SEC. 29. It shall be lawful for any employee subject to this act, including persons under twenty-one years of age, to contract with any employer subject to this act who elects to pay the premiums herein provided to be paid into said workmen's compensation fund, to accept the compensation provided to be paid to injured employees and the dependents of those killed, and to accept the benefits conferred on employees by this act, in lieu of any cause of action which he might have, if injured, or that his representative might have if he was thereafter killed through the negligence of such employer, or the negligence of his agents, servants, officers or employees, and to waive all causes of action against such employer conferred by the constitution or statutes of this State or by the common law for his injury or death, occurring through the negligence of the employer or his agents and such contract shall be binding upon the employer and upon the employee and upon his heirs, personal representatives and all persons claiming under or through him.
- Presumption.** SEC. 30. Such a contract between an employee and his employer shall be conclusively presumed to have been made in every case where an employer has elected to pay into the workmen's compensation fund, if said employee shall continue to work for said employer thereafter, with notice that the employer has elected to pay into said fund and the posting of printed or typewritten notices in conspicuous places about the employer's place of business at the time of the elections of such employer to pay into the workmen's compensation fund that he has elected to pay into said workmen's compensation fund shall constitute sufficient notice to all such employer's employees then or thereafter

employed of the fact that he has made such an election, and the continuance in the service of such employers shall be deemed a waiver by the employee of his rights of action, as aforesaid. Except as provided in section 32.

SEC. 31. Any employer subject to this act, electing to pay into the workmen's compensation fund, the premiums provided for by this act, shall not be liable to respond in damages at common law or by statute for the injury or death or loss of service of any employee occurring through the negligence of such employer, or his agent, servants, officers, or employees, during any period of time in which such employer shall not be in default in the payment of such premiums: *Provided*, That the injured employee has remained in his service after notice is posted as provided in section 31, that his employer has elected to pay into the workmen's compensation fund the premiums provided by this act. The continuance in the service of such employer or accepting service after such notice shall have been posted, shall be deemed a waiver by the employee of his rights of action, as aforesaid. Except as in section 32.

Remedy exclusive.

SEC. 32. Any employee prior to receiving an injury may give notice to an employer who has elected to pay into said fund, that he will not accept the benefits of this act and waive his rights of action as herein provided. Such notice shall be in writing and served on the employer as provided by the Civil Code for the service of notices, and a copy thereof shall be mailed by the employee to the workmen's compensation board. If thereafter such employee shall be injured or killed while employed by such employer who has elected to pay into the said workmen's compensation fund, and an action shall be instituted against such employer to recover damages for the injury or death of such employee, it shall be sufficient defense thereto and shall bar recovery if the injury of said employee was caused by or contributed to by the negligence of any other employee of said employer, or if the injury was due to any of the ordinary hazards, or risks of the employment, or if due to any defect in the tools, machinery, appliances, instrumentality or place of work, if the defect was known or could have been discovered by the injured employee by the exercise of ordinary care on his part, or was not known or could not have been discovered by the employer by the exercise of ordinary care in time to have prevented the injury nor in any event, if the negligence of the injured employee contributed to such injuries. But nothing herein shall deprive such employer of any defense not herein mentioned. If the employer is not in default in payment of premiums and a recovery shall be obtained against him in such action, the said board shall pay on said judgment not exceeding a sum equal to the amount which the said injured employee or his dependents in case of death, would have been entitled to recover if he had elected to accept the benefit of this act, and the employer shall receive credit on said payment for the payment made by the board. Such employees [employee] at any time, after he has elected not to accept the benefits of this act and waive his right of action, as in this act provided, may withdraw such election and come under the provisions of this act and accept its benefits and waive his right of action as herein provided, by giving written notice to his employer and to the board; and shall thereafter occupy the same position as if he had originally elected to accept the benefits of this act and waive his cause of action: *Provided*, That such withdrawal of his election not to accept the benefits of this act shall not affect claims for damages against his employer on account of injuries theretofore received; nor entitle such injured employee to be paid anything out of the workmen's compensation fund on account of such prior injury.

Employees' waivers.

Defenses.

Payments by board.

Rescission of waiver.

SEC. 33. The commission shall disburse the workmen's compensation fund to such employees within the meaning of this act of employers as have paid into such fund the premiums for the period in which the injury occurs [occurred], applicable to the class to which they belong that shall have received injuries in this State in the course of and resulting from their employment, or to the dependents, if any, of such employees, in case of his death, according to the provisions hereinafter made.

Disbursements.

- Employers liable, when.** Sec. 34. All employers subject to this act who shall elect not to pay into the workmen's compensation fund the premiums provided by this act, or having elected to pay shall be in default in the payment of same shall be liable to their employees within the meaning of this act, for damages by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employees [employees], and also to the personal representatives of such employee and in any action by any such employee or personal representative thereof, such defendant shall not avail himself of the following defenses: The defense of the fellow servant; the defense of the assumption of risk, or the defense of contributory negligence.
- Defenses abrogated.** Sec. 35. The commission shall disburse and pay from the fund in addition to any such amounts as they may be entitled thereto under this act, such amounts for medical, nurse and hospital services and medicine as it may deem proper, not, however, in any case to exceed the sum of one hundred dollars in addition to such awards to such employees; payment to be made to the employer to the persons who may have furnished the services and supplies or to the persons who may have advanced payment for the same, as the commission shall deem proper: *Provided*, That in case any injured employee be entitled, under the contract connected with his employment, or otherwise, to hospital or medical services without further charge to him, no payment shall be made out of the workmen's compensation fund for hospital or medical services.
- Medical, etc., expenses.** Sec. 36. Notwithstanding anything hereinbefore or hereafter contained, no employee or dependent of any employee shall be entitled to receive any sum from the workmen's compensation fund on account of any injury to or death of an employee caused by a self-inflicted injury, willful misconduct or intoxication of such employee. If injury or death results to an employee through the deliberate intention of his employer to produce such injury or death, the employee, the widow, widower, children or dependents of the employee shall have the privilege to take under this act, or in lieu thereof, to have a cause of action against the employer as if this act had not been enacted for such damages as may be sustained by such employee, his personal representative or dependent: *Provided*, That if a suit is brought under this section, the right to participate in said workmen's compensation fund on account of such injury, shall be waived and void as to all persons, and if a claim is made for compensation from said workmen's compensation fund, all rights to sue the employer for damages for such injury shall be waived and void.
- Funeral expenses.** Sec. 37. In case death ensues from the injury received reasonable funeral expenses, not to exceed seventy-five dollars shall be paid from the fund to the personal representative, to the employee, or to such other person as shall have advanced the same, in addition to such award to the employee's dependents.
- Waiting time.** Sec. 38. No benefit shall be allowed for one week after injury is received, except the disbursements provided for in section 35.
- Temporary total disability.** Sec. 39. In case of temporary total disability the employee shall receive fifty per cent of his average weekly wages, so long as such disability is total, not to exceed a maximum of twelve dollars a week, and not less than a minimum of five dollars a week, unless the employee's weekly wages shall be less than five dollars a week, in which event he shall receive compensation equal to his full wages, but in no case to continue for more than six years from the date of the injury, or to exceed three thousand, seven hundred and fifty dollars.
- Partial disability.** Sec. 40. In case of injury resulting in partial disability the employee shall receive fifty per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of twelve dollars a week or an aggregate sum of more than three thousand seven hundred and fifty dollars. In cases including the following schedule, the disability in each case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be as specified herein, to wit:
- Schedule.** For the loss of a thumb, fifty per cent of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called the index finger, fifty per cent of the average weekly wages during thirty-five weeks.

For the loss of a second finger, fifty per cent of the average wages during thirty weeks.

For the loss of a fourth finger, commonly known as the little finger, fifty per cent of the average weekly wages during fifteen weeks.

The loss of the second, or distal phalange, or [of] the thumb, shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third, or distal phalange, of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger: *Provided, however,* That in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a metacarpal bone (bone of palm) for the correspondence [corresponding] thumb, finger, or fingers above, add ten weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand fifty per cent of the average weekly wages during one hundred and fifty weeks.

For the loss of an arm, fifty per cent of the average weekly wages during two hundred weeks.

For the loss of one of the toes, other than the great toe, fifty per cent of the average weekly wages during ten weeks.

For the loss of the great toe, fifty per cent of the average weekly wages during thirty weeks.

The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

The loss of less than two-thirds, of any toe shall be considered equal to the loss of one-half toe.

For the loss of a foot, fifty per cent of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg, fifty per cent of the average weekly wages during two hundred weeks.

For the loss of an eye, fifty per cent of the average weekly wages during one hundred weeks.

The amounts specified in this clause are all subject to the limitations as to the maximum weekly amount payable as hereinbefore specified in this action [section].

For the loss of a third finger, fifty per cent of average weekly wages during twenty weeks.

SEC. 41. In case of permanent total disability the award shall be fifty per cent of the average weekly wages and shall continue until the death of such persons so totally disabled, but not to exceed a maximum of twelve dollars per week and not less than a minimum of five dollars per week, at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages. The loss of both hands or both arms, or both feet or both legs, or both eyes, or any two thereof, shall prima facie substitute [constitute] total and permanent disability, to be compensated according to the provisions of this section. Permanent to-
tal disability.

SEC. 42. In case the injury causes death within the period of two years the benefits shall be in the amount and to the persons following: Death.

SUBSEC. 1. If there are no dependents the disbursements from the workmen's compensation fund shall be limited to the expense provided for in sections 35 and 37. And the said board shall have the sole right of action to recover from an employer who has elected to pay into said fund who is not in default in the payment of premiums for the death of an employee leaving no dependent caused by negligence of such employer or his employees or agents.

SUBSEC. 2. If there are wholly dependent persons at the time of death, the payment shall be fifty per cent of the average weekly wages and to continue for the remainder of the period between the date of death and six years after the date of the injury and not to exceed the maximum of three thousand seven hundred and fifty dollars nor less than the minimum of one thousand five hundred dollars.

SUBSEC. 3. If there are partly dependent persons at the time of death, the payment shall be fifty per cent of the average weekly wages and to continue for all or such portion of the period of six years after the date of injury as the board in such case may determine, and not to amount to more than a maximum of three thousand seven hundred and fifty dollars.

Dependents.

SUBSEC. 4. The following persons shall be presumed to be wholly dependent for support on a deceased employee: (a) A wife upon a husband with whom she lives at the time of his death; (b) A child or children under the age of sixteen years (or over sixteen years, physically or mentally incapacitated from earning) upon the parent with whom she is living at the time of the death of such parent. In all other cases the question of dependency in whole or in part shall be determined in accordance with the facts in each particular case of such employee but no persons shall be considered as a dependent unless a member of the family of the deceased employee, or bears to him the relation of widower or widow, lineal descendants, ancestor or brother or sister. The word "child" as used in this act, shall include a posthumous child, and a child legally adopted prior to the injury.

Payments.

SEC. 43. The benefits in case of death shall be paid to such one or more of the dependents of the deceased for the benefit of all the dependents as may be determined by the board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the board deems it proper, and shall operate to discharge all other claims therefor. The dependent or person to whom benefits are paid, shall apply the same to the use of the several beneficiaries thereof, according to their respective claims upon the decedent for support in compliance with the finding and direction of the board.

In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow to make application to the board on behalf of herself and minor children and in cases where all the dependents are minors, the application shall be made by the guardian of such minor dependent or dependents. The persons and classes of persons by this act specified shall be deemed to be the sole dependents of such employees and no other person, or class of persons shall receive any benefit from the fund hereby credited. And should any employee leave surviving him no such dependent, the amount that would be due and payable to his dependents, had any survived him, shall be paid, or credited to the workmen's compensation fund, to the credit of the class to which such employee belonged.

Basis of benefits.

SEC. 44. The average weekly wages of the injured person at the time of the injury, shall be taken as the basis upon which to compute benefits.

Negligence of employer.

SEC. 45. Whenever the board shall find that an employee has been injured without fault on his part while in the course of his employment, through the negligence of the employer in the failure to discharge a nondelegable duty, the board may require such employer to pay an additional premium into said workmen's compensation fund equal to an amount not exceeding ten per cent of the sum awarded by the board to such injured employee or his dependents. Said premium shall be paid within thirty days after the order is made. Before making an order to pay such additional premium the board shall give ten days' notice in writing, to the employer, to show cause against the order.

Failure to comply with safety statutes.

SEC. 46. Whenever the board shall find that an employee has received an injury in the course of his employment, through the fault of his employer in failing to comply with any statute for the protection of employees, the board shall fix a day on which the employer may appear before the board and show any cause he may have against said finding, or against the board awarding the additional sum herein provided, ten days' notice in writing shall be given the employer of the time and place of said hearing. If no sufficient cause is shown by the employer

against the finding of the board, it shall enter an order to that effect and the employer shall, within ninety days, pay into and for the benefit of the workmen's compensation fund a sum to be fixed by the board in its order not to exceed an amount equal to twenty-five per cent of the amount awarded to the said injured employee, or his dependents, under sections 39 to 42 of this act, said payment shall be made by the employer in a lump sum.

SEC. 47. In case any minor employee who is illegally employed shall be injured or killed, in the course of his employment, his statutory guardian or his representative, if the infant is killed, may claim compensation under the terms of this act or sue as though this act had not been passed. In the event claim is made for the injury or death of such infant or compensation from the said workmen's compensation fund, the board shall in addition to the sum awarded and payable from the workmen's compensation fund award an equal amount against the employer of said infant not to exceed the sum of two thousand dollars. The amount awarded against him shall be paid by the board to the said infant or to his guardian or representative if the infant is killed in installments, or in a lump sum as the board may determine as provided for the payment of awards from the said workmen's compensation fund. Before any order is made requiring an employer to pay any sum to the guardian or the representative of such infant, under this section of the claim, to compensation under this section, notice of the time and place of the hearing of said claim by the board, shall be given to the employer and the employer shall have the right to be heard and to introduce evidence on the question of his liability: *Provided*, That a claim made to compensation from said workmen's compensation fund by the guardian of the infant or his personal representative, if the infant is killed, shall be a waiver and bar of all rights of action on account of said injury to said infant, and the institution of an action by the guardian or representative of the infant, shall be a waiver of the right to compensation from said workmen's compensation fund.

Minors illegally employed.

SEC. 48. Should a further accident occur to an employee receiving periodical payments under this act, for a temporary disability, or who has been previously the recipient of a lump sum payment under this act, his future compensation shall be adjusted according to the other provisions of this act with reference to the combined effect of his injuries and his past receipt of money, under this act.

Second injuries.

SEC. 49. The powers and jurisdiction of the board, over each and every case shall be continuing, and it may from time [to time] make such modifications or changes with respect to former findings or orders with respect thereto, as [in] its opinion, may be justified.

Reviews.

SEC. 50. The board, under special circumstances and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

Lump sum payments.

SEC. 51. Compensation before payment shall be exempt from all claims of creditors and from any attachments, executions or lien, and shall be paid only to such persons as shall be entitled to take under this act, and any assignment of such claims shall be void.

Payments exempt.

SEC. 52. The board shall have full power and authority to hear and determine all questions within its jurisdiction and its decision thereon shall be final: *Provided, however*, In case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the complainant's right, then the claimant, within thirty days after notice of the final action of the board, may file a petition against the board in the circuit court of the county wherein the injury was inflicted, asserting his rights therein, to participate in said fund. In such action, the Commonwealth's attorney and the county attorney, in the circuit court, and the attorney general in the court of appeals, if the case is appealed, shall represent the workmen's compensation board. Said action shall proceed as ordinary actions in the circuit court, and if the court shall find and adjudge that the plaintiff is entitled to participate in said fund, the board shall fix his compensation within the limits and

Decisions by board.

Appeals.

- under the rules prescribed in this act. Such action shall have the same precedence on the trial dockets of the circuit court and the court of appeals, as election contest cases now have.
- Procedure.** SEC. 53. The workmen's compensation board shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided; but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act.
- Minors legally employed.** SEC. 54. A minor legally employed shall be deemed *sui juris* for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workmen or loss of service on account thereof, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor.
- Waivers.** SEC. 55. No agreement by an employee to waive his rights to compensation under this act shall be valid. No agreement by an employee to pay any portion of the premium paid by his employer into the workmen's compensation fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employee entitled to the benefits of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars for each such offense.
- Medical examinations.** SEC. 56. Any employee claiming the right to receive compensation under this act may be required by the board of [or] its chief medical examiner, to submit himself for medical examination at any time and from time to time at a place reasonably convenient for such employee, and as may be provided by the rules of the board. If such employee refuse to submit to any such examination or obstruct the same, his right to have his claim for compensation considered, if his claim be pending before the board, or to receive any payments for compensation theretofore granted, shall be suspended during the period of such refusal or obstruction.
- Employers' records.** SEC. 57. All books, records, and pay rolls of the employers of the State, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the board of [or] any of its traveling auditors, inspectors, or assistants, for the purpose of ascertaining the correctness of the wage expenditure, the number of men employed, and such other pertinent information as may be necessary for the uses and purposes of the board in its administration of the law. Refusal on the part of any employer to submit his books, records and pay rolls for the inspection of any member of the board or traveling auditor, inspector or such assistant presenting written authority from the board, shall subject such employer to a penalty of one hundred dollars for each offense, to be collected by civil action in the name of the State and paid into the workmen's compensation fund to become a part thereof.
- Fraud.** SEC. 58. Any employer who fraudulently misrepresents to the board the amount of pay roll upon which the premium under this act is based, shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability of the board [employer] under this section shall be enforced in a civil action by the board and all sums collected under this section shall be paid into the workmen's compensation fund.
- Railroads, etc.** SEC. 59. The provisions of this act shall apply to employers and their employees engaged in intrastate and also in interstate and foreign commerce for whom a rule or liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with the intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, and then only when such employer and any of his workmen working only in this State, with the approval of the board and as far as not forbidden by any act of Congress, voluntarily accept the provisions of this act by filing written acceptances, which, when filed with and approved by the board, shall subject the acceptors irrevocably to the provisions of this act to all intents and purposes and [as] if they had been originally included in its terms, during the period or periods for

which the premiums herein provided have been paid. Payment of premiums shall be on the basis of the pay roll of the workmen who accept, as aforesaid.

SEC. 60. Every employer shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the workmen's compensation board upon blanks to be procured from the board for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employee, and shall state the time, the nature and cause of injury and such other pertinent information as may be required by the board. Any employer who refuses or neglects to make any report required by this section, shall be punished by a fine of not more than five hundred dollars for each offense. An injured employee, if he is able so to do, and the attending physician, whether the injury results in the death of such employee or not, and within one week from the time of such injury or death, shall give written notice to the employer and the board of such injury, stating the nature and extent thereof, the time and place of its occurrence, the name, address, and occupation of such injured employee, and the names and addresses of the person[s] present at the time of the injury, so far as such names and addresses are known, or can be obtained. Any employees or physician failing or refusing to make report as by this section required, shall be punished by a fine not exceeding twenty-five dollars. And the board may in its discretion, if such injured employee, or his dependents are subsequently found to be entitled to any payments out of the compensation fund, deduct any amount, not exceeding said sum of twenty-five dollars from the benefits payable hereunder, or from the amount that might otherwise be paid to said attending physician, should such physician fail to make such report.

SEC. 61. Upon the request of the board, the attorney general, or under his direction, the county commonwealth attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this act, or for the recovery of any money due the workmen's compensation fund, or any penalty herein provided for, arising within the county in which he was elected and shall defend in like manner all suits, actions or proceedings brought against the board or the members thereof in their official capacity.

SEC. 62. All judgments contained [obtained] in any action prosecuted by the board under the authority of this act, shall have the same preference against the assets of the employer as it [is] now or may be hereafter allowed by law on judgments rendered for claims for taxes.

SEC. 63. If any employer shall default in any payment required to be made by him to the workmen's compensation fund, the amount due by him shall be collected by civil action against him in the name of the board as plaintiff. Such actions may be brought either in the Franklin Circuit Court or in the circuit court in the county in which the defendant resides or has his principal place of business.

SEC. 64. Annually on or before the 15th day of December such board shall make a report to the governor for the preceding fiscal year, which shall include a statement of the number of awards made by it, a general statement of the cause of accident leading to the injuries for which the awards were made and detailed statement of the disbursements from the expense fund and the condition of its respective funds, together with any other information which the board deems proper to call to the attention of the governor, including any recommendations it may have to make, and it shall be the duty of the board from time to time to publish and distribute among employers and employees such general information as to the business transacted by the department as in its judgment may be useful.

SEC. 65. The board shall cause to be printed in proper form for distribution to the public, its classifications, rates, regulations and rules of procedure, and shall furnish the same to any person upon application therefor, and the fact that such classifications, rates, rules, regulations

Reports of injuries.

Notice by employees.

Physicians.

Legal representation.

Judgments preferred.

Employers' defaults.

Reports.

Publications.

- and rules of procedure are printed ready for distribution to all who may apply for same, shall be sufficient publication of the same, as required by this act.
- Nonapplicability of act.** SEC. 66. If any employer shall be adjudged to be outside the lawful scope of this act, the act shall not apply to him or his employees; or if the employee shall be adjudicated to be outside the lawful scope of this act, because of the remoteness of his work from the hazard of his employer's work, such adjudication shall not impair the validity of this act in other respects, and every such case as [an] accounting, according with the justice of the case, shall be had of the moneys received. If the provisions of this act for the creation of the fund or the provision of the act authorizing employees to waive causes of action against employers for injuries received in the course of their employment and making the compensation to the employees and their beneficiaries provided in this act exclusive of any other remedy on the part of the employee, shall be held invalid, the entire act shall thereby be invalidated and an accounting according to the justice of the case shall be had of money received. In other respects an adjudication of the validity of any part of this act shall not affect the validity of this act as a whole or any part thereof.
- Nonseverable provisions.**
- Severable provisions.**
- Different risk classes.** SEC. 67. If a single establishment or works comprises several occupations listed in section 15 in different risk classes the premium shall be computed according to the pay roll of each occupation if the occupations are clearly separable; otherwise an average rate of premium shall be charged for the entire establishment taking into consideration the number of employees and the relative hazards of the employees in the several occupations.
- Liability of third persons.** SEC. 68. If the employee of an employer who has elected to accept the provisions of this act, is injured by the negligence or wrong of another person not in the same employment [as] the injured employee, or if death resulted from the injury, his dependents, as the case may be, shall elect whether to take under act or seek a remedy against such other persons, such election to be in advance of instituting any suit; and, if he take under this act, the cause of action against such other person shall be and is hereby assigned to the board for the benefit of the compensation fund; if the other choice is made, the compensation fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the amount of compensation provided by this act for such case.
- Compromises.** If such injury is due to the joint negligence of his employer and any other person not in the same employment, and the injured employee, or in case of death resulting from the injury, his dependents as the case may be shall have elected to take compensation under this act, the causes of action against the other joint tort feisor shall be and is hereby assigned to the board for the benefit of the compensation fund.
- Any cause of action, so assigned to the board, may be prosecuted or compromised, in the discretion of the board. Any compromise by the injured employee or his dependent, in the case of death, of any such suit, which would leave a deficiency to be made good out of the compensation fund, shall be made only with the written approval of the board.
- Pending actions.** SEC. 69. This act shall not affect any section [action] pending or cause of action existing on the 31st day of December, 1914.
- Proof of employer's solvency.** SEC. 70. Notwithstanding anything in this act, any employer filing notice with the workmen's compensation board, of his intention so to do, and upon furnishing satisfactory proof to said board of his solvency and financial ability to pay the compensation and benefits hereinbefore provided, may make said payments direct to his employees as they may be entitled to receive same under the terms and conditions of this act, and any employer electing to administer the compensation fund direct to his employees shall have the benefit of all the provisions of this act as though said fund were paid into and administered by said board.
- Insurance.** SEC. 71. Nothing in this act shall prevent any employer carrying his own risk from insuring his liability in any liability company authorized to do business in this State, provided the amounts to be paid are not less than that provided in this act.

SEC. 72. In case any employer carrying his own risk can not agree with an employee on the payments as provided for in this act, such employee shall have the right to submit his claim in writing within sixty days to the workmen's compensation board, and it shall be the duty of the board to delegate one of its members to investigate said claim and endeavor under the provisions of this act to reach a satisfactory settlement of the claim. In event the final action of the members of the board denies the right of the claimant to participate in the fund as provided in section 52, then the claimant may proceed as provided in section 52, and compensation, if awarded the claimant, shall be fixed as provided in section 52, and in the event the employer feels that the award should not have been granted, he shall have the right of appeal to the circuit court and from the circuit court as in other cases.

Settlement of disputes.

Appeals.

SEC. 73. The application of this act, as between employers and employee, shall date from and include the first day of January, 1915.

Act in effect.

SEC. 74. Every employer subject to this act who shall on or before November 1, 1914, elect not to pay into said workmen's compensation fund and receive the benefits, hereof, shall on or before the first day of November, 1914, so notify the board in writing, and any such employer not so notifying the board shall on or before January 1st, 1915, pay into the fund the premiums as provided in section 27, hereof. Employers who elect to accept the benefits hereof, and pay into said workmen's compensation fund, may at the time fixed for making any such payments, withdraw from the benefits hereof, and thereafter be relieved from further payments, but notice of such withdrawal shall be served on the board and posted by written or printed notices in at least three conspicuous places about his plant. Such employer, may, however, at any time thereafter again elect to come under the provisions hereof by making payment of premium and posting notices as originally required. If any employees of an employer not entitled to the benefits hereof, or the dependents of such employee in case of his death, shall make application to the board for benefits hereunder, it shall be the duty of the board to at once notify such employee, or his dependents of the fact that such employer is not entitled to the benefits of this act.

Notice of non-acceptance.

SEC. 75. Applications for benefits, hereunder, shall be made by the injured employee or his dependents, within one year from the time of the injury, and if not so made within said time, shall thereafter be barred and not allowed by the board.

Claims in one year.

Members of the workmen's compensation board shall be considered as officers, and shall take the oath prescribed by the constitution and laws of Kentucky, and shall give bond for the faithful performance of their duties, which bond shall be approved by the governor and kept on file in the office of the secretary of state, and any action on said bonds for breach thereof, shall be instituted by special counsel employed by the governor and shall be in the name of the Commonwealth.

Oath.

Approved March 21st, 1914.

CHAPTER 79.—*Mine regulations.*

ARTICLE I.

SECTION 1. The office of inspector of mines, which has for its purpose the supervision and enforcement of the laws pertaining to the inspection of mines and the protection of mine property and other property used in connection therewith, is hereby designated as the "Department of mines," and the title of the official provided for by existing law as "Inspector of mines" shall be "Chief inspector of mines."

Department of mines.

Said chief inspector shall have full charge of said department. He shall superintend and direct the inspection of mines as herein provided, and he shall investigate the character and quality of air in coal mines when conditions indicate the necessity for so doing, collect statistics relating to coal mining in this State each year and make report of same, see that maps and plans of the mines are made and filed in his office according to the provisions of this act, keep a record of all inspections made by himself and by the assistant inspectors, which shall be a permanent record properly indexed, and perform all other duties elsewhere

Chief inspector.

in this act assigned to him. The chief inspector shall receive an annual salary of eighteen hundred (\$1,800) dollars, payable monthly, and he shall likewise be allowed and paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

Districts.

The chief inspector shall have authority to divide the coal fields of the State, from time to time, into such number of inspection districts as may be necessary to accord with the number of assistant inspectors, in such manner as to equalize, as nearly as practicable, the work of each assistant inspector, and to assign each assistant inspector to his appropriate district. Whenever the chief inspector may deem it necessary, in the interest of efficient supervision of the mines, to temporarily employ the services of two or more assistant inspectors at the same time in one and the same district, or whenever he may deem it desirable in the interest of efficient inspection to temporarily change assistant inspectors from one district to another, he shall have authority to do so.

He shall furnish a certified copy of the report of inspection of any mine inspected by himself or by an assistant inspector to the Commonwealth's attorney of the district in which the mine is situated on application therefor, or at any time when he may deem it proper so to do, which copy shall be admissible in evidence in any court in this Commonwealth, and shall be prima facie evidence of the truth of the recitals therein contained.

Annual reports.

He shall prepare and file his annual report for printing within six months, and as much earlier as the final collection and compilation of statistics may permit, after the close of the calendar year; and in order that the statistical information given in the report may be reasonably comprehensive, in addition to the statistics now by law required to be reported monthly to the office of the chief inspector, each operator of a coal mine shall, at the close of the year, upon blanks to be furnished by the chief inspector furnish to said chief inspector a confidential report showing (a) the proportion of his output of coal for the calendar year that was sold for consumption locally as distinct from that which was shipped from the mine; (b) the amount of coal produced that was consumed at the mine for the production of steam, ventilation and other purposes; (c) the tonnage used in the production of coke in ovens controlled by the operator in the vicinity of the mine; and (d) the proportion of his tonnage that was mined by machine. All such information relating to the details of disposition or use of the output shall be held strictly confidential by the chief inspector as regards individual operations and published only in aggregate form under each appropriate heading indicated by the letters "a," "b," and "c," herein, for the respective districts in which the companies, firms, and individuals reporting are operating; but nothing in this section shall be construed as prohibiting continuation of the publication of the total amount of coal produced by each operator, in the manner heretofore followed.

Assistant inspectors.

Sec. 2. Each assistant inspector of mines shall report in writing monthly to the chief inspector the number and condition of all mines inspected by him each month, and he shall deliver to the operator or superintendent of each mine inspected a statement in writing showing the inspection of such mine, and the condition thereof as found upon such inspection. He shall also, within sixty days after the close of each calendar year, file with the chief inspector of mines a report of his proceedings during said calendar year and giving such information concerning the mines and mining conditions in his district as may be appropriate and required by [the] chief inspector. He shall visit each mine in his district at least once every four months, or oftener, if practicable to do so, and make a personal examination of the interior of each mine, as well as the outside of the mine where any danger to the workmen may exist. And he shall at all times in all things pertaining to the duties of his office be subject to the orders of the chief inspector.

Each assistant inspector shall receive an annual salary of fifteen hundred dollars, payable monthly and shall likewise be allowed and paid his necessary traveling and other expenses on account of and when engaged in the discharge of his official duties.

Certificates.

Before any person shall be appointed to the office of assistant inspector of mines, he shall be required to pass a satisfactory examination

before the board of examiners hereinafter in this act provided for, and shall be required to obtain from such board of examiners a certificate duly signed by the members thereof certifying to the governor that the said applicant possesses the qualifications by this act required.

SEC. 3. The chief inspector and assistant inspectors shall be provided with all necessary stationery and postage for the conduct of official correspondence as other State officers are supplied. The chief inspector shall be supplied with all printed blank forms, notices and other printed matter necessary for use in the performance of his official duties, upon his requisition therefor through the superintendent of public printing. There shall be provided for all inspectors such instruments, appliances, apparatus and chemical tests as are necessary for the proper discharge of his official duties, which shall be paid for on the order of the chief inspector approved by the governor, and which shall belong to the State. The cost of repairs to such instruments and apparatus as may be necessary from time to time shall be paid for by the inspector having such repairs made, and be included in his accounts of expenses incurred on account of official duties and paid as they are paid.

Supplies.

SEC. 4. The chief inspector and each assistant inspector shall have power to visit and inspect any mine to which this act applies. He shall examine into the condition of such mine with respect to ventilation, drainage, timbering, and general security; and, if upon inspection, he finds that such ventilation, drainage, or timbering as the health or safety of the persons employed in the mine would require has not been provided, or should he find the mine insecure in any part, or should he find that sufficient and satisfactory means of ingress and egress have not been provided, said chief inspector or assistant inspector shall at once notify the operator and mine foreman of the mine, in writing, as to the unsafe or unwholesome condition of such mine, and require the mine to be put in safe and wholesome condition, and such mine shall forthwith be rendered safe and healthful. For a failure to comply with the directions of the chief inspector or of the assistant inspector to render such mine safe, and to provide such ventilation as is sought to be secured by this law, and to provide safe and suitable means of ingress and egress as in this act required, within twenty days from the date of notification, the operator or mine foreman, as the case may be, shall be liable to a fine of fifty dollars for each day such mine, if operated, shall be suffered to remain in such unsafe and unhealthful condition after the expiration of the twenty days above provided in which the required improvements should be made, which fine may be collected by warrant issued by any court or officer of competent jurisdiction upon complaint made by the chief inspector or assistant inspector, or by indictment by the grand jury of the county in which such mine is situated; but in cases in which the chief inspector or the assistant inspector, as the case may be, is satisfied, from personal investigation, that, even though due diligence be observed, the required improvements can not be completed within the twenty days above provided he shall have authority to extend the time for not more than forty days longer, according to his judgment as to the length of time that is required for the completion of the improvements, proper diligence being observed; but when the time is thus extended the operator or mine foreman, as the case may be, who is delinquent, after the expiration of the additional time, shall be subject to fine as above provided; and as a cumulative remedy in case of failure of any operator to conform to the provisions of this law, after written notice from the assistant inspector or chief inspector, within the time provided by this section, any circuit court, or judge thereof in vacation, may, on application of the chief inspector, by civil action in the name of the State, enjoin or restrain, by writ of injunction, the operator from working or operating such mine with more than five persons underground at one time until it is made to conform with the provisions of this act; but before such writ of injunction shall issue, the operator shall have at least three days' notice of such contemplated action, and shall have the right to appear before such court, or the judge thereof in vacation, 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. It shall be the duty

Inspections.

Failure to comply with orders.

of the Commonwealth's attorney of the district, and of the county attorney of the county, in which the mine lies, to prepare and prosecute proceedings upon said application.

ARTICLE II.

Definitions.

SECTION 1. For the purposes of this act, the terms and definitions contained therein shall be as follows:

Mine.—In this act the term "mine" includes the shafts, slopes, drifts, or inclined planes connected with excavations penetrating coal stratum or strata, which excavations are ventilated by one general air current, or division thereof, and connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine.

The provisions of this act shall not apply to any mine employing less than six persons inside the mine at one time.

Excavations and workings.—The term "excavations and workings" includes all the excavated portions of a mine, those abandoned as well as the places actually being worked; also all underground workings and shafts, slopes, tunnels and other openings in the course of being sunk or driven, together with all roads, appliances, machinery, and material connected with the same below the surface.

Shaft.—The term "shaft" means a vertical opening through the strata that is or may be used for the purpose of ventilation or drainage, or for hoisting men or material, or both, in connection with the mining of coal.

Slope.—The term "slope" means an inclined opening used for the same purpose as a shaft.

Drift.—The term "drift" means an opening through the strata, on which opening the grades are such as to permit the coal to be hauled by mules or mechanical traction power, and which opening may be used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal.

Operator.—The term "operator" means any firm, corporation, or individual operating any coal mine, or any part thereof.

Superintendent.—The term "superintendent" means the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

Mine foreman.—The term "mine foreman" means the person whom the operator or superintendent shall place in charge of the workings of the mine and of the persons employed therein. He is required to be licensed or certificated, and is charged with the duty of preserving the safety and health of the persons employed in and about the mine.

Fire boss.—The term "fire boss" means any person whom the operator or superintendent is required to employ in the event certain conditions with reference to explosive gas in this act defined are found to exist in a mine. He is required to be licensed or certificated, and is charged with the duty of preserving the safety of the persons employed in such mine.

Assistant inspector.—The term "assistant inspector" means a person commissioned by the governor to assist in the inspection and supervision of the mines as herein prescribed.

Approved safety lamp.—The term "approved safety lamp" shall mean any bonneted safety lamp approved by the department of mines.

Gaseous mine.—A "gaseous mine" is one in which the percentage of explosive gas exceeds three-fourths of one per cent at the return of any one split in a dusty mine, and exceeds one and three-fourths per cent at the return of any one split in a nondusty mine.

ARTICLE III.

Maps and plans.

SECTION 1. The operator or superintendent of every coal mine in this State to which this act applies shall annually, within sixty days after the first day of January, make or cause to be made an accurate map or plan of the workings of such mine, on a scale of not more than one hundred feet to the inch, showing the area mined and the forms of the excavations up to the said first day of January, together with the

location and connection of the lines of all adjoining lands within one thousand feet of said excavations, and the name or names of each owner or owners, so far as known, marked on each tract; a true copy of which map the said operator or superintendent shall deposit with the chief inspector of mines within seventy days after said first day of January, and another copy of which shall be kept at the office of such mine. But after the making and filing with said chief inspector of the first map of the mine, as required herein, the operator or superintendent shall only be required to annually file with said chief inspector, within the time herein specified, such additional map and statement as may be necessary to truly show the progress of the workings, the amount and forms of excavations of said mine, and so much of the property lines as may be within one thousand feet of said excavations as extended, from the date of the preceding map or survey up to the first day of January as provided herein. The chief inspector shall annually on or before the first day of January, give warning notice that said map is required.

If the operator or superintendent of any coal mine shall fail or neglect to furnish to the chief inspector any copy of the map or extension thereof as provided in this article, the chief inspector is hereby authorized to cause a correct survey and map or plan of said mine or the extensions above indicated to be made at the expense of the owner, lessee, or operator of such mine, the cost of which shall be recoverable from said owner, lessee, or operator as other debts are recoverable by law; and if at any time the chief inspector of mines shall have reason to believe that such map or plan, or the extension thereof, furnished in pursuance of this article is 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 inspector shall be paid by the owner, lessee, or operator of the mine, and the same may be collected as other debts are recoverable by law; but if the map, plan, or extension as furnished by the operator or superintendent shall be found to be correct, the expenses of said survey and drafting of map or plan shall be paid by the State. The correctness of each map or plan provided for by this article shall be certified by the person making such map or plan; and the chief inspector may reject any map as incomplete, the accuracy of which is not so attested. The chief inspector shall, upon the application of any owner, lessee, or operator therefor, make or cause to be made a duplicate of any map on file in his office of any mine owned, leased, or operated by the owner, lessee, or operator making such application, but the cost of making such duplicate shall be paid by the applicant therefor. In no case shall any copy of such map be made without the consent of such owner, lessee, or operator. Proper and safe means for preserving, filing, and cataloguing the mine maps received by the chief inspector of mines, such as suitable envelopes or other filing devices and index card files, shall be provided for the office of the chief inspector, which shall be paid for upon the order of said inspector when approved by the governor. After this act shall have gone into effect, each operator of a coal mine, before making additional openings, and each operator preparing to open a new mine shall furnish the chief inspector and the assistant inspector for the district in which the mine is located each a plan of the proposed openings and mine development.

SEC. 2. 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 such mine, to show the entire worked-out area at the time the mine was closed, and the results shall be duly extended on the map of the mine previously made and a copy thereof filed with the chief inspector of mines.

ARTICLE IV.

SECTION 1. It shall be the duty of every superintendent on behalf and at the expense of the operator, to keep on hand at or within convenient distance of each mine at all times a sufficient quantity of all materials and supplies required to preserve the health and safety

- of the employees, as ordered by the mine foreman and required by this act. If for any reason the superintendent can not procure the necessary materials or supplies as aforesaid, he shall at once notify the mine foreman, whose duty it shall be to withdraw the men from the mine, or the portion thereof operated, until such materials or supplies are received. The superintendent shall, at least once every week, read, and examine carefully, and countersign all reports entered in the mine record book of the mine foreman.
- Mine supplies.** **Sec. 2.** The superintendent shall cooperate with the mine foreman and other officials in the fulfillment of their duties as required by this act, and he shall direct that the mine foreman and all other employees under him comply with the law in all its provisions especially when his attention is called by the assistant inspector or chief inspector to any violations of the laws.
- Cooperation with mine foreman.**
- Rules, records, etc.** **Sec. 3.** The superintendent shall keep on hand at the mine a supply of the printed rules and notices and record books required by this act, which record books shall be furnished through the assistant inspector of the district, or through the chief inspector, on request of the superintendent in writing. He shall see that said rules and notices and record books are delivered to the proper persons at the mine, and that they are properly cared for, and he shall also see that the rules and notices are [are] posted in conspicuous places at or near the entrance to the mine and kept in such condition that they will always be legible.
- Notice to chief inspector.** **Sec. 4.** The operator or superintendent of every mine shall, within thirty days thereafter, send to the chief inspector of mines notices of the following occurrences:
First.—When a mine has been abandoned, or the working thereof discontinued.
Second.—When any work has commenced for the purpose of opening a new mine.
Third.—When the working of a mine is resumed after an abandonment or a discontinuance for a period exceeding two months.
Fourth.—When any change occurs in the name of a mine, or in the name of the operator of a mine, under the provisions of this act.
- Reports of accidents.** **Sec. 5.** The superintendent shall, once each month, on blank forms provided by the chief inspector for that purpose report to the chief inspector all fatal and serious accidents that have occurred in and about the mine, giving age, nationality and occupation of the injured person, cause of accident, and such other information as may be required by the chief inspector. The occurrence of a fatal accident shall be reported to the assistant inspector for the district at once, and to the coroner of the county as soon as practicable.
- Employment of fire bosses.** **Sec. 6.** The superintendent or operator shall employ a sufficient number of fire bosses or special examiners (when required by the assistant inspector of the district in which such mine is located), in order that such coal mine can be examined in accordance with the provisions of this act.

ARTICLE V.

- Duties of mine foremen.** **SECTION 1.** In order to secure efficient management and proper ventilation of the mines, to promote the health and safety of the persons employed therein, and to protect and preserve the property connected therewith, the operator or superintendent shall employ a competent and practical mine foreman for every mine wherein fifteen or more persons are employed. The mine foreman shall have charge of all the inside workings and of the persons employed therein, in order that all the provisions of this act so far as they relate to his duties shall be complied with, and the regulations prescribed for each class of workmen under his charge carried out in the strictest manner possible. In all gaseous mines as defined in this act the mine foreman must possess a mine foreman's certificate of the first class.

When the mine workings become so extensive that the mine foreman is unable personally to carry out the requirements of this act pertaining to his duties, the operator or superintendent shall employ a sufficient number of persons to act as assistants to the mine foreman, who shall act under his instructions in carrying out the provisions of this act.

In case of the temporary absence of the mine foreman for a period not exceeding fifteen days, the operator or superintendent may, for the time being, deputize the work of the mine foreman to an assistant mine foreman, who shall perform all the duties of the mine foreman.

SEC. 2. The mine foreman shall devote the whole of his time to his duties when the mine is in operation, and shall keep careful watch over the ventilating apparatus, the ventilation, airways, traveling ways, timbering, and drainage, and shall see that all stoppings along airways are properly built. As to ventilation, etc.

He shall see that proper break-throughs are made in the pillars of all rooms and of all entries; and that they are closed when necessary, so that the ventilating current can be conducted in sufficient quantity through the last break-through to within a proper distance as required by this act of the face of each room and entry, by means of curtains, brattices, check doors, or other safe stoppings. He shall not permit any room or entry to be turned in advance of the ventilating current or in advance of the last break-through in the entry, excepting room necks, which may be turned by entrymen driving entries.

SEC. 3. The mine foreman shall measure the air current at least once every 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 to be furnished by the chief inspector of mines. An anemometer shall be provided for this purpose by the operator of the mine. Air to be measured.

SEC. 4. The mine foreman or assistant shall visit and examine every working place in the mine not less than twice each week while the mine is in operation, and shall direct and see that every working place is properly secured by props or timber, and shall see that no person is directed to work in an unsafe place unless it be for the purpose of making it safe. He shall also see that the workmen are provided with sufficient props, cap pieces, and timbers of suitable size, which shall be delivered to the working place when ordered or selected by the workman as specified in the mine rules in accordance with section five of this article. He shall also see that props are cut or sawed as square as practicable at both ends, and as near as practicable to the proper length required or designated for the places where they are to be used. Supply of timbers.

SEC. 5. Every workman in need of props, cap pieces and timbers shall notify the mine foreman or an assistant mine foreman, or any other person delegated by the mine foreman, of the fact at least one day in advance, giving the number, size, and length of props, cap pieces, and timbers required. In case of emergency, the timber may be ordered immediately upon discovery of danger. If for any reason the necessary timbers can not be supplied when required, the workmen shall vacate the place until the timber needed is supplied. Workmen to give notice.

The place and manner of selecting and ordering props, cap pieces, and timbers shall be designated and specified in the mine rules.

SEC. 6. At shaft mines, the operator, superintendent or mine foreman shall provide a refuge place or places for men coming out at the close of the day's work in such proximity to the bottom of the shaft, and of such size, as shall be approved by the chief inspector of mines, or by the assistant inspector for the district in which the mine is situated. When leaving such refuge place or places to be hoisted out, the men shall be governed by the rules of the mine. On single-track haulage roads in mines, where haulage is done by machines, which roads the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one side not less than three feet in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart. On all haulage roads on which haulage is done by draft animals, whereon men are obliged to be in the performance of their duties or when passing on foot to and from their work, there shall be places of refuge not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart: *Provided, however,* That special refuge places shall not be required in haulways on which room necks or break-throughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulways in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the top of any haulage engine or any mine car, Places of refuge.

said clearance to be on the side of the haulway opposite that upon which electric wires are strung, in event any such wires be strung in the haulways. No person shall travel on foot to or from his work upon any slope used for haulage or upon any haulage road when other roads, in proper condition for travel are available.

In all mines in operation at the time this act goes into effect the operator or superintendent shall have an additional period of six months in which to provide the refuge places required by this section.

Instructions to workmen. SEC. 7. After this act goes into effect it shall be the duty of the mine foreman or any assistant mine foreman of every coal mine to see that every person employed to work in such mine shall, before beginning to work therein, be advised as to danger incident to working therein.

The mine foreman or assistant mine foreman shall give special care, oversight and attention to the men drawing pillars.

Removal of gas. SEC. 8. The mine foreman shall see that every mine generating explosive gas is kept free of standing gas in all working places and roadways. Any accumulation of explosive gas or noxious gas in the worked-out or abandoned portions of any mine shall be removed as soon as possible after its discovery, if it is practicable to remove it. No person who may be endangered by the presence of said explosive or noxious gases shall be allowed in that portion of the mine except with safety lamps until said gases have been removed or so diluted with fresh air as to be rendered harmless. The mine foreman shall direct and see that all dangerous places and the entrance or entrances to worked-out and abandoned places in all mines are properly fenced off across the openings so that no person can enter, and that danger signals are posted upon said fencing to warn persons of the existing danger.

Bore holes. SEC. 9. It shall be the duty of the operator, superintendent, or mine foreman to have bore holes kept not less than twelve feet in advance of the face, and, where necessary on the sides, if the working places that are being driven are in dangerous proximity to an abandoned mine, or part of mine suspected of containing inflammable gases, or which are filled with water. If there be a map of such abandoned mine or part of mine, said bore holes shall be started when the working places shall have approached within fifty feet of such abandoned mine or part of mine, but if there be no such map, then said bore holes shall be started when the advancing working places are within one hundred feet of where said abandoned workings are supposed to be.

Reports. SEC. 10. The mine foreman shall each day enter and sign plainly in ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine, which report shall clearly state any danger that may come under his observation during the day, or any danger reported to him by his assistants or the fire bosses. The report shall also state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the requirements of the law are complied with.

The mine foreman shall also, each day read carefully, and countersign with ink or indelible pencil, all reports entered into the record book of the fire bosses.

Safety devices. SEC. 11. The operator or superintendent shall direct and see that safety blocks, or some other device, are constructed for the purpose of preventing cars from falling into the shaft or slope, or running away on slopes and inclined planes; and safety switches, drop logs, or other devices, shall be used on all slopes and inclined planes; and the mine foreman shall see that said safety blocks, safety switches, or other devices are maintained in good working order.

Safety lamps. SEC. 12. It shall be the duty of the operator, superintendent, or mine foreman to see that locked safety lamps are used when and where required by this act.

Reports of violations. SEC. 13. It shall be the duty of the mine foreman to report immediately all violations of this act to the operator or superintendent, who shall in turn report such violations to the assistant inspector for the district in which the mine is situated.

Assistant foremen. SEC. 14. When assistant mine foremen are employed, their duty shall be to assist the mine foreman in complying with the provisions of this act. In the temporary absence of the mine foreman they shall perform the duties of the mine foreman when deputized to do so

in accordance with section one of this article, and shall then while acting as mine foreman be liable to the same penalties as the mine foreman for any violation of this act.

SEC. 15. In a dry and dusty mine, the mine foreman shall direct and see that the rooms and entries are moistened by water or other efficient means as often as may be practicable in order to keep the dust in a damp condition; and he shall direct and see that the dust is loaded and taken out of the mine as often as practicable.

Sprinkling, etc.

ARTICLE VI.

SECTION 1. In all gaseous mines as defined in this act the operator or superintendent shall employ a fire boss or fire bosses, whose competency to act as such shall be evidenced by a certificate of qualification from the board of examiners as provided in Article XVI of this act. It shall be the duty of the fire boss to examine carefully, before each shift enters the mine, every working place without exception, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings and falls in the mine; but before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use no light other than that inclosed in an approved safety lamp. The examination shall begin within three hours prior to the appointed time for each shift to enter the mine. The fire boss shall examine for all dangers in all portions of the mine under his charge, and after examination he shall leave at the face of every place examined the date of the examination, as evidence that he has performed his duty. He shall also examine the entrance or entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every working place and every other place where explosive gas is discovered or where immediate danger is found to exist from any other cause, and said signal shall be sufficient warning for persons not to enter.

Fire boss required, when.

Duties.

SEC. 2. A suitable record book shall be kept at the mine office of every mine wherein fire bosses are employed, and immediately after the examination of such mine or any portion thereof by a fire boss, whose duty it is to make such examination, he shall enter in said book, with ink or indelible pencil, a record of such examination, and sign the same. This record shall show the time taken in making the examination, and also clearly state the nature and location of any danger that may have been discovered in any room or entry or other place in the mine. If any danger or dangers has or have been discovered, the fire bosses shall immediately report the location thereof to the mine foreman, or in his absence to the assistant mine foreman in charge who in turn shall report to the mine foreman. No person shall enter the mine until the fire bosses return to the mine office, or to a station located in the intake entry of the mine (where a record book as provided for in this section shall be kept and signed by the person making the examination), and report to the mine foreman or the assistant mine foreman, by telephone or otherwise, that the mine is in safe condition for the men to enter. When a station is located in any mine it shall be the duty of the fire bosses to sign also the report entered in the record book in the mine office on the surface. The record books of the fire bosses shall at all times during working hours be accessible to the assistant inspector of mines and the employees of the mine.

Records.

SEC. 3. The mine foreman and the fire boss shall, at or near the main entrance to the mine, provide a permanent station with a proper danger signal, designated by suitable letters and colors placed thereon. In every mine in which fire bosses are required to be employed by this act, when the working portions are one mile or more from the entrance to the mine or from the bottom of the shaft or slope, a station of suitable dimensions may be erected by the mine foreman (provided the location is approved by the assistant inspector for the district) for the use of the fire bosses. It shall not be lawful for any person, except the mine foreman, and in case of necessity such other persons as may be designated by him, to pass beyond said station and danger signal until the mine

Signal station.

has been examined by a fire boss, as provided for in section one of this article, and the mine or certain portions thereof reported by him to be safe. The fire boss shall not allow any other person or persons to enter or remain in any portion of the mine through which a dangerous accumulation of gas is being passed in the ventilating current from any portion of the mine. He shall report any violation of this section to the mine foreman at once.

Passing station. SEC. 4. Any employee or other person, except those herein above provided for, who passes any danger signal into the mine, or into any portion of the mine, or removes such danger signal before the mine has been examined and reported to be safe, or any employee or any other person who passes by any danger signal placed at the entrance to a working place, or any other place in the mine, or removes such danger signal, without permission from the mine foreman, the assistant mine foreman, or the fire boss, shall be deemed guilty of a misdemeanor, and it shall be the duty of the mine foreman having knowledge of such violation (whether obtained personally or otherwise) to notify the operator or superintendent at once of such violation, who shall in turn notify the assistant inspector for the district, in writing, and the assistant inspector shall forthwith institute proceedings against such person or persons, as provided for in section two of article twenty-one of this act. Any mine foreman who fails to notify the operator or superintendent forthwith of any violations of the provisions of this article that have been reported to him, or that have come under his personal observation, and any operator or superintendent who shall likewise fail to notify the assistant inspector of any such violations, shall be deemed guilty of a misdemeanor.

Negligence of fire boss. SEC. 5. Any fire boss who neglects to comply fully with the provisions of this article relating to his duties, or who shall make a false report of the condition of any place in the portion of the mine allotted to him for examination, shall be deemed guilty of a misdemeanor, and shall be suspended by the mine foreman, and his name shall be given to the assistant inspector of the district for prosecution. If he be found guilty, he shall return his certificate of qualification as fire boss to the department of mines: *Provided, however,* That he may again be an applicant for a certificate as fire boss at any regular examination after the expiration of six months, but if he be found guilty of a second offense he shall return his certificate to the department, and can not be an applicant for reexamination.

Mine foreman may act. SEC. 6. Nothing in this article shall prevent a mine foreman holding a certificate of the first class from acting as fire boss, or a regularly employed fire boss from acting in an emergency as a mine foreman holding such first-class certificate.

Special examiners. SEC. 7. In any mine that is not a gaseous mine as defined in this act, but in which explosive gas can be detected by means of a safety lamp in some part or parts of the live workings or adjacent thereto, the operator or superintendent shall employ a competent person or special examiner whose duty shall be to make examination of such place or places with an approved safety lamp for the purpose of detecting any explosive standing gas therein. Such examination shall be made at a suitable hour each day that the mine runs, before the workmen are permitted to enter the mine or such section or sections thereof as required examination, and should such explosive gas be discovered the examiner shall make prompt report of its presence and location to the mine foreman or assistant foreman, and no person shall enter or be permitted to enter the place or places where said gas has been detected until it shall have been removed or so diluted with fresh air as to be harmless, except the mine foreman and such persons as he may select to make the place or places safe, and they while engaged in such work shall use no other light than that inclosed in an approved safety lamp. The procedure to be followed by said special examiner or competent person in making his examinations and the manner of reporting or recording the results thereof shall be in accordance with the mine rules. Nothing in this section shall be construed as prohibiting said special examiner or competent person from performing such other duties as it may be practicable for him to undertake: *Provided,* That such other

duties shall (not) conflict or interfere with the performance of his duty in making the examinations specified herein.

Before any person or special examiner shall be employed as above provided, his competency for such duty must be approved and certified to in writing by the assistant inspector of the district in which such mine is situated, or by the chief inspector of mines.

Qualifications.

ARTICLE VII.

SECTION 1. It shall not be lawful for the operator, superintendent, or mine foreman of any coal mine, whether worked by shaft, slope or drift, wherein fifteen thousand square yards have been excavated, to employ or to permit more than ten persons to work therein in any one shift unless there are to every seam of coal worked in such mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine be worked by shaft or slope, and separated by natural strata of not less than fifty feet in breadth if the mine be worked by drift—by which outlets distinct means of ingress and egress are readily available to persons employed in such mines; but it shall not be necessary for the two outlets to belong to the same mine.

Two exits required.

The foregoing requirements shall not apply to the openings of a new entry of a mine that is being worked for the purpose of making connection between said two outlets so long as not more than twenty persons are employed at one time in making the connection or driving the second opening; nor shall said requirements apply to any mine in which the second opening has been rendered unavailable by reason of final robbing or removal of pillars so long as not more than twenty persons are employed therein at one time.

Exemptions.

In case any coal mine has but one shaft, slope, or drift for ingress and egress of the persons employed therein, and the owner thereof does not own suitable ground for another opening, such owner may select appropriate associate adjacent ground for that purpose and have the same condemned and appropriate the same by proceedings in the county court of the county where the mine is situated, similar to proceedings now allowed for securing a private passway.

Securing outlet.

In every shaft used as an escape outlet there shall be provided a stairway or ladderway of suitable strength, design, and angle, which shall be provided with platforms or landings at each turn of the stairway or ladderway, the whole to be subject to the approval of the assistant inspector for the district, or the chief inspector; or in lieu of such stairway or ladderway there shall be provided a properly equipped hoisting arrangement, consisting of a cage suitable for hoisting men[,] a wire hoisting rope of ample strength and an adequate and safe hoisting engine and drum, which hoisting arrangement shall be ready for use at any time of emergency. When the escape and air shafts are combined the side or end used for an escape outlet and the part used for ventilating purposes shall be separated by a good, substantial, air-tight partition from top to bottom, so that the use of the escape shaft shall not in any way interfere with the ventilation of the mine. All shafts by which men enter or leave the mine, and the passageways to escape outlets, shall be carefully examined by the mine foreman, or by a person designated by him, at least once each week that the mine may be operating and the date and findings of such examination shall be entered in a book kept at the mine for that purpose. No débris such as falls of slate and similar material, which shall act as an obstruction to the free passage of men, shall be allowed to accumulate in the passageway to the escape outlet, nor shall bodies of water difficult to pass, be allowed to accumulate there, nor shall the passageway be obstructed by mine cars or timbers. If obstructions of any sort to the free passage of men be found such obstructions shall be promptly removed. At points where the passageway to the escape outlet is intersected by roadways or entries calculated to produce doubt as to the proper direction to the outlet conspicuous signboards shall be placed indicating the direction it is necessary to take to reach the exit for escape.

Ladderways.

Hoists.

Inspection.

SEC. 2. 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 engineers.

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 designated 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. 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.

Load.
Safety provisions.

SEC. 3. At every mine operated by shaft, there shall be provided an approved safety catch, and a sufficient and substantial cover overhead on all cages used for lowering or hoisting person[s], and at the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for the lowering or raising persons at all shafts or slopes, and an efficient indicator or dial shall be used in connection with the hoisting engine which will show the engineer the positions of the cages in the shaft at any time; and approved means for signaling to the bottom man, the top man, and engineer shall be provided; and all shafts used for lowering or hoisting men shall be equipped with metal tubes, pipes, or telephones, through which conversations may be freely held between persons at the bottom and top landings. The hoisting rope, the safety-catches and the cage attachments shall be examined by the mine foreman or some competent person designated by him every morning before the men descend into the mine; and care shall be taken to keep them in good working condition at all times. All persons are prohibited from riding on cages when coal or slate or similar material is being raised and no person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the day's run, without first being authorized by the bottom man or cager to do so, said bottom man or cager having first signaled to the engineer that men are to be raised. At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all employees when passing from one side of the shaft to the other side shall use such passageway only. Whenever the hoisting or lowering of men occurs before daylight or after dark, and when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at each landing a light sufficient to show the landing and objects in immediate proximity thereto and as long as men are underground a good light shall be maintained at the bottom of the shaft, so that persons coming to the bottom may discern the cage and the objects in the vicinity thereof.

ARTICLE VIII.

Ventilation.

SECTION 1. It shall be the duty of the operator or superintendent of every coal mine to which this act applies to provide for such mine artificial means of producing ventilation such as suction or forcing fans, exhaust steam furnaces, or other contrivances, of such capacity and power as to provide and produce an abundant supply of air. The operator or superintendent of every such mine, whether slope, shaft, or drift, shall provide and maintain for such mine an amount of ventilation not less than one hundred cubic feet of air per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working place in the mine.

Break-throughs.

It shall be the duty of the mine foreman to see that no working place is driven more than sixty feet in advance of a break-through or airway, except with the consent of the assistant inspector for the district; and that all break-throughs between entries, and when necessary between rooms, except those last made near the working face, are closed up and made air-tight, as far as practicable, by brattices, trapdoors, or otherwise, so that the currents of air in circulation in the mine may sweep

to the interior of the excavations where the persons employed in the mine are at work; and where more than sixty persons are at work in the same continuous current, the chief inspector and the assistant inspector shall have authority to order that this ventilating current be so split or subdivided as to give a separate current for separate groups of men at work in the mine whenever, in his judgment, conditions in any mine render such splitting of the current necessary. The mine foreman shall see that proper break-throughs are made in all pillars at such distances apart as in the judgment of the assistant inspector for the district approved by the chief inspector, may be deemed requisite for the purpose of ventilation, according to the thickness of the seam of coal being worked, but in no case shall they be more than ninety feet apart.

Sec. 2. Every ventilating fan at gaseous mines shall be kept in operation continuously, day and night, unless operations are definitely suspended.

Fans.

Sec. 3. The mine foreman shall see that the water is drained out of the working places before the men enter, and that the working places are kept as free from water as practicable during working hours; and the owners, lessees, or operators of all mines to which this act applies shall see that the water so drained from such mines shall be drained as directly as practicable to the adjacent streams or watercourses by means of ditches, flumes, pipes, sewers or other adequate provisions.

Drainage.

ARTICLE IX.

SECTION 1. At every coal mine to which this act applies the operator shall provide and keep in condition for use not less than two approved safety lamps, and shall provide and keep as many more as may be required in writing by the chief inspector of mines: *Provided, however*, That upon the written recommendation of the assistant inspector for the district in which the mine is situated, or if, in the judgment of the chief inspector, it be proper to do so, any nongaseous mine may be exempted from this provision by the chief inspector of mines.

Safety lamps.

Sec. 2. All gaseous mines as defined by this act shall be worked by the use of approved safety lamps provided with adequate locks or seals. The safety lamps used for examining any mine by an employee thereat or which may be used for working therein shall be provided by and be the property of the operator of the mine, and shall be in the custody of the mine foreman, or fire boss, or some competent person or persons designated by the mine foreman. Said person shall clean, fill, trim, examine, and deliver said lamps, locked or sealed, and in safe condition to the men who may have to use them, when they enter the mine. He shall also receive the lamps from the men when they leave the mine. The persons to whom safety lamps are thus given shall be responsible for the condition and proper use of the lamps while in their possession and for their return to the custodian at the lamp station. No safety lamp shall be given to any person for use in a mine until said person shall have given evidence, satisfactory to the mine foreman or fire boss, that he understands the proper use thereof and the danger of tampering with the same. No person except one duly authorized by the mine foreman shall have in his possession in any part of the mine where locked or sealed safety lamps are used any matches or other means of producing fire, nor shall he have any lamp key or other instrument usable for opening a locked safety lamp. Davy lamps shall not be used for any purposes in mines except for testing. Electric lamps that have been tested and approved by the Federal Bureau of Mines may be used instead of safety lamps in which oil is used, except for purposes of testing for explosive gas.

Operator to furnish.

Lamp keepers.

ARTICLE X.

SECTION 1. In all coal mines in this State in which as many as ten persons are usually employed at one time, wherein explosive gases are known to generate or exist in dangerous quantities, or coal dust is

Shot firers.

known to accumulate or exist in dangerous quantities, the operator or superintendent shall, when so ordered by the chief inspector of mines, or by an assistant inspector of mines, when approved by the chief inspector, employ and keep a sufficient number of practical and experienced men to be known and designated as "shot firers," whose duty shall be to charge, set off and discharge the shots in all blasting in the workings of the said mines; but the miner who has drilled the shot-hole may prepare the cartridge for the shot and leave same, in a safe receptacle of a sort to be designated by the mine foreman within convenient distance of the hole, for use by the shot firer in charging the hole: *Provided, however,* That the shot firer shall exercise discretion, care and judgment in the use of such cartridge. No shot firer shall charge and fire any shot which in his judgment, after due inspection, has not been placed so as to insure a workmanlike and practical shot.

Notices to be posted.

SEC. 2. Said shot firers shall immediately after the completion of their work, post a notice in a conspicuous place at the mines in which shall be indicated the number of shots fired, also the number of shots they did not fire, if any, specifying the number of the room and the designation of the entry, and giving their reasons for not firing the same. The operator or superintendent of said mines shall provide reasonable and proper means for posting said notice. Said shot firers shall also keep a daily permanent record in a book, to be furnished them by said operator or superintendent in which they shall enter the number of shots or blasts fired, the number of blasts or shots failing to explode, the number of "blown out" shots, and the number of holes that, in their judgment, were not properly prepared or placed and which they refused to charge and fire, giving their reasons for the same. Said records shall be in the custody of the superintendent and shall be available for inspection at all reasonable times by parties interested, and shall be open for inspection by the chief inspector of mines and by the assistant inspectors.

Workmen to leave mine.

SEC. 3. Said shot firers shall not do any blasting or exploding of shots or firing whatever until each and every miner and employee is out of the mine, except said shot firers, mine superintendent, mine foreman or assistant mine foreman, and the person or persons necessarily present in charge of pumps and stables in said mine; and any person in said mine whose duty it is to go out of said mine before said firing, blasting, and exploding takes place under the provisions of this act, who willfully fails or refuses to go out of said mine as herein provided shall be fined in any sum not exceeding fifty dollars, in the discretion of the court or jury.

ARTICLE XI.

Electrical installation.

The operator, superintendent, or mine foreman of a mine in which electricity is used shall observe the following in the application thereof:

Trolley wires.

SECTION 1. All trolley wire shall be securely supported upon hangers or other fixtures which will properly insulate said wires from the roof and other substances and placed at such intervals as to properly support the same.

Guards required.

SEC. 2. At such landings and partings as may be designated by the chief inspector or assistant inspector in writing where men are required to regularly work or pass under trolley or other bare power wires which are placed less than six and one-half feet above the top of the rail a suitable and efficient protection shall be provided.

Other wires.

SEC. 3. All other wires except telephone shot-firing, and signal wires, shall be on the same side of the road as the trolley wire. All positive conductors carrying more than three hundred volts shall be insulated: *Provided, however,* That this requirement shall not apply to mines in which electricity has been installed previous to this act going into effect where positive conductors carry more than three hundred volts. All terminal ends of positive wires installed within the mine shall be so guarded as to prevent persons from coming in contact therewith.

SEC. 4. Any bare conductor carried into and maintained in any room must be installed on hangers or other fixtures which are properly insulated, and which will prevent it from contact with the roof or other substances.

ARTICLE XII.

SECTION 1. It shall be the duty of the operator of each mine subject to the provisions of this act to at all times keep on hand at the mine a properly constructed stretcher, a woolen and waterproof blanket, and such necessary emergency supplies as may be advised by the medical practitioner employed by the operator; and if as many as one hundred and fifty men be employed at such mine, two stretchers with the necessary blankets and emergency supplies shall be provided. If at any mine there be no medical practitioner regularly employed by the operator, then such emergency supplies shall be kept on hand as may be advised by some physician or surgeon whose practice extends among the employees at the mine, or by the chief inspector of mines.

Provisions for accidents.

SEC. 2. Said stretchers and emergency supplies shall be in the custody of some competent and trustworthy person designated by the operator or superintendent, and they shall be kept in a suitable room or place and in such condition as to be readily available when needed.

Keeper.

ARTICLE XIII.

SECTION 1. No oils or similar inflammable material shall be stored within one hundred feet of any hoisting or escape shaft. All explosives in quantity shall be stored in a fireproof magazine located on the surface not less than five hundred feet away from all mine openings and escape ways, and such magazine shall be so placed as not to jeopardize the free and safe exit of the men from the mine in event of an explosion of the magazine. This provision as to location shall not apply to magazines used for distributing powder to employees, provided such distributing houses or magazines do not contain more than one day's supply for the mine, nor to well-built brick or stone fireproof magazines constructed before this act shall have gone into effect.

Storage of oils, etc.

ARTICLE XIV.

SECTION 1. No person, firm, or corporation in this State shall compound, sell, or offer for sale for illuminating purposes in any coal mine in this State any oil other than oil composed of not less than eighty-four per cent of pure animal or vegetable oil, or both, and not more than sixteen per cent of pure mineral oil, and the gravity of the mixture shall not exceed twenty-four degrees Baumé scale, measured by a Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; and no person, firm, or corporation, or agent or employee of same, shall sell or furnish any oil to be used for illuminating purposes in coal mines in this State unless the same shall have been inspected, tested, approved, and certified by the chief inspector of mines or an assistant inspector of mines, and it shall be the duty of said inspectors to make the necessary tests.

Illuminating oil.

All oil to be used for illuminating purposes in coal mines in this State shall be contained in barrels or other containers branded, stenciled, or labeled conspicuously with the name and address of the compounder, and the specific gravity in degrees of Baumé scale at the temperature of sixty degrees Fahrenheit; and no person, firm, or corporation shall sell or offer for sale any oil for illuminating purposes in coal mines in this State unless the barrel or other container in which it was received bears such brand, stencil, or label: *Provided, however,* That if oil be shipped in a tank car to any point in the State the inspector may take a sample or samples of oil from such tank car, and if he finds that said oil complies with the test required by section 2 of this article, then he shall furnish a certificate to the shipper or shippers setting forth that fact, and said shipper or shippers shall be allowed to sell the oil, making deliveries from tank wagons; but when such deliveries are made they shall be accompanied by a certificate duly made by the representative of the person, firm, or corporation shipping the oil to the effect that said oil has been inspected by the chief inspector of mines or by an assistant inspector of mines, as the case may be, giving the name of the inspector and date of inspection, and that it

was approved for illuminating purposes in the coal mines in this State by said inspector.

Each person, firm, or corporation selling or offering for sale any oil for illuminating purposes in coal mines in this State shall, upon request of any inspector of mines, submit such oil and the original container for examination, and give him a sample of the oil for the purpose of making a test thereof.

Tests.

SEC. 2. The test to be made, upon the result of which the inspector shall determine whether to approve any oil to be used for illuminating purposes in coal mines shall include the determination of the specific gravity of the oil at the temperature of sixty degrees Fahrenheit, and a burning test made in comparison with the burning of a standard mixture, prepared by the chief inspector of mines or by an assistant inspector of mines, composed of eighty-four per cent of best quality pure cottonseed oil and sixteen per cent of pure petroleum oil of three hundred degrees flash test. In making the burning test, the oil to be tested and that used as the standard, as herein prescribed, shall be burned in miner's lamps of the same size and shape, and shall be burned under as identical conditions as may be possible as regards size, length, and quality of wick, length of wick projecting out of the spout of the lamp, and protection from drafts of air. Any oil so tested that produces substantially no more smoke or soot than that produced by the standard mixture shall be deemed fit for approval as regards the burning test; otherwise, it shall be rejected. For testing the gravity of oil, a Tagliabue or other standard hydrometer, which shall have been "certified" by the United States Bureau of Standards, shall be used. In making the test the hydrometer shall, when possible, be read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. Should the oil be opaque or turbid, one-half the capillary attraction shall be deemed and taken as the true reading. When the oil is tested under difficult circumstances, an allowance of one-half of a degree may be made for possible errors of parallax before condemning the oil.

Marking.

SEC. 3. When the oil tested complies with the requirements and tests provided for in the foregoing section, the inspector making the test shall stencil, or otherwise plainly mark, each barrel or other container in which it is contained, or if shipped in tank cars, the inspector shall tag the car, substantially as follows: "Approved this.... day of by inspector" the blanks to be filled out with the date and name of the inspector making the inspection and tests. But if the oil does not come up to said requirements, the barrel or other container shall be so marked (or tagged in the case of a tank car), substantially as follows: "Rejected for illuminating purposes in the coal mines of the State of Kentucky this... day of, by inspector," the blanks to be filled out with the date and the name of the inspector making the inspection and tests.

Violations.

SEC. 4. No person shall adulterate any oil to be used for illuminating purposes in coal mines in this State either before or after taking same from the original container, and shall not alter, transfer, or re-use any label of any sort placed upon the container by the chief inspector of mines or an assistant inspector of mines.

No person shall use for illuminating purposes in any coal mine to which this act applies any oil other than oil of a quality specifically provided for in this article, and each person while in a coal mine shall upon request of an inspector of mines, or of any officer or duly authorized agent of the operator of the mine, submit his lamp and supply of oil for examination, and upon request give a sample of the oil for the purpose of making a test thereof, and state from whom said oil was purchased.

The provisions of this article shall only apply to oil used in lamps for open lights in coal mines. The oil used for safety lamps may be of such composition as will best serve the purpose.

Any person, firm, or corporation, or agent thereof, who compounds, sells or offers for sale to dealers any oil for illuminating purposes in any coal mine in this State contrary to the provisions of this article, shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, and for a second and subsequent offense shall

be fined not less than one hundred dollars nor more than two hundred dollars, at the discretion of the court.

Any person, firm, or corporation, or agent thereof, who sells or offers for sale to any employee of a coal mine for illuminating purposes in this State contrary to the provisions of this article shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

Any person who knowingly uses for illuminating purposes in a coal mine in this State any oil contrary to the provisions of this article shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, in the discretion of the court.

ARTICLE XV.

SECTION 1. The chief inspector of mines and any two of the assistant inspectors, the selection of whom is optional with the chief inspector, and who may select them alternately, from time to time, together with one miner, who has had at least five years of practical experience in the mining of coal, and who is actually employed in mining coal at the time of his appointment, and one coal operator, or the representative of a coal operator, who is at the time of his appointment actually engaged in the business of operating a coal mine in the State, who shall be appointed by the governor for a term of two years each, shall constitute a board of examiners for the examination of applicants for certificates of qualification to serve as mine foremen and as fire bosses in coal mines, and for the examination of candidates for the position of assistant inspector of mines. Said miner and operator members of the board shall hold their positions until their successors are appointed. The chief inspector of mines shall be chairman of the board, and whenever it may be necessary for him to be absent from any meeting of the board, he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations, and issue certificates. The technical qualifications required of mine foremen and fire bosses, respectively, shall be set out by the board.

Said board shall hold four regular meetings or sessions during the year, upon such dates, not more than three months apart, and at such place or places as the members may determine, and the chairman shall have authority to call special meetings whenever there shall be necessity therefor. Notice of time and place shall be given at least two weeks in advance of a regular meeting for examination.

For their services as examiners, said inspectors shall receive no extra compensation, but only their regular salaries and their traveling expenses; that is their services as examiners shall be considered and treated as part of their official duties as inspectors; but the miner and operator members shall each receive five dollars per day for the time occupied in attendance upon each session of the board, together with his actual and necessary traveling expenses. The accounts of the miner and operator members for compensation and expenses shall be rendered promptly after the close of each meeting of the board; they shall be itemized and certified to as in the case of accounts rendered by the inspectors, and they shall be paid as the expense accounts of the inspectors are paid when approved by the chief inspector of mines and by the governor.

SEC. 2. To all persons possessing the qualifications required by this act for appointment as assistant inspectors of mines and who have passed a satisfactory examination before the board of examiners, a certificate shall be given, in such form as may be prescribed by the chief inspector of mines, certifying to the governor that said applicant has passed a satisfactory examination and possesses the qualifications by this act required of an assistant inspector. Said certificate shall be signed by the members of the board of examiners.

Board of examiners.

Meetings.

Expenses.

Who to have certificates as inspectors.

Mine foremen. SEC. 3. To all persons possessing the qualifications by this act required of a mine foreman, and who have passed a satisfactory examination before the board of examiners, a certificate shall be issued, in such form as shall be prescribed by the chief inspector of mines, and of such class as may be determined by the board of examiners; which certificate shall be signed by the chief inspector of mines and board of examiners.

Fire bosses. SEC. 4. To all persons possessing the qualifications by this act required of a fire boss and who have passed a satisfactory examination before the board of examiners, a certificate shall be issued, in such form as shall be prescribed by the chief inspector of mines; which certificate shall be signed by the chief inspector of mines and board of examiners.

ARTICLE XVI.

Employees to pass examinations. SECTION 1. No person shall be employed as a mine foreman or fire boss in any mine in which fifteen or more persons are employed at one time who has not been granted a certificate of qualification to the effect that he has been examined by the board of examiners provided for by this act and has been found fit and competent.

Mine foreman.—The certificates of qualification for mine foremen shall be divided into three classes, namely, (1) First class, which shall authorize the holder thereof to act as foreman for all classes of coal mines; (2) second class, which shall authorize the holder to act as foreman for any nongaseous coal mine; (3) third class, which shall authorize the holder to act as foreman for any nongaseous coal mine in which not more than twenty-five persons are employed at one time.

Fire boss.—The certificate of qualification to serve as fire boss shall authorize the holder thereof to act as fire boss in any coal mine.

Fees. Each applicant for examination shall, before he is examined, pay a fee of two dollars and fifty cents to the auditor of public accounts, who shall issue his receipt therefor, which receipt the applicant shall present to the board of examiners before he shall be permitted to enter the examination; and all fees so paid shall be turned into the State treasury to the credit of the general expenditure fund.

Classes. The class of certificate which may be awarded an applicant who has been examined with respect to his qualifications to serve as mine foreman shall be determined by the board of examiners according to the nature of the examination taken by the applicant or by the grade made by him upon examination. The certificate to be awarded a successful applicant for a certificate of qualification to serve as fire boss shall show upon its face that the holder is authorized to act as fire boss.

Requirements. No certificate shall be granted to any person who does not present to the board of examiners satisfactory evidence, in the form of affidavits made by well-known and responsible persons in the locality whence he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in coal mines. Certificates may be granted only to persons who are bona fide residents of this State or who are employed at mines within the State. The board is authorized to decline to examine any applicant who can not readily understand the written English language or who can not express himself intelligently in the English language.

Records. The chief inspector of mines, as chairman, shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

Acting without certificate. SEC. 2. Any person acting as mine foreman or fire boss at a coal mine without having a certificate from the board of examiners authorizing him to act as such mine foreman or fire boss, except as herein specified and any operator or superintendent who shall employ any person to act as mine foreman or fire boss who has not obtained a certificate from the board of examiners authorizing him to act as such foreman or fire boss, shall be deemed guilty of a misdemeanor and be liable to a fine of not less than one hundred dollars nor more than two hundred dollars. In case of a vacancy in the position of mine foreman or fire boss in any mine the assistant inspector of mines for the district may, with

the approval of the chief inspector, authorize a temporary appointment of any miner of four or more years of experience in coal mines, whom he may deem incompetent [competent] to act as mine foreman or fire boss, as the case may be, for a period of not exceeding ninety days. Any mine foreman holding a certificate of the first class may serve as fire boss.

SEC. 3. The certificate of a mine foreman or of a fire boss, as the case may be, may be canceled and revoked by the board of examiners, upon notice and hearing as herein provided, if it shall be established in the judgment of said board that the holder thereof has become unworthy to hold said certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, willful neglect to comply with instructions to obey the requirements of the mining laws given by an inspector of mines, or other cause: *Provided*, That any person against whom charges are made shall have a right to appear before said board and defend against such charges, and he shall have fifteen days' notice in writing of such charges previous to such hearing.

Cancellation of certificate.

SEC. 4. Persons who have heretofore been granted certificates by the board of examiners, as heretofore constituted, authorizing them to act as mine foreman or fire bosses, shall not be required to again obtain such certificate giving authority to act in such capacity required by this act. And all certificates granted prior to June 16, 1910, shall be accepted and recognized as certificates of the first class provided for in this article.

Existing certificates.

ARTICLE XVII.

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

Discretionary powers.

Appeals.

SEC. 2. Upon such appeal the circuit court, or the judge thereof in chambers shall forthwith appoint a commission of four practical, reputable and competent persons, two of whom shall be recommended by the dissatisfied person and the other two by the chief inspector, and the four persons thus recommended and appointed shall appoint a fifth person, who also shall be practical, reputable and equally competent and the five persons so appointed none of whom shall be in the employ of or related to the dissatisfied person or in the employ of the State department of miners [mines], shall constitute a commission to investigate and report on the matter in dispute. In case, however, any or all of said four persons are not recommended by a writing filed in said court within seven days after the said appeal is filed then the judge of said court shall fill the vacancy or vacancies by the appointment of a practical, reputable and competent person or the necessary number of such persons; and in case the four persons thus appointed do not agree in writing upon the fifth person for said commission within five days after having received notice of their appointment, then the said judge of said court shall appoint the said fifth person on said commission.

Commission.

The duty of said commission shall be, under the instruction of said court, to examine said mine in relation to the matter or matters in dispute and report under oath, within ten days after their appointment, the facts as they exist and the conditions pertaining thereto, and, based upon such conditions and facts, the decision of a majority of said commission on the matter in dispute; and the report and decision of said commission shall be final and conclusive, unless exceptions thereto shall be filed by the said dissatisfied person or the chief inspector of the department of mines within seven days after the filing of said commis-

sion's report. If exceptions are filed, the court shall at once hear, and, upon testimony taken thereon, determine them, and enter an order in accordance with such determination. For their services each of said commissioners shall receive five dollars per day and their necessary expenses, which shall be taxed and paid as a part of the cost of said proceeding.

Appeals by employees.

SEC. 3. In event the employees at any mine, represented by seventy-five per cent of their number, shall be dissatisfied with the inspection of said mine made by an assistant inspector of mines, they shall have a right to appeal in writing to the chief inspector, setting forth in said writing, clearly and in detail the reason or reasons for their dissatisfaction; and the chief inspector shall carefully consider said appeal and promptly take action thereon, which may consist of ordering another inspection to be made by said assistant inspector alone or in company with another assistant inspector detailed by the chief inspector for the purpose, should such course appear to him to be warranted by the facts set forth in the appeal, or of such other action as to said chief inspector may appear to be just and proper in the premises. Said appeal in writing shall be signed by the dissatisfied persons.

ARTICLE XVIII.

Scales.

SECTION 1. The operator or superintendent of every coal mine in this State, to which this act applies, at which miners are paid by weight shall provide at such mine suitable and accurate scales for the weighing of the coal for which the miners are to be paid; and when differences arise between the operator or superintendent of the mine and the miners employed in the same as to the accuracy or capacity of the scales, the question shall be referred to the county inspector of weights and measures, whose duty it shall be to inspect and test said scales as early as practicable after receiving notification; and should said inspector find the scales inaccurate or defective beyond the limit admitted in scales of standard manufacture, he shall notify the operator or superintendent of the mine and said scales shall forthwith be repaired and made accurate, or accurate scales be substituted therefor.

SEC. 2. Any operator or superintendent of a coal mine who refuses or willfully fails to comply with the instructions to render his mine scales accurate shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than fifty dollars.

[The general assembly passed an act, during the session of 1914, abolishing the office of county inspector of weights and measures. The status of the earlier law (chapter 108, Acts of 1906) providing for the inspection of mine scales, in view of such a condition, is not therefore clear.]

ARTICLE XIX.

Operator may adopt rules.

SECTION 1. The operator of any coal mine to which this act applies shall have the right to adopt special rules for the government and operation of his mine or mines not in conflict with the provisions of this act or any amendment or amendments thereto, covering all the work pertaining thereto in and out of the mine, but before said rules shall be in effect they shall be approved in writing by the chief inspector of mines. Such rules when so adopted and approved in writing by the chief inspector shall be printed on cardboard in the language spoken by ten or more employees at such mine or mines, and shall be posted in the drum house, tippie, or other conspicuous place about the mine where the same may be seen and observed by the employees at such mine; and when said rules are so adopted and approved by the chief inspector and posted all employees at such mine shall be deemed to have notice thereof, and to have agreed to the provisions thereof, and persons violating any such provisions thereof shall upon conviction be punished as provided in article twenty-one of this act.

Printed copies.

SEC. 2. It shall be the duty of such mine operator when so requested by an employee to furnish a printed copy of such rules to the employee so requesting the same.

Failure to post rules.

SEC. 3. In case of the failure upon the part of such operator to post said rules after the same shall have been adopted and approved by the chief inspector of mines, he shall be deemed guilty of a misdemeanor and upon conviction be punished as provided in section 2, of article twenty-one of this act.

ARTICLE XX.

[SECTION 1.] It shall be the duty of all persons employed in and about the mines to observe and obey the mining laws and the mine rules adopted for the safe government and operation of the mine in or about which such persons are employed, and to exercise such reasonable care as may be necessary to preserve their own health and safety and the health and safety of other persons employed in and about such mine.

Duty to observe rules.

ARTICLE XXI.

SECTION 1. Any person who shall intentionally or carelessly injure any safety lamp, instrument, air course, or brattice; or who shall without proper authority handle, remove, or render useless any "fencing," means of signaling, apparatus, instrument, or machinery; or shall without proper authority obstruct or throw open airways, or enter a place in or about a mine against a notice or signal of caution, or open any door, the opening of which is forbidden; and anyone who shall carry fire, open lights, matches, pipes or other smoker's articles beyond any station inside of which locked safety lamps are used, or open a door used for directing ventilation in a mine and not close it promptly, or disobey any order given in carrying out the provisions for safety set forth in 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 machinery are endangered, shall, except as otherwise in this act provided, be deemed guilty of a misdemeanor and shall upon conviction be punished as is provided in section two of this article.

Offenses.

SEC. 2. Any person who neglects or refuses to perform the duties required of him by this act, or by the rules regularly adopted in conformity with this act for the government and safe operation of any mine, or who violates any of the provisions or requirements thereof, shall, except as otherwise provided in this act, be deemed guilty of a misdemeanor and shall upon conviction thereof in the circuit court of the county in which the misdemeanor was committed be punished by a fine not exceeding two hundred dollars. Any violation of this act which has been declared to be a misdemeanor by any provisions thereof shall be punished in like manner, unless other punishment be provided therein.

Violations.

Approved March 23, 1914.

LOUISIANA.

ACTS OF 1914.

ACT No. 16.—*Protection of employees on street railways.*

SECTION 1. It shall be unlawful for any corporation, person or receiver operating a line of electric street railways in the State of Louisiana, to require or permit the operation upon its lines of any electric car during the period beginning September 1, and ending May 1, of each year, unless each end of such car be provided with solid vestibule which shall fully protect the motorman, conductor and such passengers as may be compelled to stand on the platform.

Vestibules required.

Term.

SEC. 2. The officers and manager of any corporation or any person or receiver operating the line of electric street railways in the State of Louisiana, who shall in any manner violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof before any court of competent jurisdiction, shall be fined not more than three hundred (\$300) dollars or imprisoned not more than six months, or both at the discretion of the court having jurisdiction: *Provided*, That each day upon which said act shall be violated shall constitute a separate offense and shall be punished as such.

Violations.

Approved June 15, 1914.

ACT No. 20.—*Compensation of workmen for injuries.*

SECTION 1. This act shall apply only to the following:

1. Every person in the service of the State, or of any parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission in this State authorized by law to hold property and to sue and be sued, under any appointment or contract of hire, express or implied, oral or written, except an official of the State, or of any parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission in this State authorized by law to hold property and to sue and be sued; and for such employee and employer the payment of compensation, according to and under the terms, conditions and provisions hereinafter set out in this act, shall be exclusive, compulsory and obligatory: *Provided*, That one employed by a contractor who has contracted with the State, parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission in the State, through its proper representative, shall not be considered an employee of the State, parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission.

Scope of law.

2. Every person performing services arising out of and incidental to his employment in the course of his employer's trade, business or occupation in the following hazardous trades, businesses and occupations:

(a) The operation, construction, repair, removal, maintenance and demolition of railways and railroads, vessels, boats, and other water crafts, terminal docks, street railways, factories, mills, including rice mills, cotton-oil mills, sawmills, shingle mills, planing mills and syrup mills, power laundries, power bakeries, foundries, forges, smelters, blast furnaces, machine shops, coke-burning plants, lime-burning plants, bleaching works, dyeing works, potteries, phosphate and sulphur works, rendering works, slaughterhouses, meat-packing plants, ice plants, warehouses, marble or stonecutting or polishing plants, ship-building and ship-repairing plants and yards, mines, mining plants, quarries, oil, gas, sulphur, salt or other wells, heating plants, lighting plants, power plants, waterworks, pumping works, coal yards, lumber-yards, building-material yards, derricks, bridges, junk yards, malt houses, breweries, freight or passenger elevators, stockyards, harvesting

Hazardous trades.

machinery, threshing machine, cotton gins, cotton compresses, sugar-houses, sugar and other refineries, sash and door factories, woodworking establishments, printing and photo-engraving establishments, book-binding and general presswork, skidders, engineering works. Rigging or coaling of vessels, or loading or unloading the cargoes of vessels, logging and lumbering, storing ice, paving with asphalt or other molten material, excavating or grading with power machinery or with the use of an explosive, working in compressed air, dredging, pile driving, boring, moving safes, chimney sweeping. The construction, installation, operation, alteration, removal or repair of wires, cables, switchboards or apparatus charged with electrical current. Work in any of the building or metal trades in the erection, construction, extension, decoration, alteration, repair or demolition of any building or structural appurtenances. Any occupation entailing the manufacture, transportation, care of, use of, or regular proximity to dangerous quantities of gunpowder, dynamite, nitroglycerin, and other like dangerous explosives. The installation, repair, erection, removal or operation of boilers, furnaces, engines, and other forms of machinery.

Definitions.

"Factory" means any premises wherein mechanical power is used in manufacturing, making, altering, adapting, ornamenting, finishing, repairing or renovating any article or articles for the purpose of trade or gain, or of the business carried on therein.

"Mine" means any opening into and beneath the surface of the earth for the purpose of extracting any mineral or minerals, and all underground workings, slopes, shafts, galleries and tunnels, and other ways, cuts and openings connected therewith, including those in the course of being opened, sunk or driven; and includes also the appurtenant structures at or about the openings of a mine and any adjoining work-place where the material from a mine is stored or prepared for use or shipment.

"Quarry" means any place, not a mine, including a bank or pit, where shell, stone, slate, clay, sand, gravel or other material is dug or otherwise extracted from the earth or ground for the purpose of trade or barter or of the employer's trade or business; and includes also the appurtenant structures at or about the openings of a quarry and any adjoining work place where the material from a quarry is stored or prepared for use or shipment.

"Railways" and "railroads" also includes work in or about depots, powerhouses, roundhouses, cars, locomotives, and all other appurtenances, and in private yards, terminals, switches, etc., and work on railroads for express companies.

Trades not enumerated.

3. If there be or arise any hazardous trade, business or occupation or work other than these hereinabove enumerated, it shall come under the provisions of this act. The question of whether or not a trade, business or occupation not named herein is hazardous may be determined by agreement between the employer and employee or by submission at the instance of either employer or employee to the judge of the court which shall have jurisdiction over the employer in a civil case. The decision of the court shall not be retroactive in its effect.

Voluntary contracts.

4. An employer and any employee in a trade, business or occupation not specified in paragraph 2 of this section and any one engaged in a trade, business or occupation that may not be determined to be hazardous under the operation of paragraph 3 of this section, may, prior to the accident, voluntarily contract in writing to come under the benefit and protection of the provisions of this act with the same force and effect as though they had been specifically included instead of omitted.

Compensation payable when.

Sec. 2. 1. If a workman employed as hereinabove set forth in paragraph 1 of section 1 (except a workman who shall be eliminated from the benefit of this act for the causes and reasons set forth in section 28 of this act) receives personal injury by accident arising out of and in the course of such employment his employer shall pay compensation in the amounts and to the person or persons hereinafter specified.

Excluded employments.

Sec. 3. 1. This act, except sections 4 and 5, relating to defenses, shall not apply to any employer or employee engaged in the trades, businesses and occupations specified in paragraph 2 of section 1, nor to those that may be determined to be hazardous under the operation of paragraph 3 of section 1, unless prior to the injury they shall have so

elected by agreement, either express or implied, as hereinafter provided. Such an agreement shall be a surrender by the parties thereto of their rights to any other method, form, or amount of compensation or determination thereof than as provided in this act, and shall bind the employee himself, his widow and relations and dependents as hereinafter defined, as well as the employer and those conducting his business during bankruptcy and insolvency.

Effect of agreements.

2. Every contract of hiring, verbal, written or implied between an employer and any employee engaged in the trades, businesses or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1, now in operation or made or implied prior to the time fixed for this act to take effect shall after this act takes effect be presumed to continue subject to the provisions of this act unless either party shall at any time not less than thirty days prior to the accident, in writing, notify the other party to such contract that the provisions of this act other than sections 4 and 5 are not intended to apply.

Presumptions as to contracts.

3. Every contract of hiring, verbal, written or implied, between any employer or employee engaged in the trades, businesses or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1, made subsequent to the time provided for this act to take effect, shall be presumed to have been made subject to the provisions of this act, unless there be as a part of said contract an express statement in writing not less than thirty days prior to the accident, either in the contract itself or by written notice by either party to the other, that the provisions of this act other than sections 4 and 5 are not intended to apply, and it shall be presumed that the parties have elected to be subject to the provisions of this act and to be bound thereby.

Same subject.

4. Any workman of the age of eighteen and upwards engaged in the trades, businesses or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1, shall himself exercise the election hereby authorized; the right of election hereby authorized shall be exercised on behalf of any workman under the age of eighteen by his parent or guardian: *Provided*, That this act shall not apply to workmen of less than the minimum age prescribed by law for the employment of minors in the trades, businesses or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1.

Minors.

5. The agreement between any employer or employee engaged in the trades, businesses or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1, for the operation of the provisions of this act other than sections 4 and 5 may be terminated by either party upon thirty days' written notice prior to the accident.

Termination of agreements.

6. Where the notice is to be served upon one who is under the age of eighteen years, said notice must be served upon the parent, tutor or guardian of said individual under the age of eighteen years.

Notice to parents, etc., when.

SEC. 4. 1. If an employee has elected as aforesaid to come under this act and his employer has elected as aforesaid not to come under this act, then if an action is brought by the employee or relation or personal representative to recover for personal injuries sustained after such election by the employer arising out of and in the course of his employment, it shall not be a defense.

Defenses abrogated, when.

(a) That the employee assumed the risks inherent in or incidental to or arising out of his employment, or the risks arising from the failure of the employer to provide and maintain a reasonably safe place to work or arising from the failure of the employer to furnish reasonably safe tools and appliances, or that the employer exercised reasonable care in selecting reasonably competent employees in the trade, business or occupation.

(b) That the injury was caused by the negligence of a fellow employee.

(c) That the employee was negligent.

Presumption as to negligence.

2. In an action by an employee against an employer for personal injury sustained arising out of and in the course of the employment where the employer has elected to reject the provisions of this act, it shall be presumed that the injury to the employee was the direct result and arose out of the negligence of the employer; and that such negligence was the proximate cause of the injury, and in such case the burden of proof shall rest upon the employer to rebut the presumption of negligence.

Defenses available, when.

SEC. 5. 1. If an employer has elected as aforesaid to come under this act and his employee has elected as aforesaid not to come under this act, then if an action is brought by the employee to recover damages for personal injury sustained after the employee has so elected, and arising out of and in the course of his employment the employer shall have all the defenses which he would have had if this act had not been enacted.

Waiver of refection.

2. An employee who has given notice to his employer in writing as aforesaid that he elects not to be subject to the provisions of this act, may waive such election by a notice in writing, which shall take effect immediately.

Employees of contractors.

SEC. 6. 1. Where any person (in this section referred to as principal) undertakes to execute any work, which is a part of his trade, business or occupation, or which he has contracted to perform, and contracts with any other person (in this section referred to as contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this act, reference to the principal shall be substituted for reference to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

2. Where the principal is liable to pay compensation under this section, he shall be entitled to indemnity from any person who would have been liable to pay compensation to the workman independently of this section, and shall have a cause of action therefor.

3. Nothing in this section shall be construed as preventing a workman from recovering compensation under this act from the contractor instead of from the principal.

4. A principal contractor, when sued by a workman of a subcontractor, shall have the right to call in that subcontractor or any intermediate contractor or contractors as defendant or codefendant.

Liability of third persons.

SEC. 7. 1. When an injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim compensation under this act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this act any employer having paid the compensation or having become liable therefor shall be subrogated to the rights of the injured employee to recover against that person, and may compromise the claim therefor in his discretion: *Provided*, If the employer shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this act then any such excess shall be paid to the injured employee less the employer's legitimate and reasonable expenses and costs of the action, which payment shall be credited upon the balance of compensation, if any, that may become due thereafter.

Compensation for:

SEC. 8. 1. Compensation shall be paid under this act in accordance with the following schedule of payments:

Temporary total disability.

(a) For injury producing temporary total disability to do work of any reasonable character, fifty per centum of the average weekly wages, subject to a maximum compensation of ten dollars per week and a

minimum compensation of three dollars per week: *Provided*, That, if at the time of the injury the employee was receiving wages of three dollars or less per week, then the compensation shall be full wages per week. This compensation shall be paid during the period of disability not, however, beyond three hundred weeks.

(b) For injury producing temporary partial disability, the compensation shall be fifty per centum of the difference between the average weekly wages of the employee before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week for a period not exceeding three hundred weeks, compensation to cease whenever employee is able to earn as much as he did before the accident. Temporary
partial disability.

(c) For injury producing permanent partial disability, the compensation shall be one-half of the difference between the average weekly wages of the injured employee before the injury and the average weekly wages which he is able to earn thereafter, subject to a maximum of ten dollars per week, to be paid for a period not exceeding three hundred weeks. In cases included by the following schedule, compensation for such injury shall be paid as long as employee is unable to earn as much as he did before accident, subject to the following maximum schedules: Permanent
partial disability.

For the loss of a thumb, fifty per centum of the average weekly wages during not more than fifty weeks. Schedule.

For the loss of a first finger, commonly called the index finger, fifty per centum of the average weekly wages during not more than thirty weeks.

For the loss of any other finger, or a great toe, fifty per centum of the average weekly wages during not more than twenty weeks.

For the loss, by separation, of any toe other than the great toe, fifty per centum of the average weekly wages during not more than ten weeks.

The loss of the first phalanx of the thumb, or of two phalanges of any finger or toe, shall be considered to be equal to the loss of one-half of such member, and compensation shall be one-half of the amount above specified.

The loss of more than one phalanx of the thumb or more than two phalanges of any finger or toe shall be considered as the loss of the entire member: *Provided, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a hand, fifty per centum of the average weekly wages during not more than one hundred and fifty weeks.

For the loss of an arm, fifty per centum of the average weekly wages during not more than two hundred weeks.

For the loss of a foot, fifty per centum of the average weekly wages during not more than one hundred and twenty-five weeks.

For the loss of a leg, fifty per centum of the average weekly wages during not more than one hundred and seventy-five weeks.

For the loss of an eye, fifty per centum of the average weekly wages during not more than one hundred weeks.

For the loss of both hands, or both arms, or both feet, or both legs, or both eyes, or one hand and one foot, shall constitute total and permanent disability to be compensated according to the provisions of clause "d" of this section.

Amputation between the elbow and wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be equivalent to the loss of a foot.

In no case shall payments be made under more than one clause of this subsection, nor in any case after the employee is able to earn as much as he did before the accident.

The amounts specified in this subsection are all subject to the same limitations as to the maximum and minimum as are stated in clause "a" of this section.

(d) For injury producing permanent total disability to do work of any character, fifty per centum of the average weekly wages, but not more than ten dollars nor less than three dollars per week for a period not exceeding four hundred weeks. Compensation
for permanent to-
tal disability.

Death.

(e) For injury causing death within one year after the accident, there shall be paid to the legal dependents of the employee wholly dependent upon his earnings for support at the time of the injury, a weekly sum as hereinafter provided not to exceed one-half of the average weekly wages of the employee as herein defined, but not more than ten dollars nor less than three dollars a week, for a period of three hundred weeks. If the employee leaves legal dependents only partly dependent upon his earning for support at the time of the injury, the weekly compensation to be paid as aforesaid shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents in the year prior to his death, bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been paid to an employee before his death, the compensation to dependents shall begin on the date of the last of such payments, but shall not continue for more than three hundred weeks from the date of the injury.

Dependents.

2. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(a) A wife upon a husband with whom she was living at the time of the injury and whom she has not abandoned for cause at the time of his death.

(b) A husband mentally or physically incapacitated from wage earning upon a wife with whom he was living at the time of her injury.

(c) A child or children under the age of eighteen years (or over said age, if physically or mentally incapacitated from earning) upon the parent with whom he is, or they are, living at the time of the injury of such parent. In case there is more than one child, thus dependent, the death benefit shall be divided equally among them. In case there are both surviving wife and children or surviving husband and children entitled to compensation, the compensation shall be paid entirely to the surviving husband or the surviving wife, for the common benefit of such wife or husband and the children. In all other cases, question of legal dependency, in whole or in part, shall be determined in accordance with the facts as they may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent the death benefit shall be divided equally among them, and the persons partially dependent, if any, shall receive no part thereof; if there is no one wholly dependent, and more than one person partially dependent, the death benefit shall be divided among them according to the relative extent of their dependency. No person shall be considered a dependent unless a member of the family of the deceased employee, or bearing to him the relation of husband or widow, or lineal descendant or ascendant, or brother or sister, or legally adopted child.

Payments to dependents.

(d) Payments to such dependents shall be computed and divided among them on the following basis:

If widow alone, 25 per cent of the average weekly wages of deceased.

If widow and one child, 40 per cent of the average weekly wages.

If widow and two or more children, 50 per cent of the average weekly wages.

If one child alone, 25 per cent of the average weekly wages of deceased.

If two children, 40 per cent of the average weekly wages.

If three or more children, 50 per cent of the average weekly wages.

If father or mother, 25 per cent of the average weekly wages of deceased. If both, 50 per cent of the average weekly wages.

If one brother or sister, 25 per cent of the average weekly wages of deceased, with 10 per cent additional for each brother or sister in excess of one.

If other dependents than those above enumerated, 20 per cent of the average weekly wages for one and 10 per cent additional for each such dependent in excess of one.

If the total benefits according to this clause exceed 50 per cent, they shall be abated proportionally.

Marriage or death of beneficiaries.

(e) The marriage or death of any dependent shall terminate all payments as to such dependent, but shall not affect payments allowed other dependents.

When any minor dependent not physically or mentally incapable of wage earning, shall become eighteen years of age, payment of the portion of compensation theretofore due such minor shall cease.

(f) In case of death, the employer shall pay, or cause to be paid, the reasonable expenses of his last sickness and burial, not exceeding one hundred dollars. Burial, etc., expenses.

3. The term "average weekly wages" as used in this act shall mean the annual earnings of the injured employee divided by fifty-two. Where, by reason of the shortness of the time during which the employee has been in the employment of his employer, or the nature or terms of the employment [if] is impracticable to compute the average weekly wages as above defined, regard may be had to the average weekly amount which, during the twelve months previous to the injury was being earned by a person in the same grade, employed at the same work, by the same employer; or, if there is no person so employed, by a person in the same grade, employed in the same class of employment and in the same district. Wages defined.

4. No compensation shall be paid for the first two weeks after injury is received, nor in any case, unless the employer is notified thereof within the period specified in section 11. Waiting time.

5. During the first two weeks after the injury, the employer shall furnish reasonable medical, surgical and hospital service and medicine as not to exceed one hundred dollars unless the employee refuses to allow them to be furnished by the employer. Medical, etc., aid.

6. Any voluntary payments made by the employer or his insurer to the injured workman, during the period of his disability, or to his dependents, which, by the terms of this act, were not due and payable when paid, may, subject to the approval of the court, be deducted from the amount to be paid as compensation: *Provided*, That in case of disability, such deduction shall be made by shortening the period during which compensation shall be paid, and not by reducing the amount of the weekly payments. Voluntary payments.

7. Payments of compensation due under this act, shall be paid as near as may be, at the same times and places as wages were payable to the injured employee before the accident; but a longer interval may be substituted by agreement, with the approval of the court. Time of compensation payments.

8. The amounts payable periodically as compensation may be commuted to a lump-sum payment at any time by agreement of the parties; subject to the approval of the court and upon the payment of such lump sum the liability of the employer making such payment under this act, shall be fully satisfied. Lump sums.

SEC. 9. 1. An injured workman shall submit himself to examination by a duly qualified medical practitioner provided and paid for by the employer, as soon after the accident as demanded, and from time to time thereafter, as often as may be reasonably necessary and at reasonable hours and places, during the pendency of his claim for compensation or during the receipt by him of payments under this act. Medical examinations.

2. It shall be the duty of the employer to cause such examination, provided for in paragraph 1 of this section to be made of the injured workman, immediately after knowledge or notice of the accident and to serve a copy of the report by his medical practitioner of such examination upon the workmen within six days after such examination. If no such examination be made and report furnished by the employer within that time, the workman shall furnish a report of an examination made by his medical practitioner to the employer, for which the employee shall be entitled to receive from the employer the sum of one dollar. Upon the receipt by either party of such a report from the other party, the party receiving it, if he disputes such report or any statement therein, shall notify the other party of that fact within six days, otherwise such report shall be prima facie evidence of the facts therein stated in subsequent proceedings under this act.

3. If there be any dispute thereafter as to the condition of the workman, the judge of the court which would have jurisdiction in a civil case, or, where there is more than one judge of said court, then either or any of said judges of said court, upon application of either party, shall order an examination of the workman to be made by a medical practitioner appointed by the court. The fees of such examiner shall be fixed Disputes.

by the court at not to exceed ten dollars, and shall be paid in advance by the applicant. Such medical examiner shall report his conclusions from such examination to the court, and such report shall be prima facie evidence of the facts therein stated in any subsequent proceedings under this act.

Suspension of rights. SEC. 10. 1. If the workman refuses to submit himself to a medical examination as provided in section 9, or in any wise obstructs the same, his right to compensation and to take or prosecute any further proceedings under this act shall be suspended until such examinations take place. And, when a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

Notice and claim. SEC. 11. 1. No proceedings under this act for compensation shall be maintained unless a notice of the injury shall have been given to the employer within fifteen days after the accident, or in case of death within thirty days and unless either a claim for compensation with respect to such injury or any payment under section 8 of this act shall have been made within six months after the date of the injury or death. Such notice may be given or made by any person claiming to be entitled to compensation or by some one in his behalf.

Statement to be posted. SEC. 12. 1. It shall be the duty of the employer to cause to have printed and to keep posted at some convenient and conspicuous point about the place of business a notice reading substantially as follows: "In case of accidental injury or death the injured employee or some one acting in his behalf, must give notice to (here shall follow the name and address of the party) within fifteen days, and unless notice be given to above party within fifteen days, no payments will be made under the law for such injury or death." In the event of the failure of the employer to keep posted said notice, the time in which notice of the injury shall be given as provided in section 11 shall be extended to six months from the date of injury.

Form of notice. SEC. 13. 1. The notice and claim provided for in section 11 shall be made in writing and such notice shall contain the name and address of the employee, and shall state in ordinary language the time, place, nature and cause of the injury, and shall be signed by him or by a person on his behalf, or, in the event of death, by any one or more of his dependents or by a person on their behalf. The notice may include the claim.

To whom given. SEC. 14. 1. Any notice or claim under this act shall be given to the employer, or, if the employer be a partnership, then to any one of the partners. If the employer be a corporation, then the notice may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation, or any agent in charge of the business at the place where the injury occurred. If the employer be a body politic then the notice may be given to the individual connected with said body politic upon whom process may be served: *Provided, however,* That in any case notice of accident may be given to the person designated in the notice posted in accordance with section 12. Such notice shall be given by delivering it or sending it by mail by registered letter addressed to the employer of his or its hereinabove designated officer or agent at his or its last known residence or place of business.

Sufficiency of notice. SEC. 15. 1. A notice given under the provisions of section 11 of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature or cause of the injury, or otherwise, unless it is shown that the employer was in fact misled to his injury thereby. Want of notice or delay in giving notice shall not be a bar to proceedings under this act if it be shown that the employer, or his agent or representative, had knowledge of the accident, or that the employer has not been prejudiced by such delay or want of notice.

Persons not sui juris. SEC. 16. 1. In case an injured workman is mentally incompetent or a minor, or where death results from the injury, in case any of his dependents as herein defined is mentally incompetent or a minor, at the time when any right, privilege or election accrues to him under this act, his duly qualified curator or tutor, as the case may be, may, in his behalf, claim and exercise such right, privilege or election, and no

limitation of time, in this act provided for, shall run, so long as such incompetent or minor has no curator or tutor as the case may be.

2. Payment of compensation under this section by an employer to a dependent subsequent in right to another or other dependents shall protect and discharge the employer unless and until such dependent or dependents prior in right shall have given the employer notice of his or their claim. In case the employer is in doubt as to the respective rights of rival claimants the employer may apply to the court to decide between them. Payments
valid.

Sec. 17. 1. The interested parties shall have the right to settle all matters of compensation between themselves. But all agreements of settlement shall be reduced to writing and shall be substantially in accord with the various provisions of this act, and shall be approved by the court which would have jurisdiction in a civil case, or, where there is more than one judge of said court, then by either or any of said judges of said court. The agreement between employer and employee shall be presented to the court upon joint petition of employer and employee, which petition must be verified by both parties. The settlement so approved shall be immediately entered as the judgment of the court, and such judgment shall have the same force and effect and may be satisfied as other judgments of the same court. Agreements.

Sec. 18. 1. In case of a dispute over, or failure to agree upon a claim for compensation between employer and employee, or the dependents of the employee, either party may present a verified complaint to the judge of the court which would have jurisdiction in a civil case, or, where there is more than one judge of said court, then to either or any of said judges of such court, setting forth the names and residences of the parties and the facts relating to employment at the time of injury, the character and extent of the injury, the amount of wages being received at the time of the injury, the knowledge of the employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto. Reference to
court.

2. Upon the presentation of such complaint, it shall be filed with the clerk of the court and the judge shall fix by order a time and place for the hearing thereof, not less than three (3) weeks after the date of the filing of said complaint. A copy of said complaint and order shall be served as summons in a civil action upon the adverse party within four (4) days after filing the complaint; within seven (7) days after the service of such complaint or petition the adverse party shall file an answer to said petition, which shall admit or deny the substantial averments of the petition, and shall state the contention of the defendant with reference to the matter in dispute as disclosed by the petition. The answer shall be verified in like manner as required for a complaint or petition. The court in its discretion may grant further time for filing the answer or hearing the complaint and allow amendments of said petition and answer at any stage of the proceedings. Hearings.

3. If the time fixed for filing answer or delay, granted for filing answer by the respondent has elapsed without an answer having been filed, then upon simple request of petitioner the judge of the court, with whom the complaint or petition has been filed shall immediately enter a judgment in favor of petitioner in accord with the facts set forth in the verified petition filed by petitioner and the provisions of this act. Judgment on
petition.

4. If an answer has been filed by the respondent within the delays allowed by law or granted by the court, or if no judgment has been entered as provided in the paragraph immediately above at the time fixed for hearing, or any adjournment thereof, the said judge shall hear such witnesses as may be presented by each party. Either party shall have the right to be present at any hearing or to appear through an attorney or any other agent. The judge shall not be bound by the usual common-law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided. The judge shall decide the merits of the controversy as equitably, summarily, and simply as may be. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed Procedure.

and collected as are allowed, taxed and collected for like services and proceedings in civil cases. The judgment rendered by the court shall have the same force and effect and may be satisfied as other judgments of the same court.

Appeals.

SEC. 19. 1. Either the employer or employee shall have the right to appeal to the proper appellate court from the judgment rendered as provided in paragraph 3 of section 1, and in section 18. To such an appeal preference in hearing shall be given by the appellate court such as is given in causes in which the State is an interested party. Such appeal may be prosecuted by either employer or employee without the necessity of furnishing an appeal bond and shall suspend the operation of the judgment appealed from.

Modifications of awards.

SEC. 20. 1. A judgment of compensation may be modified at any time by subsequent agreement between employer and employee, with the approval of the judge of the court that rendered the judgment sought to be modified, or any time after one year when said judgment of compensation shall have become operative, it may be reviewed by the judge of the court that rendered the judgment sought to be modified upon the application of either employer or employee, on the ground that the incapacity of the injured employee has subsequently increased, such increase growing directly out of the injury for which compensation had been allowed or diminished. In such case the provisions of paragraphs 1 and 3 of section 9 with reference to medical examination shall apply.

Benefits preferred.

SEC. 21. 1. All rights of compensation granted by this act shall have the same preference and priority for the whole thereof against the assets of the employer as is allowed by law for any unpaid wages for labor.

Exemptions.

SEC. 22. 1. Claims or payments due under this act shall not be assignable and shall be exempt from all claims of creditors and from levy or execution or attachment or garnishment except under a judgment of court for alimony in favor of a wife or ascendant or descendant. Fees of attorneys and physicians for services under this act shall be reasonable and measured according to the workman's station and shall be approved by the court.

Insurance policies.

SEC. 23. 1. No policy of insurance against liability arising under this act shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all installments of the compensation that may be awarded or agreed upon, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy, or otherwise. Such agreement shall be construed to be a direct obligation by the insurer to the person entitled to compensation, enforceable in his name. No policy of insurance against liability under this act shall be made unless such policy shall cover the entire liability of the employer under this act.

Presumptions as to knowledge.

SEC. 24. 1. All policies insuring the payment of compensation under this act must contain a clause to the effect that as between the employee and the insurer the notice to the insured or the knowledge of the occurrence of the injury on the part of the insured shall be deemed to be notice or knowledge on the part of the insurer, as the case may be, that the jurisdiction of the insured for the purpose of this act shall be the jurisdiction of the insurer; and that the insurer shall in all things be bound by and subject to the awards, judgments, or decrees rendered against such insured.

Rights of beneficiaries.

SEC. 25. 1. If any employer shall carry insurance against liability under this act, and said employer shall be or become insolvent, or any execution upon a judgment for compensation is returned unsatisfied, an employee of such employer, or the dependents of a deceased employee who shall be entitled to payments under this act may enforce their claim to payments against the insurer of such employer to the same extent that the employer could have enforced his claim against such insurer had he made such payments, any provision contained in any policy or agreement of insurance written after the date of the approval of this act to the contrary notwithstanding. And the making of accrued payments to the person entitled thereto, in accordance with the provisions of this act, shall relieve such insurer from liability.

SEC. 26. 1. Every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act. No company or association shall enter into any such policy of insurance unless its form shall have been approved by secretary of state of Louisiana. Policies subject to act.

SEC. 27. 1. An employer and employee who have elected to come under the provisions of this act or who may be under the provisions of this act as provided in paragraph 1 of section 1, may by written agreement between themselves provide for compensation, in event of injury to an employee, over and above the compensation to be awarded under the provisions of this act. Such additional compensation may be provided for by the employer insuring his liability therefor in any insurance company or association authorized to do business in the State of Louisiana, and the premium therefor may be paid by employer and employee in such proportion as may be agreed upon between them. Additional benefits.

SEC. 28. 1. No compensation shall be allowed for an injury caused (1) by the injured employee's willful intention to injure himself or to injure another, or (2) by the injured employee's intoxication at the time of the injury, or (3) by the injured employee's deliberate failure to use an adequate guard or protection against accident provided for him, or (4) by the employee's deliberate breach of statutory regulations affecting safety of life or limb. What injuries not compensated.

2. In determining whether or not an employer shall be exempt from and relieved of paying compensation because of injury sustained by an employee for the causes and reasons set forth in this section, the burden of proofs shall be upon [upon] the employer. Burden of proof.

SEC. 29. 1. Where a judgment has been rendered under the provisions of this act in favor of a minor or interdict, the tutor or curator shall be required by the court to furnish a bond in favor of the court for the faithful performance of his duties, and shall be required by the court to furnish it annually with a report or accounting of the funds the said tutor or curator may be administering for the said minor or interdict. This report or accounting of the tutor or curator is not to be of the nature of the report of the tutor or curator required to be filed under existing laws, but it is to be a simple verified statement of the receipts of the tutor or curator with a detailed accounting of the expenditures. Bonds of tutors, etc.

SEC. 30. 1. This act shall not be construed to apply to any employer acting as a common carrier while engaged in interstate or foreign commerce by railroad, which employer, by reason of being engaged in interstate or foreign commerce by railroad, is not subject exclusively to the legislative power of the State of Louisiana, or for which employer and the employee thereof a rule of liability or method of compensation has been, or may be, established by the Congress of the United States; nor shall it apply to any employee of such common carrier injured or killed while so employed; and nothing in this act shall be construed to apply to any work done by, nor shall any compensation be payable under this act to, the master, officers, or any member of the crew of any vessel used in interstate or foreign commerce which said vessel is not registered or enrolled in the State of Louisiana. Interstate carriers.

2. Whenever an employee of a common carrier engaged in interstate or foreign commerce by railroad shall sustain a personal injury by accident, arising out of and in the course of his employment, resulting in his disability or death, it shall be presumed prima facie that such employer was, at the time of the accident, engaged in such commerce.

SEC. 31. 1. In case of personal injury (including death resulting therefrom) all claims for payments shall be forever barred unless within one year after the injury or death the parties shall have agreed upon the payments to be made under this act, or unless within one year after the injury proceedings have been begun as provided in sections 17 and 18 of this act. Where, however, such payments have been made in any case, said limitations shall not take effect until the expiration of one year from the time of making the last payment. Settlement in one year.

SEC. 32. 1. In case any employee for whose injury or death payments are due under this act shall, at the time of the injury be employed and paid jointly by two or more employers subject to the provisions of this act, such employers shall contribute to such payments in proportion to their several wage liabilities to such employee: *Provided, however,* That Two or more employers liable.

nothing in this section shall prevent any arrangement between such employers for different distribution as between themselves of the ultimate burden of such payments. If one or more, but not all such employers should be subject to this act, then the liability of such of them as are so subject shall be to pay that proportion of the entire payments which their proportionate wage liability bears to the entire wages of the employee: *Provided, however,* That such payment by such employer subject to this act shall not bar the right of recovery against any other joint employer.

Failure to pay installments.

SEC. 33. 1. In event the employer against whom there has been rendered a judgment of court awarding compensation in favor of an employee of [or] dependents should become insolvent or fail to pay six successive installments as they become due, the installments not yet payable under said judgment shall immediately become due and exigible and the judgment shall become executory for the whole amount: *Provided,* That where the employee is adequately protected by insurance and receives payments thereunder this right shall not accrue to the employee.

Rights exclusive.

SEC. 34. 1. The rights and remedies herein granted to an employee on account of a personal injury for which he is entitled to compensation under this act shall be exclusive of all other rights and remedies of such employee, his personal representatives, dependents, relations, or otherwise on account of such injury.

Penalties.

SEC. 35. 1. Nothing in this act shall affect the liability of the employer to a fine or penalty under any other statute.

Waivers.

SEC. 36. 1. No contract, rule, regulation or device whatsoever shall operate to relieve the employer, in whole or in part, from any liability created by this act except as herein provided.

Deception.

SEC. 37. 1. If for the purpose of obtaining or defeating any benefit or payment under the provisions of this act, either for himself or any other person, any person willfully makes a false statement or representation, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars or imprisoned not exceeding twelve months, or both, in the discretion of the court; and an employee from and after such conviction shall cease to receive any compensation under this act.

Accidents.

SEC. 38. 1. The word "accident," as used in this act, shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event happening suddenly or violently, with or without human fault and producing at the time objective symptoms of an injury.

Injury.

SEC. 39. 1. The terms "injury" and "personal injuries" shall include only injuries by violence to the physical structure of the body and such diseases or infections as naturally result therefrom. The said terms shall in no case be construed to include any other form of disease or derangement, howsoever caused or contracted.

Use of words.

SEC. 40. 1. Whenever in this act the singular is used, the plural shall be included; where the masculine gender is used, the feminine shall be included.

Provisions severable.

SEC. 41. 1. If any provision of this act shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall in no way affect the validity of any other portion thereof which can be given reasonable effect without the provision so declared unconstitutional or invalid.

Pending cases.

SEC. 42. 1. This act shall not affect any cause or action existing or pending before it went into effect.

Act in effect.

SEC. 43. 1. This act shall take effect and be in force from and after January 1, 1915.

Approved June 18, 1914.

ACT No. 25.—*Payment of wages—Semimonthly pay day.*

Scope of law.

SECTION 1. Every corporation, company, association, partnership, or individual person engaged in manufacturing of any kind in this State, employing as many as ten (10) or more employees, and every public-service corporation doing business in this State, shall be required to

make full payment to employees for services performed as often as once every two weeks, or twice during each calendar month, which pay days shall be two weeks apart as near as practicable, and such payment or settlement shall include all amounts due for labor or services performed up to not more than seven days previous to the time of payment, except that public-service corporations shall not be required to make payment for labor or services performed up to more than fifteen days prior to the time of payment: *Provided*, That except in the cases of public-service corporations this act shall not apply to the clerical force or salesmen.

Frequency of payments.

SEC. 2. Any corporation or any member of the board of directors of a corporation, foreman, manager, overseer, or paymaster of any company, corporation, association or partnership, or other person having employees under his control, who violates the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than two hundred and fifty dollars, and may be imprisoned for not less than ten days nor more than sixty days, or both, at the discretion of the court, for each offense, and each day's violation.

Violations.

Approved June 18, 1914.

ACT No. 62.—*Termination of contract of employment—Forfeiting wages.*

SECTION 1. It shall hereafter be unlawful for any person, individual, firm or corporation acting either for themselves or as agents or otherwise to require any of their employees to sign contracts by which said employees shall forfeit their wages if discharged before the contract is completed or if said employees resign their employment before said contract is completed; but in all such cases said employees shall be entitled only to the wages actually earned up to the time of his discharge or resignation.

Contracts for forfeits forbidden.

SEC. 2. It shall be unlawful for any individual, person, firm or corporation, acting either for themselves or otherwise, to assess any fines against their employees or to deduct any sum as fines from the wages of said employees: *Provided*, That this section shall not apply in cases where the employees willfully or negligently damage goods or works or in cases where the employees willfully or negligently damage or break the property of the employers and in such cases the fines shall not exceed the actual damage done.

Fines.

SEC. 3. Any violation of this act shall be a misdemeanor and punishable by a fine of not less than \$25 or more than \$100 or imprisonment for at least 30 days or not more than 3 months, at the discretion of the court.

Violations.

Approved July 3, 1914.

ACT No. 91.—*Employment of children—School attendance.*

SECTION 1. Parents having minor children between the age of eight and fourteen years and tutors and guardians, or other persons having the care of the person of minors between the age of eight and fourteen years, in cities of over twenty-five thousand inhabitants, the Parish of Orleans excepted, are required to send such minors to the public schools, or other schools continuously for at least four months each year: *Provided*, That separate public schools for the races are opened to receive such minors for that time in each year, otherwise it shall be sufficient that said minors attend school as long as the public-school term: *And provided further*, That the provisions of this act shall not apply * * * where a minor is the sole dependence of infirm persons or a mother or sisters in necessitous circumstances, the same to appear from a certificate signed by the superintendent of public schools of the place where such minor resides.

School attendance required.

Approved July 6, 1914.

ACT No. 133.—*Employment of children—General provisions.*

SECTION 2. Section 1 of act 301 of 1908 [shall] be amended, so as to read as follows:

Age limit.

[Section 1.] From and after the passage of this act it shall be unlawful for a person, agent, firm, company, copartnership or corporation to require or permit, or suffer or employ any child under the age of 14 years to labor or work in any mill, factory, mine, packing house, manufacturing establishment, workshop, laundry, millinery or dressmaking stores, or mercantile establishments, or hotel, or restaurants, or in any theater or concert hall or in or about any place of amusement where intoxicating liquors are made or sold or in any bowling alley, boot-blacking establishment, freight or passenger elevators or in the transmission or distribution of messages, whether telegraph or telephone or any other messages, or merchandise or in any other occupation whatsoever: *Provided*, That the provisions of this act shall not affect act 176 of 1908 [regulating the sale of intoxicating liquors].

The provisions of this act shall not apply to agricultural pursuits. Any violations of this act shall be punishable by a fine of not less than \$25 or more than \$50 or by imprisonment in the parish jail, (parish prison in New Orleans) for not less than 10 days or more than 6 months or both, at the discretion of the court.

Approved July 8, 1914.

ACT No. 150.—*Street railways—Motormen and conductors to be experienced men.*

Instruction required.

SECTION 1. No person shall act as motorman or conductor on any electric street railway in the State of Louisiana unless he shall have first received at least ten days instruction under a competent instructor or instructors employed by the company in whose services he intends to enter.

Certificate.

SEC. 2. After receiving such instruction and found qualified the last instructor shall issue to such person a certificate of fitness showing his competency either as motorman or conductor.

Exceptions.

SEC. 3. This act shall not apply to bona fide experienced qualified motormen or conductors possessing written evidence of their qualifications and length of service from their last employers, which qualification must not be less than set out in section 1 hereof.

Instructors.

SEC. 4. Competent instructors under this act shall mean motormen or conductors who have been for at least one year in the service of the company that the applicant applies to.

Violations.

SEC. 5. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars or more than one hundred dollars or be imprisoned not more than thirty days or both at the discretion of the court: *Provided*, That in cities of less than 25,000 the experience and qualification of conductors and motormen shall not be less than five days:

Proviso.

Providing, That the provisions of this act shall not apply during strikes.

Approved July 8, 1914.

ACT No. 170.—*Payment of wages due discharged employees.*

Payment required.

SECTION 1. It shall be the duty of every person, individual, firm or corporation employing laborers or other persons of any kind whatever when they have discharged said laborer or other employee, to immediately pay the laborer or employee the amount due him or them under the terms of his or their employment whether by the day, week or month: *Provided*, That at the time of discharge the said laborer or employee has thereupon demanded from the employer the amount due under his employment.

Wages continue.

SEC. 2. Any individual, firm, person or corporation employing laborers or others in this State who shall fail or refuse to comply with the provisions of article 1 of this act shall be liable to the said laborer or

other employee for his full wages until the said person, firm, or corporation shall pay or tender payment of the amount due such laborer or other employee.

Approved July 9, 1914.

ACT No. 171.—*Fire escapes on factories, etc.*

SECTION 1. Every building in the State of Louisiana, having more than two stories, and buildings having one or more galleries above the first or ground floor, such as is customary in theaters, now used or hereafter to be used, in whole or in part, as a public building, office building, * * * and every building in which persons are usually employed above the second story, in a factory, workshop, department store, or mercantile establishment; every hotel, restaurant, * * * shall have one or more fire escapes on the outside of the said buildings, as may be directed by the State labor commissioner except in such cases as he may deem such fire escapes to be unnecessary, in consequence of adequate provisions having been already made for safety in event of fire or panic; and in such cases of exemption, the said State labor commissioner shall give the owner, lessee, or occupant of said building a certificate to that effect, and his reason therefor. And such fire escapes as are provided for in this section shall be wrought iron, constructed according to specifications to be issued or approved by the State fire marshal, and shall be connected with each floor above the first, firmly fastened and secured, and of sufficient strength to sustain a weight of not less than four hundred pounds per step, on a safety factor of four; each of which fire escapes shall have landings or balconies at each story, capable of sustaining a weight of not less than eighty pounds per square foot, guarded by railings, not less than three feet in height, and embracing one or more windows or doors at each story, and connecting with the interior by easily accessible and unobstructed openings; and all the balconies or landings shall be connected by external iron stairways, placed at a slant of not more than forty-five degrees, protected by well-secured handrails; the stairway steps to be not less than six inches in width and twenty-four inches in length. Fire escapes now in use and hereafter erected must be painted once each year, and be kept in a safe condition and up to the standard requirements of this section.

SEC. 2. Where any of the aforementioned buildings are so constructed that a fire escape can not be erected upon the same without trespassing upon the property of the owner or owners of adjoining lands or buildings, and where permission to erect fire escapes has been refused by said owners of adjoining lands or buildings, it shall be the duty of the owner or owners of any of the aforementioned buildings, constructed as aforesaid, to erect an internal fireproof means of escape, the same to be located and erected under the direction of the State labor commissioner. Should the construction of any of the aforesaid buildings be such as will neither permit of an external iron fire escape nor of an internal fireproof escape, it is hereby enjoined upon the State labor commissioner to notify, in writing, the owner or owners of any building, so constructed, to discontinue the occupancy of the whole or of a part of said building for any of the purposes which make said building amendable [amenable] to the fire-escape provisions of this act.

SEC. 3. To better secure compliance with the provisions of the foregoing sections of this act, the owner or owners of any building now used for other purposes than aforesaid, which is to be adapted to any of the aforesaid uses, or of any building to be erected for any of the aforesaid purposes, shall before adapting or erecting such building, submit to the State fire marshal architectural designs and specifications of such buildings, showing that compliance with the requirements of the foregoing sections is provided for therein, and such building shall not be so adapted or erected without the approval of the State fire marshal.

SEC. 4. The owner or owners of any of the buildings mentioned in the foregoing provisions of this act, who shall willfully fail or refuse to comply with the provisions of this act, or who shall willfully fail or refuse to observe the orders for the enforcement of this act, issued to said owner or owners by the State fire marshal or the State labor

What buildings to have escapes.

Construction of escapes.

Inside escapes.

Duty of owners.

Violations.

commissioner, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment of not less than thirty days nor more than twelve months, or either or both, in the discretion of the court. And in case of fire occurring in any of said buildings, in the absence of such fire escapes, as provided for in this act, the owner or owners aforesaid shall be liable for damages, in case of death or personal injury, the result of fire or panic in any of said buildings; and such action for damages may be maintained by any person now authorized by law to sue, as in other case of loss by death or injuries.

Approved July 9, 1914.

Act No. 186.—*Bureau of labor and industrial statistics.*

SECTION 1. Sections one (1), two (2), three (3), five (5), six (6) * * * of act 155 of the general assembly of Louisiana approved July 2nd, 1908, * * * [shall] be amended and reenacted so as to read as follows:

Commissioner of labor.

Assistant commissioners.

Duties.

Powers.

Hindering, etc., commissioners.

Section 1. The governor shall, by and with the advice and consent of the senate, appoint some suitable person who shall be designated "commissioner of labor" and said commissioner of labor shall appoint with the approval of the governor two suitable persons who shall be designated "assistant commissioners of labor;" said assistant commissioners shall be residents of different sections of the State from each other and from the commissioner of labor. The headquarters of such commissioner and assistant commissioners shall be fixed at such place as the governor shall designate and they shall hold their offices for a term of four (4) years. The assistant commissioners of labor shall perform their duties under the direction and orders of the commissioner of labor.

Sec. 2. The duties of said commissioner and said assistant commissioners shall be to visit and inspect manufacturing establishments, workshops, mills, mercantile establishments, factories and other places where industrial work is being done for the purpose of enforcing the laws regulating or dealing with the conditions of employment of labor of any kind, and to prosecute all persons, firms, associations or corporations violating the labor laws of the State. It shall be the duty of such commissioner and assistant commissioners to collect, assort, systematize, and present annual reports to the governor to be by him biennially transmitted to the general assembly, within ten days after the convening thereof, statistical data relating to all departments of labor in the State, especially such data as relate to the commercial, industrial, social, educational and sanitary conditions of the laboring people and to the permanent prosperity of the productive industries of the State. It shall also be the duty of said commissioner and assistant commissioners and they shall have authority to inquire into the causes of strikes, lockouts, or other disturbances of the relation of employers and employees and to report to the governor at as early a date as possible thereafter the result of such inquiry.

Sec. 3. The commissioner or assistant commissioners shall have power to take and preserve evidence, examine witnesses under oath and administer the same, and in the discharge of his duties may enter any public institution of the State, and at reasonable hours any factory, mill, workshop, mercantile establishment or other places where labor may be employed. In the city of New Orleans the mayor shall appoint a factory inspector who may be either male or female. The commissioner and each assistant commissioner shall have power to investigate all cases where violations of the laws pertaining to the conditions or employment of labor is complained of; and it is hereby made the duty of said commissioner and assistant commissioners to order the criminal prosecution in any competent court of any person, firm, association or corporation, acting in violation of any laws of this State, regulating the conditions of the employment of labor.

Sec. 5. Any person who shall willfully impede or prevent the commissioner or assistant commissioners in the full and free performance

of his or their duties shall be deemed guilty of a misdemeanor and upon conviction of the same shall be fined not less than ten (10) nor more than fifty (50) dollars or be imprisoned not less than five (5) or more than twenty-five (25) days in the parish jail, or both, at the discretion of the court.

Sec. 6. The commissioner shall receive a salary of two thousand dollars (\$2,000) per annum and each assistant commissioner a salary of fifteen hundred dollars (\$1,500) per annum. The commissioner shall employ a secretary at a salary of one thousand dollars (\$1,000) per annum. Each of said salaries shall be payable monthly. The commissioner and assistant commissioners shall be allowed the sum of five hundred dollars (\$500) per annum for office expenses and a sum not to exceed two thousand dollars (\$2,000) per annum for traveling expenses and all other necessary expenses incurred in the performance of their duties. All of said amounts for salaries and expenses shall be payable out of the general fund upon the warrant of the commissioner.

Approved July 9, 1914.

ACT No. 201.—*Hours of labor of stationary firemen.*

SECTION 1. No factory, manufacturing establishment, office building, hotel, warehouse, workshop or any business establishment, or any person, firm or corporation in cities having a population of fifty thousand or more shall compel the stationary firemen, as defined in section five of this act, therein employed to work consecutively in any one day, more than eight hours; that a full day's labor shall be composed of eight hours and no more.

SEC. 2. The refusal by a stationary fireman, as defined under the provisions of this act, to work for more than eight consecutive hours for each day's work shall not be a lawful cause for discharging such fireman.

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

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

SEC. 5. The term "stationary fireman" wherever used in this act shall be deemed and mean to apply to any person employed in the generation of steam in stationary boilers in which coal is used as fuel.

Approved July 9, 1914.

ACT No. 294.—*Labor organizations—Protection of employees as members.*

SECTION 1. It shall be unlawful for any individual or member of any firm, or any agent, officer or employees of any company or corporation, to coerce, require, demand or influence any person or persons to enter into any agreement, either written, verbal, or implied, not to join or become or remain a member of any labor organization or association, as a condition of such person or persons securing employment or continuing in the employment of such individual, firm or corporation.

SEC. 2. Any individual or member of any firm, or any agent, officer or employee of any company or corporation violating the provisions of

this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty dollars (\$50), or imprisoned in the parish jail not less than thirty days.

Approved July 9, 1914.

Act No. 307.—*Free public employment offices.*

Municipalities may establish. SECTION 1. Municipalities are hereby authorized and empowered, by ordinance of the council, to establish and maintain a free employment bureau, and no bond shall be required in connection therewith, nor shall any license whatever, or taxes of any kind, be assessed or levied against such agency.

No fees to be charged. SEC. 2. No fees, of any nature, whatever [shall] be required for any purpose, by such municipal employment bureau.

Approved July 9, 1914.

MARYLAND.

ACTS OF 1914.

CHAPTER 26.—Days of rest for railroad employees.

SECTION 1. A new section is hereby enacted and added to article 23 of the Code of Public Civil Laws of Maryland of 1911 * * * to be known as section 325-A, and to be and read as follows:

Section 325-A. Any person employed as signalman, towerman, gateman, lever man, agent, train dispatcher, telegraph or telephone operator in a railroad signal tower or public railroad station to receive or transmit a telegraphic or telephonic message or train order for the movement of trains and who works eight hours or more in any twenty-four each and every day continuously, and all lever men employed in connection with the reception or transmission of a telegraphic or telephonic message or train order for the movement of trains and who work the number of hours aforesaid must have and shall be allowed at least two days of twenty-four hours each in each and every calendar month for rest with the regular compensation; except in cases of extraordinary emergency caused by accident, fire, flood, or danger to life or property, and for such extra service in case or cases of such emergency, such employee or employees who shall work on extra days by reason of such emergency shall be paid in addition to his regular compensation for and during the calendar month in which such extra service shall be rendered an amount equal to his average daily compensation for each day during which he performs such extra service. Any person or persons, company, corporation or association, who shall violate any of the provisions of this section shall on conviction pay a fine of not less than one hundred dollars (\$100) for each violation thereof, and such fine shall be recovered by an action of debt in the name of the State of Maryland for the use of the State, which shall sue for it against such person, company, corporation or association violating this section, said suit to be instituted in any court of this State having appropriate jurisdiction, and such fine when recovered, as aforesaid, shall be paid without any deduction whatever, one-half thereof to the informer and the balance thereof to be paid into the public school fund of the State of Maryland.

Scope of law.

Two days per month to be allowed.

Approved March 4, 1914.

CHAPTER 27.—Employment of children in street trades.

SECTION 1. Section 26 of chapter 731 of the Acts of the General Assembly of Maryland passed at the January session of 1912, * * * is hereby repealed and reenacted so as to read as follows:

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

Age limits for news boys and girls.

Approved March 4, 1914.

CHAPTER 81.—Inspection and regulation of factories, etc.—Cigar factories.

SECTION 1. One new section [shall] be added to article 27 of the Code of Public General Laws of Maryland, * * * to be known as section 244-A, and to read as follows:

Section 244-A. It shall be unlawful for any person, firm, corporation or association engaged in the manufacture of cigars to cause or permit any person, whether employee or member of such firm, corporation or

Standing or sitting on molds forbidden.

association or other person to stand or sit on or upon any mold, form or press that may be used in the molding, forming or pressing of cigars during the course or process of manufacture while such mold, form or press is being so used; and any such person, firm, corporation or association violating or causing to be violated the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five dollars (\$5) for the first offense; and not more than fifty (\$50) for the second and each subsequent offense.

Approved March 17, 1914.

CHAPTER 382.—*Employment of women—Inspectors.*

SECTION 1. Section 16 of article 100 of the Code of Public General Laws, * * * is hereby repealed and reenacted so as to read as follows:

Inspectors to be appointed.

Section 16. The governor shall appoint in the year 1912 and every fourth year thereafter, in the month of May, an inspector and two assistant inspectors of female labor, who shall be female citizens of this State of good moral character. The inspector shall receive a salary of twelve hundred dollars (\$1,200) annually, and each of the assistant inspectors a salary of nine hundred dollars (\$900) annually, and they shall be further paid the actual and necessary expense incurred by them in the discharge of their duties. They shall hold office for four years and until their respective successors shall have been appointed and have qualified, but may be removed by the governor at any time, a specific written statement of his reasons for such removal being furnished in each case by the governor to the person removed. All vacancies in the offices hereby created shall be immediately filled by the governor for the remainder of the unexpired term. The sum of six thousand dollars (\$6,000) per annum, or as much thereof as may be needed in each year is hereby appropriated to carry out the provisions of this and the next succeeding sections.

Approved April 10, 1914.

CHAPTER 429.—*Free public employment office—Agricultural labor.*

SECTION 1. Two new sections are hereby added to article 45-A of the Code of Public General Laws of Maryland, entitled "Immigration," and to be designated as sections 4a and 4b, * * *

Office to be established.

Section 4b. There shall be established in connection with the immigration bureau an agricultural employment department for the purpose of securing gratuitously efficient farm help to meet the demands for such labor in the agricultural communities of this State. There shall be kept a record of those applying for farm help and also of those seeking such employment with other data as to age, character and capacity of the applicant for work. And the commissioners of immigration shall use such means as, in their judgment, will meet the demands of this department.

Approved April 10, 1914.

CHAPTER 460.—*Commission on mine regulations.*

Commission to be appointed.

SECTION 1. William J. Witzenbacker, of Washington County; David J. Lewis, of Allegany County, and Emory L. Coblentz, of Frederick County, are hereby appointed and constituted a commission to consider and report to the governor and the general assembly such plans and measures as they may deem appropriate for the due protection of the lives and health of the miners of Maryland in their hazardous occupation, and to return and recommend with their said report upon said subject to the governor and the general assembly a form of an act or statute embodying such plans and measures as the said commission may report and commend as appropriate and desirable for the purpose aforesaid.

Service honorary.

SEC. 2. The service of the members of the said commission shall be honorary and without compensation, and that the said commission shall submit to the governor and the general assembly the report and the form of act or statute, mentioned in section 1 hereof, on or before the January first, nineteen hundred and sixteen.

Approved April 13, 1914.

CHAPTER 489.—*Workmen's compensation, insurance, etc.—Mutual companies.*

SECTION 1. Section 154 of article 23 of the Code of Public General Laws * * * is hereby repealed and reenacted with amendments, and immediately thereafter is [are] hereby added ten new sections, to be designated sections 154-A, 154-B, 154-C, 154-D, 154-E, 154-F, 154-G, 154-H, 154-I, and 154-J, pertaining to the organization and regulation of and in relation to mutual insurance associations for insuring employers against loss, damage or compensation resulting from injuries suffered by employees or other persons for which the employer or person insured is liable, and to injured employees, or, in the event of death, to their dependents, payment of the compensation for such injuries, and for insuring sick, old-age, nonemployment, and other benefits to such employees.

Scope of law.

Section 154. Corporations may be formed under the provisions of this article, for insurance purposes, and may be formed either as mutual or stock companies or as mutual or stock companies combined, as shall be determined and declared in the certificate of incorporation of any such company.

What companies may incorporate.

Sec. 154-A. No mutual insurance association or company hereafter incorporated under the provisions of this article, for the purpose of insuring employers against loss or damage resulting from accident to or injury suffered by an employee or other other [sic] person and for which the employer or person insured is liable, or the liability of the employer to pay compensation to his employees or for insuring payment of the compensation to injured employees or their dependents under any workmen's compensation law, or against loss or damage caused by a truck, wagon or other vehicle propelled by steam, gas, gasoline, electric, mechanical or other power or drawn by horses or mules used in trade or manufacture and owned by any such employer or person to any other person or to the property of another for which loss or damage the employer or person insured is liable, or for insuring sick, old-age, nonemployment, or other benefits to such employees, shall begin or transact any such business of insurance unless and until at least twenty employers, employing not less than two thousand employees, have become members of such mutual insurance association and applied for and agreed to take insurance therein, covering the liability of such employers to their employees for accidents to or injuries suffered by such employees and assuring payment of compensation to their employees or the dependents of their employees for such injuries, nor until such facts have been certified under oath to the State insurance commissioner by at least three of the persons signing the certificate of incorporation of such association and a license authorizing such association to begin writing the insurance specified in this section has been issued by the State insurance commissioner. Before granting any such license it shall be the duty of the State insurance commissioner to ascertain to his satisfaction that the membership list of the association is genuine, and that every member thereof will take the policies as agreed by him within thirty days of the granting of the license to such association to issue policies. If at any time the number of members falls below twenty or the number of employees who are employed by the members of any such association falls below two thousand, no more policies shall be issued by such association until other employers have made bona fide applications for insurance therein, who, together with the existing members, amount to not less than twenty employers who employ not less than two thousand employees, and in the event that such applications for insurance shall not be obtained within a reasonable time, to be fixed by the State insurance commissioner, said insurance commissioner may take the proceedings against such association under and as provided in subsection or division seventh of section 178 of this article (Bagby's Code).

Number of employers required.

License.

The members of any such mutual insurance association shall be policy holders therein or contributors to the fund, and when any member, ceases to be a policy holder or contributor to the fund he shall cease, at the same time, to be a member of such association. A corporation,

Lapse of membership.

partnership, association or joint stock company may become a member of such mutual insurance association and may authorize another person to represent it in any such insurance association, and such representative shall have all the rights of any individual member. Any person acting as employer in the capacity of a receiver or trustee may insure in such association and as such receiver or trustee may assume the liabilities and be entitled to the rights of a member, but shall not be personally liable upon such contract of insurance.

Any such insurance association may borrow money or assume liability in a sum sufficient to defray the reasonable expenses of its organization.

Directors and officers. Sec. 154-B. Any such mutual insurance association shall have not less than nine directors, and such officers as shall be provided in the certificate of incorporation or by the by-laws made by the members. The directors shall be elected annually by the votes of the members. All except three of the directors of any such association elected after its organization is completed and it is authorized to begin issuing insurance policies shall be members of such association. All the officers except the secretary, assistant secretary and the actuary must be members of the board of directors.

Voting. Sec. 154-C. At all meetings of the members of the association each employer member shall have one vote and one additional vote for every five hundred employees or major fraction thereof, covered by the policy held by such employer member in the association: *Provided*, That no such employer member shall have more than ten votes. The number of votes of an employer member shall be determined by the average number of employees at work and covered by said member's policy in the association during the last six months from a date not less than ten days immediately prior to the date of any such meeting. Before any such employer member shall be permitted to cast more than one vote at any meeting of members he shall file with the secretary an affidavit showing the average number of employees at work during the preceding six months covered by the employer's policy of insurance.

Employees to be represented, when. If any of the employees of any such employer members shall contribute to the funds of any such association for the purpose of being insured against temporary disability, sickness, old age or nonemployment they shall be members of such association and entitled to elect from among their number representatives equal in number to the number of votes that all of the employer members of such association are entitled to cast at any meeting of the members of such association. Each of the representatives elected by the employee members shall be entitled to one vote at any meeting of them [sic] members of such association and shall be eligible as directors or officers of such association.

Liability of members. Sec. 154-D. The association may in its by-laws and policies fix the contingent mutual liability of the members for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a member shall not be less than an amount equal to and in addition to the cash premium written in the policy. If the association is not possessed of cash funds above its unearned premium sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the members liable to assessment therefor, in proportion to their several liability. Every member shall be liable to pay and shall pay his proportionate part of any assessment which may be laid by the association in accordance with law and his contract, on account [of] losses and expenses incurred while he was a member, if he is notified of such assessment within one year after the expiration of his policy. All assessments of employer members shall be based upon present values of all future payments, and all proposed premium assessments shall be filed in the State insurance department and shall not take effect until approved by the State insurance commissioner, after such investigation as he may deem necessary. All funds of the association and the contingent liability of the members thereof shall be available for the payment of any claim against the association.

Dividends. Sec. 154-E. The board of directors may, from time to time, fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compen-

sation and other policy obligations which may be payable on account of injuries by accident and other disabilities sustained and expenses incurred. Any such association may hold cash assets in excess of its liabilities, but such excess shall be limited to one hundred per centum of its reserves for losses and expenses incurred, and may be used from time to time in payment of losses, dividends and expenses.

Sec. 154-F. Such association shall be required to maintain the same reserves for the protection of policy holders and employees who may have a right of action directly against such association as are required to be maintained by stock insurance companies in relation to the same class of insurance, except that reserves for liability for insurance of compensation under the workmen's compensation law shall be the same reserves as provided by the State industrial commission for the accident insurance fund established in pursuance to said workmen's compensation law, and the State insurance commissioner may suspend or cancel the certificate issued by him authorizing said association to transact such insurance business at any time when in the judgment of the State insurance commissioner the reserves of said association are insufficient to insure and secure the payment of its policy obligations, and the State insurance commissioner may reinstate or renew said certificate whenever by assessment or otherwise said reserves have been increased to a sum sufficient, in his judgment, to insure and secure the payment of the policy obligations of such association.

Reserves.

Sec. 154-G. Every such association shall make reports to the State insurance commissioner at the same time and in the same manner as are required from stock insurance companies transacting the same kind of business, and the State insurance commissioner may examine into the affairs of such association at any time, either personally or by any duly authorized examiner appointed by him but he must make such an examination into the affairs of said association at least once in every two years.

Reports.

Sec. 154-H. The members of any such mutual insurance association may make reasonable rules and regulations, not in conflict with the laws of the State, for the betterment of the industries in which they are engaged, including particularly rules and regulations for the prevention of accidents to employees on the premises of employer members, and they may impose fines and forfeitures for the violation of any such rules and regulations. Such rules and regulations and fines and forfeitures shall be submitted to the State industrial commission, and when approved by it shall be enforced by the directors of any such association. Should the members of such an association fail to make such reasonable rules and regulations the directors thereof shall make and submit them to the State industrial commission for its approval, and when approved by said commission the directors of such association shall enforce them. If such an association appoints one or more inspectors or experts for the purpose of accident prevention they shall have free access to all premises of employer members, where work is being conducted, during regular working hours. The policy of any member neglecting to provide suitable safety appliances as provided by law or as required by the rules and regulations of the association may be canceled and terminated by the board of directors after giving to such member notice of such cancellation ten days prior to its becoming effective.

Rules and regulations.

Sec. 154-I. After January first, nineteen hundred and sixteen, the State insurance commissioner may, in his discretion, issue a certificate of authority to a mutual association organized under the laws of another State to do such insurance in this State: *Provided*, That in no event shall authority be given to any such mutual association to do other kinds of business than those specified in section 154-A of this article. Such association shall be required to maintain the same reserves for the protection of members and employees as are required for domestic associations authorized to transact the same kind of insurance.

Foreign corporations.

Sec. 154-J. Nothing in this article shall prevent any employer and his or its employees, subject to the approval of the State industrial commission, from agreeing upon and conducting any scheme of com-

Establishment agreements.

- License. pensation, benefit or insurance for the purpose of insuring the payment of compensation or any other liability of such employer to his employees, or, in the event of death, to the dependents of such employees as the result of accidental injury to such employees, or for insuring to such employees sick, old-age or other benefits: *Provided*, Any such scheme of compensation, benefit or insurance shall maintain the same reserve as is required under section 154-F of this article of mutual insurance associations for the same kind of business and shall make reports to the State insurance commissioner and shall be subject to examination by him as is provided in section 154-G of this article for mutual insurance associations. But no such scheme shall assume any insurance risk until it receives a license from the State insurance commissioner, who shall not grant or issue to it any license until the State industrial commission certifies to him its approval of the plan of such scheme. And no such scheme shall be so approved or certified by the State industrial commission unless there are at least five hundred employees to be insured therein and the premium rates to be paid are, in the judgment of said commission, adequate for the benefits promised, and unless the scheme provides for extra payments thereto in the event they should be necessary to maintain the required reserve. But the approval of any such scheme for the insurance of so small a number of employees as five hundred shall be discretionary with the State industrial commission, which shall withhold its approval of any such scheme for the insurance of a smaller number than two thousand employees unless the financial plan of the scheme is especially strong or the risk of hazard is exceptionally low.
- Revocation of license. If the State industrial commission shall at any time find that the scheme no longer fulfills the requirements of this section, or is not fairly administered, or other valid and substantial reasons therefor exist, it shall withdraw its approval and so notify the State insurance commissioner, who shall revoke the license of such scheme. When such a license is revoked or expires, any moneys or securities held for the purposes of the scheme, shall, after due provision has been made to discharge the liabilities already accrued, be disposed of or distributed as may be arranged between the employer and his employees, or as may be determined by the commission, in the event of a difference of opinion, according to the rights of the parties.
- Where such an approved or certified scheme of compensation, benefit or insurance is in effect the employer shall answer all inquiries in regard thereto as may be required by the State industrial commission.
- Approved April 16, 1914.

CHAPTER 675.—*Inspection of factories, etc.—Health officers.*

- SECTION 1. Section 2 of article 43 of the Code of Public General Laws of Maryland, title "Health," is hereby repealed and reenacted with amendments, so as to read as follows:
- Powers of State board of health. Section 2. The State board of health shall have the general care of the sanitary interests of the people of this State; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics, the causes of mortality and the influence of locality, employments, habits and other circumstances and conditions upon the health of the people; * * *
- New sections added. Sec. 4. Six additional sections are hereby added to article 43 of the Code of Public General Laws of Maryland, title "Health," said sections to follow immediately after section 5 of article 43 and to be designated as section 5-A, section 5-B, section 5-C, * * * said sections to read as follows:
- Districts. Section 5-A. The State Board of Health of Maryland shall divide the State outside of Baltimore City into ten sanitary districts following county lines, and upon the recommendation of its secretary, and by a majority vote thereof, it shall appoint a deputy State health officer for each sanitary district.
- Deputies. Sec. 5-B. The deputy State health officers shall be trained in sanitary science and hygiene, and shall possess the same qualifications required of the State health officer, and shall hold their office during

efficiency and good behavior, but may be removed for cause by a majority vote of the State board of health after having been given an opportunity to be heard in their own defense. No deputy State health officer shall practice medicine or engage in any other occupation which would conflict with the performance of his official duties. Each deputy State health officer shall have an office located at some accessible point designated by the State board of health, within his sanitary district, and he shall receive an annual salary to be fixed by the State board of health to be not less than twelve hundred dollars nor more than twenty-five hundred dollars per annum, and shall also receive his expenses actually and necessarily incurred in the performance of his official duties.

Sec. 5-C. Each deputy State health officer, under the direction of the State board of health and the State health officer, shall have jurisdiction throughout his district; and he shall have the right of entry into any workshop, factory, dairy, creamery, slaughterhouse, or other place of business or employment, or into any private house, when in pursuit of his official duties. He shall carry out the instructions of the State board of health and shall make such investigations and reports as said State board of health may require. He shall, when required by the State board of health, inspect and report upon the sanitary condition of streams and sources of public water supply, sewerage facilities, schools and schoolhouses, dairies, creameries, slaughterhouses, workshops and factories, and all places where offensive trades or industries are conducted in his district. * * *

Approved April 16, 1914.

CHAPTER 678.—*Inspection and regulation of factories, etc.—Manufacture of food products.*

SECTION 1. From and after the approval of this act, all matters and things relating to the sanitation of factories, canneries, bakeries, confectioneries, creameries, milk plants and distributing dairies, hotels, restaurants or eating houses, packing and slaughter houses, ice-cream plants, and other places where food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever, shall be under the supervision of the State Board of Health of Maryland, which said State board of health, with its officers and such agents as may be appointed by it, is hereby vested with power and authority to carry into effect the provisions hereof.

Sec. 2. The said State Board of Health of Maryland shall cause to be inspected at reasonable hours, and as often as practicable, all factories, canneries, bakeries, confectioneries, creameries, milk plants and distributing dairies, hotels, restaurants or eating houses, packing and slaughter houses, ice-cream plants, and other places where food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose whatever, and to enforce the correction of all unsanitary conditions and practices found therein.

Sec. 3. The said State Board of Health of Maryland and its agents and inspectors in the discharge of their duties under the provisions hereof and every person, firm, association or corporation engaged in the handling of food and food products, shall be governed by the following rules and regulations, which are hereby made the law of this State:

(a) The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks, and vehicles used in the transportation of food products, shall at all times be kept in a clean and sanitary condition. Unclean and unsanitary conditions shall be deemed to exist if the food in the process of manufacture, preparation, packing, storing, sale, distribution or transportation, is not protected as far as practicable from flies, filth and all foreign or injurious contamination; or if the refuse, dirt and waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distribution and transportation of food, are not removed daily; or if all the trucks, trays, boxes, baskets and other receptacles, chutes, platform,

Powers of deputies.

Scope of law.

Who to supervise.

Inspection.

Sanitary requirements.

racks, tables, shelves and knives, saws, cleavers and other utensils and other machinery used in moving, handling, cutting, chopping, mixing, canning, and all processes, are not at all times kept clean, or if the clothing and body of operatives, employees, clerks or other persons therein employed are not kept as clean as the nature of their employment will permit.

(b) The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, ice-cream plant, milk plant and distributing dairy, hotel and restaurant kitchen, shall be kept clean; and the floor of every building, room, basement, cellar or other place occupied or used for the preparation, manufacture, packing, storing, selling or distribution of food must be kept clean.

(c) Every building, room, basement, cellar or other place occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms which shall be kept separate or partitioned from the room or rooms where the process of production, manufacture, packing, canning, selling or distribution is conducted, and the floor and all parts of such toilet room shall be kept clean.

(d) No person or persons shall sleep in any workroom of a bakeshop, creamery, cheese factory, milk plant or distributing dairy, ice-cream plant or in the kitchen, dining room or food storage room of any hotel, restaurant or boarding house.

(e) No employer shall knowingly require, permit or suffer any person to work, nor shall any person knowingly work in any building, room, basement, cellar or vehicle, or any other place occupied or used for the production, preparation, manufacture, packing, storage, sale, collection, 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 diseases, unless a person so affected shall produce a certificate from the State board of health granting him or her permission to work or be employed as aforesaid.

(f) Every building, basement, cellar or other place occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have a convenient lavatory and shall be supplied with soap, water and towels maintained in a sanitary condition.

All persons, firms, or corporations, operating canning factories affected by this act, shall be subject to the following additional rules and regulations, which are hereby made the law of this State:

(g) All rooms in which fruits, vegetables, or by-products thereof are packed and preserved, and in which manufacturing is actually carried on, shall be provided with smooth, water-tight floors, made of concrete or wood, which can be properly cleansed, except when the factory is built over flowing water of sufficient volume to carry away all waste liquids, an open floor may be permitted in the discretion of the board.

(h) Adequately equipped wash stations and places where employees may change their clothing and hang the clothes not in use, shall be provided for male and female employees.

(i) Separate toilet rooms shall be maintained for male and female employees.

(j) Living quarters, if provided by the canner, shall have water-proof roofs and tight board floors, and shall be provided with ample light and ventilation, and provision shall be made therein for the proper separation and privacy of sexes. An ample supply of pure drinking water shall be furnished within reasonable distance of the living quarters.

(k) Adequate drainage shall be provided to lead all waste liquids outside and away from the building.

(l) No litter, drainage or waste matter of any kind shall be allowed to collect in and around the buildings, and the surroundings shall be kept in a clean and sanitary condition.

(m) Occupants of living quarters provided by the canner shall be required to keep the same in a clean and sanitary condition.

(n) Employees are prohibited from smoking or spitting in any room in the cannery where foods are being prepared for canning.

(o) Female employees who work where foods are being prepared for canning shall wear clean aprons or dresses made of washable fabrics and shall also wear clean, washable caps over the hair.

(p) Employees with infected wounds on the hands or arms are prohibited from handling food products, or the containers in which they are placed, before such containers are sealed or capped. Clean cuts, which are not infected, shall be covered with rubber cots securely fastened.

SEC. 4. Whenever any person, firm or corporation shall violate any of the provisions of this act, the said State Board of Health of Maryland shall cause the person, firm or corporation so violating to be prosecuted before any justice of the peace in any county of this State where such offense is committed, or before any committing magistrate in the city of Baltimore: *Provided*, That the accused shall have the right of trial by a jury if he so elects, and the right of appeal from the decision of the justice of the peace where the accused does not elect a jury trial; and that in any such case the State Board of Health of Maryland shall before prosecuting such person, firm or corporation, cause an order to be served on such person, firm or corporation commanding him or it to discontinue or abate such violation or to make such improvements as may be necessary to abate such violation, within a reasonable time to be fixed by the said board and stated in said order. Such order shall be in writing and the person receiving such order shall have the right to be heard, either in person or by attorney, by the said State Board of Health of Maryland.

Violations.

SEC. 5. Any person, firm or corporation who violates any of the provisions of this act, or refuses, neglects or fails to comply with the provisions and requirements hereof, or fails to comply with any lawful order or requirements of said board of health duly made in writing as herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall, for the first offense, be fined not more than fifty dollars; for the second offense, not more than one hundred dollars; and for the third offense, not more than three hundred dollars.

Penalties.

SEC. 6. The State Board of Health of Maryland, its agents and servants, are hereby authorized and empowered to enter at reasonable hours the premises of any establishment in this State, or into any room in any building in this State engaged in any business herein set forth, for the purpose of inspecting and enforcing the provisions of this act; and any person, firm or corporation engaged in the business aforesaid refusing access to the said State Board of Health of Maryland, its officers and agents, or in any way interfering with them in the exercise of their duties, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum not exceeding one hundred dollars for each offense.

Admission to establishments.

SEC. 7. The said State Board of Health of Maryland shall have the power to adopt, from time to time, promulgate and publish by circular or otherwise, such general rules and regulations for the enforcement of the act and for the government of the inspectors and employees of the said board as may be necessary, and it shall have prepared and printed abstracts of this law which shall be furnished to any person, firm or corporation in this State demanding the same: *Provided, however*, That before finally adopting or enforcing such general rules and regulations hereinbefore referred to, the said State board of health shall give at least 30 days' notice, by publication, circular or otherwise, informing all persons who may be interested in the enforcement of said rules and regulations that said board of health will hear such persons on a certain day or days named in said notice for the purpose of receiving and considering suggestions before the final adoption of such rules or regulations. The said notice shall contain a copy of the proposed rules and regulations.

Board may make rules.

Approved April 16, 1914.

CHAPTER 779.—*Inspection and regulation of factories, etc.—Sweat shops.*

SECTION 1. Sections 243, 244, 245, 246, 247, 248, * * * of article 27 of the Code of Public General Laws, * * * are hereby repealed and reenacted with amendments so as to read as follows:

Establishments to be registered.

Section 243. The owner of every factory, manufacturing and mechanical establishment and workshop, and of every store or other mercantile establishment employing five or more persons, shall register same with the bureau of statistics and information, giving the name and home address of the owner, and if the owner is a corporation, the name and home address of its president and manager or chief business agent, the address of the business, the name under which it is carried on, the number of employees, and such other data as the chief of the bureau of statistics and information may require. Such registration of existing establishments shall be made within six months after this act takes effect; those hereafter established shall be so registered within thirty days after the commencement of business. Within thirty days after a change in the location of any such establishment, the owner thereof shall file with the bureau of statistics and information the new address of the business, together with such other information as the chief of said bureau may require. The registration required by this section shall be made upon blanks supplied by the bureau of statistics and information.

Information to be furnished.

Sec. 244. The owner, operator, manager or lessee of any factory, workshop, warehouse, elevator, foundry, machine shop, store or other mercantile, manufacturing or mechanical establishment, or any agent, superintendent, subordinate, or employee thereof, or any person employing or directing any labor of any kind whatsoever, shall, when requested by the chief of the bureau of statistics and information, furnish any information in his possession or under his control which the chief of said bureau is authorized to require, and for the purpose of inspection shall admit the chief of said bureau or his authorized representative to any place which is affected by this act or which is required by law to be inspected. Any person who refuses to admit the chief of said bureau, or person authorized by him, to any such establishment, or to furnish any such information, or who refuses to answer, or untruthfully answers questions lawfully put to him by the chief of said bureau, or any deputy of said chief, in a circular or otherwise, shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be fined not less than five dollars, nor more than fifty dollars for each offense.

Workrooms in tenements, etc.

Sec. 245. No room or apartment in any tenement or dwelling house, and no part of any tenement or dwelling house, shall be used for the purpose of manufacturing, in whole or in part, altering, repairing or finishing therein, any articles whatsoever, except for the exclusive use of the person so using any part of such tenement or dwelling house, or the immediate members of his household without a license therefor as provided in this section.

License.

Application for such license shall be made to the chief of the bureau of statistics and information by any member of a family desiring to do such work in any room or apartment of a tenement or dwelling house. Such application shall designate the location of the room or apartment, the number of persons to be employed therein, the street and number of, and the full name and address of the owner of, the building in which the room or apartment is located, and shall be signed by the applicant. Application blanks shall be prepared and furnished by the bureau of statistics and information in such form as the chief thereof may determine.

Upon receipt of such application the chief of the bureau of statistics and information shall consult the records of the local health department or board, or other appropriate local authority charged with the duty of sanitary inspection, and if such records show the presence of any infectious, contagious or communicable disease, or the existence of any unsanitary conditions in or about such room or apartment, the chief of said bureau may, without making an inspection of the premises deny such application for a license, until such time as the records of the said department, board or other local authority show that the said premises are free from all such infectious, contagious or communicable disease, and from all unsanitary conditions. Before, however, any such license is granted, an inspection of the room or apartment sought to be licensed must be made by the duly authorized inspector

Inspection.

of the bureau of statistics and information, and a statement must be filed in said bureau as a matter of public record, to the effect that the records of the local health department or board, or other local authority charged with the duty of sanitary inspection, do not show the existence of any infectious, contagious or communicable disease, or of any unsanitary conditions in or about said room or apartment. Such statement must further show the results of the inspection of such premises, and must be dated and signed in ink by the inspector responsible therefor. If the chief of the bureau of statistics and information ascertain that such room or apartment is free from infectious, contagious or communicable disease, and is in proper sanitary condition, he shall grant a license, permitting the use of such room or apartment for the purpose of manufacturing, and stating the number of persons allowed to work therein. An inspection of each licensed tenement or dwelling-house workshop shall be made not less than once in every six months to determine whether or not the conditions under which such license was granted and all laws relating to such premises are being complied with.

No articles shall be manufactured in whole or in part, altered, repaired, or finished in any room or apartment of a tenement or dwelling house where there is or has been a case of infectious, contagious or communicable disease, until such time as the local department or board of health shall certify to the bureau of statistics and information that such disease has terminated, and that the room or apartment has been properly disinfected, if disinfection after such disease is required by law, or by the rules and regulations of such department or board. No person, firm or corporation shall hire, employ or contract with any person to manufacture in whole or in part, alter, repair or finish any articles in any room or apartment of any tenement or dwelling house, unless a license has been issued therefor as aforesaid. No room or apartment in any tenement or dwelling house shall be used for the manufacture in whole or in part, altering, repairing or finishing of any articles except by the immediate members of the family living therein, which shall be limited to a husband and wife, their children or the children of either. No room or apartment in any tenement or dwelling house shall be used for the manufacture in whole or in part, altering, repairing or finishing of any articles, unless such room or apartment contain at least five hundred cubic feet of air space for every person working therein.

Nothing contained in this section shall prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for the use of such person or family. This section shall not apply to any workshop on the main or ground floor of any tenement or dwelling house, which is not used for sleeping or cooking, which has a separate entrance to the street, and which is entirely separate from the rest of the building.

Sec. 246. No person, firm or corporation shall work in, or hire, or employ any person to work in any loft, workshop or factory in any building whatsoever, at making in whole or in part any articles of clothing, hats, gloves, furs, feathers, artificial flowers, purses, cigars or cigarettes, without a license therefor from the chief of the bureau of statistics and information stating the maximum number of persons allowed to be employed therein.

Application for such license shall be made to the chief of the bureau of statistics and information upon blanks to be prepared and furnished by him. Such application shall state the location, street and number of the loft, workshop or factory to be licensed, the number of persons to be employed therein, and such other information as the chief of the said bureau may require, and shall be signed in ink by the person or firm or officer of the corporation conducting the work in such loft, workshop or factory.

No such license shall be granted until such premises have been inspected by an inspector of the bureau of statistics and information and a statement filed in said bureau as a matter of public record, showing the results of said inspection and signed in ink by the inspector responsible therefor.

No such license shall be granted for such premises unless the laws requiring the fire escapes and proper exits thereto and separate privies

Infectious or contagious diseases.

Who may work.

Air space.

Making clothing, etc., in lofts.

Fire escapes, privies, etc.

- for male and female employees, and all other laws relating to the health and safety of employees in such establishment have been fully complied with, and unless every such loft, workshop or factory sought to be licensed shall contain at least five hundred cubic feet of air space for every person employed therein.
- Air space.**
- Register of workers.** Sec. 247. Every employer or manufacturer, whether a person, firm or corporation, contracting for the manufacture, in whole or in part, altering, repairing or finishing of any articles in a tenement or dwelling house, or in any room or workshop outside of his, their, or its own establishment, or giving out of materials from which they or any part of them are to be manufactured, altered, repaired or finished, in a tenement or dwelling house, or in any room or workshop outside of his, their or its own establishment, 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 such employer or manufacturer has contracted to do the same, and shall issue with all such articles or materials a label bearing the name and place of business of such employer or manufacturer legibly written or printed in English.
- Duty of employer.** It shall be the duty of every employer or manufacturer, and of every person contracting for the manufacture, altering, repairing or finishing of any articles or giving out any such articles or materials to ascertain from the bureau of statistics and information whether or not the room or apartment in which such articles or materials are to be manufactured, altered, repaired, or finished, is licensed as provided in this act; and none of the said articles nor any material from which they or any part of them are to be manufactured, altered, repaired, or finished shall be given out or sent to any person to be so worked upon in any room or apartment of a tenement or dwelling house or workshop outside of his, their, or its own establishment, which is not licensed as provided in this act.
- The register mentioned in this section shall be subject to inspection by any inspector of the bureau of statistics and information, and a copy thereof, as well as such other information in regard thereto as such inspector may require shall be furnished upon demand.
- Revocation of license.** Sec. 248. Any license granted under sections 245 and 246 may be revoked by the chief of the bureau of statistics and information if the licensee thereunder, or his or its duly authorized agent, shall fail, refuse or neglect to comply with any of the conditions under which same was granted, or with any law relating to the premises licensed or if the health of the community or of the persons employed thereunder requires it.
- Violations.** Sec. 2. Section 252 of article 27 of the Code of Public General Laws, * * * is hereby repealed and reenacted with amendments so as to read as follows:
- Section 252. Any person, firm or corporation, who shall in any manner violate the provisions of sections 249, 250 and 251, 243, 245, 246, 247 and 250, or who shall refuse to give such information and access to the chief of the bureau of industrial statistics or his deputies or secure such permit as provided, shall, upon conviction in any court of competent jurisdiction be fined not less than five dollars nor more than one hundred dollars, or imprisoned not less than ten days nor more than one year, or both, in the discretion of the court, such fines to be collected as all fines are collected by law.

Approved April 16, 1914.

CHAPTER 800.—*Compensation of workmen for injuries.*

- Industrial accident commission.** SECTION 1. A commission is hereby created which shall be known as the State industrial accident commission, to be composed of three commissioners. Immediately upon the taking effect of this act, the governor shall appoint such commissioners (not more than two of whom shall belong to the same political party). One of them shall hold office for the first two years, another for the first four years, and another for the first six years following the passage and approval of this act. Thereafter the term shall be six years. Each commissioner shall devote his entire time to the duties of the office, and shall not hold any position

of trust or engage in any occupation or business interfering or inconsistent with his duties as such commissioner, or serve on or under any committee of a political party. Each commissioner shall hold office until his successor shall be appointed and shall have qualified. Vacancies shall be filled by the governor for the unexpired term. A decision on any question arising under this act concurred in by two of the commissioners shall be the decision of the commission. The governor may at any time remove any commissioner from office for inefficiency, neglect of duty or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and shall fix a time when he can be heard in his own defense, either in person or by counsel, which shall not be less than ten days thereafter, and such hearing shall be open to the public. The governor shall designate a member of said commission as chairman thereof. The principal office of the commission shall be in the city of Baltimore, but branch offices may be established at other places in the State for the purpose of administering this act.

Offices.

SEC. 2. A majority of the commission shall constitute a quorum for the transaction of business, and a vacancy shall not impair the right of the remaining members to exercise all the powers of the full commission, so long as a majority remains. Any investigation, inquiry or hearing which the commission is authorized to hold, or undertake, may be held or undertaken by or before any one member of the commission, and every order made by a member thereof, when approved and confirmed by a majority of the members and so shown on its record of proceedings, shall be deemed to be the order of the commission.

Quorum.

SEC. 3. The salary of each of the commissioners shall be three thousand dollars (\$3,000) per annum, and shall be paid out of the State treasury, and in addition to the said sum of \$3,000 per annum, each of said commissioners shall also receive the sum of \$2,000 per annum which shall be paid out of its funds by the mayor and city council of Baltimore to each of said commissioners as employees of said municipal corporation. In addition to the salary provided in this section, each commissioner shall be allowed his actual and necessary traveling and incidental expenses.

Salaries.

SEC. 4. The commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public, and shall stand and be adjourned without further notice thereof on its record. All proceedings of the commission shall be shown on its record of proceedings, which shall be a public record, and shall contain a record of each case considered and the award paid or allowed to any employee of the commission, or to any other person for service: *Provided, however,* That any person in the employ of the commission who shall divulge any information secured by him in respect to the transactions, property or business of any person, firm, company or corporation, association or joint partnership to any person other than the members of the commission, shall be guilty of a misdemeanor, and subject to a fine of not less than \$100 or more than \$500 or imprisonment, not exceeding 18 months in the discretion of the court, and shall thereafter be disqualified from holding any appointment or employment with the commission.

Sessions.

SEC. 5. The commission may employ a secretary, actuaries, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants, and fix their compensation subject to the written approval of the governor; such compensation shall be paid out of the appropriation in the State treasury provided for in this act. The secretary, actuaries, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants that may be employed shall be entitled to receive their actual necessary expenses while traveling on the business of the commission. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by the commission. The commission shall keep and maintain its main office and such branch offices as it shall deem proper and necessary for the administration of the act, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals and maps for the same. All necessary expenses shall be audited and paid out of the appropriation

Employees.

in the State treasury provided for in this act. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words "State Industrial Accident Commission, State of Maryland—Official Seal."

Each member of the commission and each person appointed to office or employment by the commission shall before entering upon the duties of his office or employment take and subscribe the constitutional oath of office.

Secretary.

SEC. 6. The secretary of the commission shall keep and maintain a full and true record of all proceedings of the commission, of all documents or papers ordered filed by the commission or by its rules, of decisions or orders made by any member of the commission and of all decisions or orders made by the commission or approved and confirmed by it and ordered filed, and he shall be responsible to the commission for the safe custody and preservation of all such documents at its office. He shall have the power to administer oaths in all parts of the State, so far as the exercise of such power is properly incident to the performance of his duty or that of the commission. He may designate, from time to time with the approval of the commission, one of the clerks of the office appointed by the commission to exercise the powers and duties of the secretary during his absence. Under the direction of the commission, the secretary shall have general charge of its office, superintend its clerical business and perform such other duties as the commission may prescribe.

Powers of commissioners, etc.

SEC. 7. Each member of the commission, the secretary thereof, and any special examiner or inspector shall for the purpose contemplated by this act have power to issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within or without the State of Maryland as now provided by law, compel the production of pertinent books, pay rolls, accounts, papers, records, documents and testimony.

If a person in attendance before the commission or a commissioner refuse, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper when ordered to do so by the commission, the commission may apply to any judge of the supreme bench of Baltimore City, or of the circuit court of any county, upon proof by affidavit of the fact, for a rule or order returnable in not less than two or more than five days, directing such person to show cause before the judge who made the order, or any other judge aforesaid, why he should not be committed to jail: Upon the return of such order, the judge before whom the matter and such person shall come on for a hearing shall examine under oath such person and such person shall be given an opportunity to be heard; and if the judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring or produce, he may forthwith commit the offender to jail, there to remain until he submits to do the act which he was so required to do, or is discharged according to law.

No person shall be excused from testifying or from producing any books or papers or documents in any investigation or inquiry by or upon any hearing before the commission or any commissioner, when ordered to do so by the commission or its secretary, upon the ground that the testimony or evidence, books, papers, or documents required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have, by order of the commission or a commissioner or its inspector or examiner, testified to or produced documentary evidence of: *Provided, however,* That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Fees.

SEC. 8. Each officer who serves such subpoena shall receive the same fee as the sheriff would receive in the county or city where said witness is subpoenaed and each witness who appears in obedience to a subpoena before the commission or an inspector or an examiner, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the circuit courts of the counties or the common-law courts of Balti-

more City, as of the place where he gives his testimony, which shall be audited and paid from the State treasury in the same manner as other vouchers approved by any member of the commission and the secretary. No witness subpoenaed at the instance of a party other than the commission, or an inspector or examiner, shall be entitled to compensation from the State treasury unless the commission shall certify that his testimony was material to the matter investigated. In an investigation, the commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions taken in cases pending before the circuit courts of the counties or the common-law courts of Baltimore City, as is now or hereafter may be provided by law.

SEC. 9. Subject to the provisions of this act, the State industrial accident commission shall adopt reasonable and proper rules to govern its procedure, which procedure shall be as summary and simple as reasonably may be. It shall regulate and provide for the kind and character of notices, and the services thereof, and in cases of injury by accident to employees, the nature and extent of the proofs and evidence and the method of taking and furnishing the same for the establishment of the right to compensation. It shall determine the nature and forms of application of those claiming to be entitled to benefits or compensation, and shall regulate the method of making investigations, physical examinations and inspections and prescribe the time within which adjudications and awards shall be made: *Provided always*, That all such rules and regulations shall conform to the provisions of this act.

Procedure.

SEC. 10. The commission shall not be bound by the usual common-law or statutory rules of evidence or by any technical or formal rules of procedure, other than as herein provided, but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act.

Proceedings not formal.

SEC. 11. A transcribed copy of the evidence and proceedings or any specific part thereof, of any investigation taken by a stenographer appointed by the commission being certified and sworn to by such stenographer, to be a true and correct transcript of the testimony, or of a particular witness, or any specific part thereof, or to be a correct transcript of the proceedings had on such investigation so purporting to be taken and subscribed, may be received in evidence by the commission with the same effect as if such stenographer were present and testified to the facts certified. A copy of such transcript shall be furnished on demand to any party in interest upon payment of the fee therefor, as provided for transcripts in the circuit courts of the counties or the common-law courts of Baltimore City.

Evidence.

SEC. 12. The commission shall prepare and furnish free of cost blank forms and provide in its rules for their distribution so that the same may be readily available, of applications for benefits or compensation notices, to employers, proof of injury or death, of medical attendance, of employment and wage earnings and such other blanks as may be deemed proper and advisable, and it shall be the duty of employers to constantly keep on hand a sufficient supply of such blanks.

Blanks.

SEC. 13. Annually on or before the first day of January the State industrial accident commission shall make a report to the governor, which shall include a statement of the number of awards made by it, the causes of the accidents leading to the injuries for which the awards were made, and a detailed statement of the expenses of the commission and the condition of the State accident fund, together with any other matters which the commission deems proper to report to the governor, including any recommendations it may desire to make.

Reports.

SEC. 14. Every employer, subject to the provisions of this act, shall pay or provide as required herein compensation according to the schedules of this act for the disability or death of his employee resulting from an accidental personal injury sustained by the employee arising out of and in the course of his employment, without regard to fault as a cause of such injury, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty. Where the injury is

Compensation to be paid.

occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results from the intoxication of the injured employee while on duty, neither the injured employee nor any dependent of such employee shall receive compensation under this act.

Suits allowed,
when.

The liability prescribed by the last preceding paragraph shall be exclusive that [but] if an employer fail to secure the payment of compensation for his injured employees and their dependents as provided in this act, an injured employee or his legal representative in case death results from the injury, may, at his option, elect to claim compensation under this act, or to maintain an action in the courts for damages on account of such injury; and in such an action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant or that the employee assumed the risk of his employment, or that the injury was due to the contributory negligence of the employee. If an employer, besides employing workmen in extrahazardous employment within the meaning of this act, shall also employ workmen in employments not extrahazardous, the provisions of this act shall apply only to the extrahazardous employments within the meaning of this act and the workmen employed therein, except as provided in section 33 of this act.

Security of
compensation
payments.

SEC. 15. The employer shall secure compensation to his employees in one of the following ways:

(1) By insuring and keeping insured the payments of such compensation in the State accident fund, or

(2) By insuring and keeping insured the payments of such compensation with any stock corporation or mutual association authorized to transact the business of workmen's compensation insurance in this State.

(3) Any such employer who does not with the approval of said commission voluntarily insure the payment of the compensation by one of the methods designated in the preceding paragraphs of this section, must furnish satisfactory proof to the commission of his financial ability to pay such compensation himself, in which case the commission may, at any time and from time to time in its discretion, require the deposit with the commission of securities, such as are accepted by the equity courts of Baltimore City for the investment of trust funds and in an amount or amounts to be determined by the commission, to secure the liability of the employer to pay the compensation specified in this act; and in order to be informed as to the continued financial responsibility of any such employer the commission may require reports from him annually or at such other times as the commission may deem necessary or advisable and may examine such employer under oath or make such other examination of his business as the commission may determine. If he should fail to furnish such satisfactory proof, or give bond, or deposit such securities as required by the commission, or if he should at any time fail to render satisfactory reports to the commission or otherwise satisfy the commission of his continued financial ability to pay the compensation himself, he shall be subject to the provisions of the first paragraph of this section of this act and shall be required by the commission to insure as provided in the first paragraph of said this section, unless he, at once insure voluntarily as provided in the second paragraph of this section.

Any employer, subject to the provisions of this act, who after November first, nineteen hundred and fourteen, fails or refuses to submit to said commission, as provided in the next succeeding paragraphs, the method he desired to adopt for assuring compensation, shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred nor more than five thousand dollars. The court may, in its discretion, remit any such penalty, provided the employer in default assures the compensation as provided in this section.

Any such employer who may wish to adopt any one of the methods mentioned in the preceding paragraphs for assuring the payment of compensation to his employees and their dependents, shall first submit to the State industrial accident commission the method he wishes to adopt. The said commission may approve or reject the method proposed. If rejected, the employer may submit another method author-

ized under this act. The said commission may from time to time revise or alter its decision in approving the election of any employer to adopt any one of the methods of assuring payment of the compensation as provided for in this act, if such action is reasonably necessary to secure and safeguard such payments to employees or for the diminishing and prevention of accidents. Any decision of said commission under this section or section 14 of this act may be reviewed by writ of certiorari in the circuit court for the county in which the employer may reside or in any of the common-law courts of Baltimore City, if the employer resides in Baltimore City.

Any employer subject to the provisions of this act, who fails or refuses to insure voluntarily the payment of the compensation specified in this act to his employees and their dependents through one of the methods of assurance of payment, mentioned in the second paragraph of this section of this act, or fails to furnish satisfactory proof to the commission of his financial ability to pay such compensation himself, or give bond or deposit securities as aforesaid, shall, at any time after November first, nineteen hundred and fourteen, be compelled by the commission to insure to his employees and their dependents the payment of the compensation, specified in this act, by paying to the State treasurer for the use and benefit of the State accident fund, hereinafter authorized to be established, the premiums or taxes levied and published by the commission for the group of employments, industries or work to which such employer belongs. And any such employer who fails or refuses to so insure within ten days, after being ordered by the commission to do so, shall be liable to the State in an amount equal to the premiums or taxes required of him for six months' insurance in the State accident fund, as a penalty, which, together with his premium or tax due the State accident fund for the first six months, may be collected by the commission in the same manner and with the same effect as provided in section 22 of this act for the collection of premiums or taxes in default.

In exercising the discretion conferred upon it by this section and section 14 of this act the State industrial accident commission shall consider the reputation of any insurance company or association, in which any such employer may desire to insure, for promptness and fairness in the settlement of compensation claims, without unreasonable resistance on the part of any such insurance company or association, and shall also consider the financial strength of the employer, the number of employees employed, the degree of hazard to employees engaged in the employment, the likelihood or danger of several employees being injured or killed by one and the same accident, the relative influence, the different methods, by which compensation may be assured under this act, are likely to exert upon the employer and his employees for the prevention of accidents, and any other facts or conditions bearing upon the security and promptness of payment of the compensation and the prevention of accidents.

Sec. 16. The State industrial accident commission is hereby authorized and directed to create and establish a fund to be known as the "State accident fund," for the purpose of insuring employers against liability under this act and to their employees and their dependents the payment of the compensation specified in this act. Such fund shall consist of all premiums or taxes received and paid into the fund and of property and securities acquired and interest earned through the use of moneys belonging to the fund. Said fund shall be administered by the commission without liability on the part of the State or the custodian thereof beyond the amount of such fund, and shall be applicable to the payment of losses sustained on account of insurance and to the payment of expenses in the manner provided in this act.

Sec. 17. For the purpose of creating such State accident fund each employer insured in this fund or required to be insured therein by this act shall pay into the State treasury the premiums of liability based upon and being such percentage of the pay roll of such employer, as may have been determined and published by the commission and be then in effect. The premiums shall be paid quarterly, and shall be the prescribed percentage of the total wages paid to all employees subject to the act for such preceding quarter. The State treasurer shall issue

Failure of employers to comply.

State accident fund.

Premiums.

his receipt for any sums paid him hereunder in duplicate, the original to be delivered to the person, firm or corporation or other employer paying the same and the duplicate to be filed with the commission: *Provided, however,* That in order to create a fund available upon the application of this act as aforesaid on November first, one thousand nine hundred and fourteen, the payment for the months of November, one thousand nine hundred and fourteen, to February, inclusive, one thousand nine hundred and fifteen, shall be made on or before November first, one thousand nine hundred and fourteen, and be preliminarily based upon the pay roll of the operations of the first four months of the year one thousand nine hundred and fourteen. If any employer be found to have overpaid for such four months he may deduct such overpayment from the second quarterly payment made to the fund; if any employer be found to have underpaid for such four months, he shall pay the deficiency with the first quarterly payment made by him after the end of said four months.

Several occu-
pations.

SEC. 18. If a single establishment of work insured in the State accident fund comprises several occupations listed in section 32 of this act, the premium shall be computed according to the pay roll of each occupation, if clearly separable; otherwise an average rate of premium shall be charged for the entire establishment, taking into consideration the number of employees and the relative hazards. In computing the pay roll the entire compensation received by every workman employed in extrahazardous work and insured in the State accident fund, within the meaning of this act, shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit sharing, premium or otherwise, and whether payable in money, board or otherwise: *Provided,* The money value of board and similar advantages shall have been fixed by parties at the time of hiring.

Classification of
industries.

SEC. 19. It shall be the duty of the commission to classify any industries subject to this act mentioned or not mentioned which are insured in the State accident fund. And the commission shall have power on or before the first day of January of each year to reclassify such industries, or oftener, if in the opinion of the commission the same should be deemed just and advantageous; or to create additional classifications with respect to their respective degrees of hazard and determine the risk of the different classes, and fix the rates of premium for each class, according to the risks of the same sufficiently large to guarantee a workmen's compensation fund from year to year. It shall be the duty of the commission in determining the rates, in order to create a fund sufficiently large to guarantee a workmen's compensation fund from year to year to also reclassify from time to time the industries or occupations in order that there may be a flexible adjustment of the rates as the hazard fluctuates, and to use all means in their power through the rate adjustment to lessen the opportunities for injuries to the workmen. The classification so determined and the rates of premium established shall be applicable for such year; and based on each one hundred dollars of the gross annual pay roll of each employer in any class: *Provided, also,* That for the purpose of this act the pay of the employee partly within and partly without the State shall be deemed to be such proportion of the total pay of such employee as his service within the State bears to his services outside the State.

Form of pay
roll.

SEC. 20. The commission may establish and require all employers insured in the State accident fund to install and maintain a uniform form pay roll. The commission shall ascertain and establish the amounts to be paid into and out of the accident fund, issue proper receipts for moneys received, and certificates for benefits accrued and accruing from the State accident fund.

Triennial re-
ports.

SEC. 21. Every employer subject to the operation and effect of this act who shall insure in the State accident fund, shall every four months submit a report to the commission herein created, according to the regulations and requirements it may prescribe, of his pay roll for the four months then ending. A failure to comply with this section shall subject the employer to an extra contribution of one hundred dollars to be collected by the commission in a civil action in its name. The

amount collected under this section shall be paid into the State accident fund.

Any employer who shall with fraudulent intent misrepresent to the commission the amount of pay roll upon which the premium under this act is based shall be liable to the commission in ten times the amount of the difference in the premium paid and the amount the employer should have paid. The liability to the commission under this provision shall be enforced in a civil action in the name of the commission. All sums collected under this section shall be paid into the State accident fund.

SEC. 22. If an employer shall default in any payment required to be made by him to the State accident fund, the amount due from him shall be collected by civil action against him in the name of the State of Maryland, and it shall be the duty of the commission on the first Monday of each month after November first, nineteen hundred and fourteen, to certify to the attorney general of the State the names and residences, or places of business, of all employers known to the commission to be in default for such payment or payments for a longer period than five days and the amount due from each employer, and it shall then be the duty of the attorney general forthwith to bring or cause to be brought against each employer a civil action in the proper court for the collection of such amount so due, and the same when collected shall be paid into the State accident fund, and each employer's compliance with the provisions of this chapter requiring payments to be made to the State accident fund shall date from the time of the payment of said money so collected as aforesaid to the said commission for credit to the State accident fund. Default in payments.

SEC. 23. Ten per centum of the premiums collected from employers insured in the State accident fund shall be set aside by the commission for the creation of a surplus until such surplus shall amount to the sum of fifty thousand dollars, and thereafter five per centum of such premiums until such time as in the judgment of said commission such surplus shall be sufficiently large to cover the catastrophe hazard. The commission shall also set up and maintain a reserve adequate to meet anticipated losses and carry all claims and policies to maturity. Surplus.

SEC. 24. The treasurer of the State shall be the custodian of the State accident fund and all disbursements therefrom shall be paid by him upon order or voucher, approved and signed by the chairman or acting chairman and secretary of the commission, and directed to the comptroller of the State, who shall draw his warrant therefor. It shall be the duty of the treasurer to keep and maintain the fund herein created separate and distinct from other State funds. On and after January 1st, 1915, the obligation in the bond of the State treasurer shall contain a provision securing the protection of this fund. Custody of funds.

SEC. 25. Whenever and as often as there shall be in the hands of the treasurer any sum belonging to the State accident fund not likely, in the opinion of the commission, to be required for immediate use, it shall be the duty of the board of public works, when called upon by the commission, to invest the same in interest-bearing securities, such as are accepted by the equity courts of Baltimore City for the investment of trust funds, and when and as it may become necessary or expedient to use the moneys so loaned or invested the board of public works shall, when called upon by the commission, collect or sell or otherwise realize upon any such loan or investment, and any interest accruing upon any such loan or investment, as well as any interest received upon the deposit of moneys belonging to said fund shall be credited to said fund. Investment.

The State treasurer may deposit any portion of the State fund not needed for immediate use, in the manner and subject to all the provisions of law respecting the deposit of other State funds by him. Interest earned by such portion of the State accident fund deposited by the State treasurer shall be collected by him and placed to the credit of the fund.

SEC. 26. Any employer, after entering the State accident fund may withdraw from said fund after the period of one year upon giving sixty (60) days' written notice of his intention so to do and upon paying all arrears, if any, of premiums due the said fund and such other equitable assessments as may be determined by the commission to cover accidents Withdrawing from fund.

occurring in the industries in which his occupation may be classified: *Provided*, That if at the time of such withdrawal liability shall exist against the accident fund for compensation to employees or dependents of employees who have heretofore been killed or injured as herein provided, such employer shall relieve the State accident fund from such liability by depositing with the State treasurer for the benefit of said fund the then present value of the total unpaid compensation for which such liability exists, assuming interest at the rate of 6 per cent, or by purchasing an annuity with the limitations provided by law with any insurance company approved by the commission and licensed in this State.

Administrative
expense.

SEC. 27. As soon as practicable after December thirty-first, nineteen hundred and seventeen, and annually thereafter, the commission shall calculate the total administrative expense incurred during the preceding calendar year in connection with the examination, determination and payment of claims and percentage which this expense bore to the total compensation payments made during that year. The percentage so calculated and determined shall be assessed against the insurance carriers including the State fund as an addition to the payments required from them in the settlement of claims during the year immediately following, and the amounts so secured shall be transferred to the State treasury to reimburse it for this portion of the expense of administering this act.

Distribution of
funds in case of
repeal.

SEC. 28. If this act shall be hereafter repealed, all moneys which are in the State accident fund at the time of the repeal shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision, distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

Policies.

SEC. 29. Every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act. No company or association shall enter into any such policy of insurance until such company or association shall first obtain from the insurance commissioner of Maryland a license of authority for the purpose, which said commissioner of insurance shall have full power and authority from time to time to determine the adequacy of its or their premium rates for carrying compensation insurance as provided in this law, and until the form of such policy shall have been approved by the State industrial accident commission; and said insurance commissioner shall have full power and authority to require said insurance companies to establish and maintain adequate rates to cover respective risks to which their policies are applicable under the provisions of this act. Any person violating the provisions of this section shall be subjected to a fine of not less than one hundred nor more than one thousand dollars for each offense.

Provisions
of policies.

SEC. 30. Every policy of insurance covering the liability of the employer for compensation issued by a stock company or by a mutual association authorized to transact workmen's compensation insurance in this State, shall contain a provision setting forth the right of the commission to enforce in the name of the State of Maryland for the benefit of the person entitled to the compensation insured by the policy either by filing a separate application or by making the insurance carrier a party to the original application, the liability of the insurance carrier in whole or in part for the payment of such compensation: *Provided, however*, That payment in whole or in part of such compensation by either the employer or the insurance carrier shall to the extent thereof be a bar to the recovery against the other of the amount so paid.

Every such policy shall contain a provision that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; the jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer for the payment of compensation under the provisions of this act.

Every such policy shall contain a provision to the effect that the insolvency or bankruptcy of the employer shall not relieve the insurance carrier from the payment of compensation for injuries or death sustained by an employee during the life of such policy.

Every contract or agreement of an employer the purpose of which is to indemnify him from loss or damage on account of the injury of an employee by accidental means, or on account of the negligence of such employer or his officer, agent or servant, if engaged in extrahazardous employment, shall be absolutely void unless it shall also cover liability for the payment of the compensation provided for by this act.

No contract or insurance issued by a stock company or mutual association against liability arising under this act shall be canceled within the time limited in such contract for its expiration until at least ten days after notice of intention to cancel such contract, on a date specified in such notice, shall be filed in the office of the commission and also served on the employer. Such notice shall be served on the employer by delivering it to him or by sending it by mail, by registered letter, addressed to the employer at his or its last known place of residence: *Provided*, That if the employer be a partnership, then such notice may be so given to any one of the partners, and if the employer be a corporation, then the notice may be given to any agent or officer of the corporation upon whom legal process may be served.

Cancellation.

SEC. 31. Nothing herein shall affect any existing contract of policy of employer's liability insurance or the liability of any mutual insurance association, or any arrangement now existing between employers and employees, providing for the payment to such employees, their families, dependents or representatives of sick, accident or death benefits in addition to the compensation provided for by this act; but liability for the compensation specified in this act shall not be reduced or affected by any insurance, contribution or other benefit whatsoever, due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any such insurance or other contract, have the right to recover the compensation directly from the employer.

Existing policies, etc.

SEC. 32. Compensation provided for in this act shall be payable for injuries sustained or death incurred by employees engaged in the following extrahazardous employments:

Extrahazardous employments.

1. The operation, including construction and repair of railways operated by steam, electric or other motive power, street railways and incline railways, but not in their construction when constructed by any person other than the company which owns or operates the railways, including work of express, sleeping, parlor and dining car employees on railway trains.

2. Construction and operation of railways not included in paragraph one.

3. The operation, including construction and repair of car shops, machine shops, steam and power plants, and other works for the purposes of any such railway, or used or to be used in connection with it when operated, constructed or repaired by the company which owns or operates the railway.

4. The operation, including construction and repair, of car shops, machine shops, steam and power plants, not included in paragraph 3.

5. The operation, including construction and repair, of telephone lines and wires for the purposes of the business of a telephone company, or used or to be used in connection with its business, when constructed or operated by the company.

6. The operation, including construction and repair, of telegraph lines and wires for the purposes of the business of a telegraph company, or used or to be used in connection with its business, when constructed or operated by the company.

7. Construction of telegraph and telephone lines not included in paragraphs 5 and 6.

8. The operation, within or without the State, including repair, of vessels other than vessels of other States or countries used in interstate or foreign commerce, when operated or repaired by the company.

9. Shipbuilding, including construction and repair in a shipyard or elsewhere, not included in paragraph 8.

10. Longshore work, including the loading or unloading of cargoes or parts of cargoes of grain, coal, ore, freight, general merchandise, lumber or other products or materials, or moving or handling the same on any dock, platform or place, or in any warehouse or other place of storage.

11. Subaqueous or caisson construction and pile driving.

12. Construction, installation or operation of electric-light and electric-power lines, dynamos or appliances and power transmission lines.

13. Paving, sewer and subway construction, work under compressed air, excavation, tunneling and shaft sinking, well digging, laying and repair of underground pipes, cables and wires, not included in paragraph 5 of this section.

14. Lumbering, logging, river driving, rafting, booming, sawmills, shingle mills, lath mills, manufacture of veneer and of excelsior, manufacture of staves, spokes or headings.

15. Pulp and paper mills.

16. Manufacture of furniture, interior woodwork, organs, pianos, piano actions, canoes, small boats, coffins, wicker and rattan ware, upholstering, manufacture of mattresses or bed springs.

17. Planing mills, sash and door factories, manufacture of wooden and corrugated paper boxes, cheese boxes, moldings, window and door screens, window shades, carpet sweepers, wooden toys, articles and wares or baskets.

18. Mining, reduction of ores and smelting, preparation of metals or minerals.

19. Quarries; sand, shale, clay or gravel pits, lime kilns; manufacture of brick, tile, terracotta, fireproofing, or paving blocks, manufacture of calcium carbide, cement, asphalt or paving material.

20. Manufacture of glass, glass products, glassware, porcelain or pottery.

21. Iron, steel or metal foundries; rolling mills; manufacture of castings, forgings, heavy engines, locomotives, machinery, safes, anchors, cables, rails, shafting, wires, tubing, pipes, sheet metal, boilers, furnaces, stoves, structural steel, iron or metal.

22. Operation and repair of stationary engines and boilers, not included in other paragraphs of this section.

23. Manufacture of small castings or forgings, metal wares, instruments, utensils and articles, hardware, nails, wire goods, screens, bolts, metal beds, sanitary, water, gas or electric fixtures, light machines, typewriters, cash registers, adding machines, carriage mountings, bicycles, metal toys, tools, cutlery, instruments, photographic cameras and supplies, sheet metal-products, buttons.

24. Manufacture of agricultural implements, threshing machines, traction engines, wagons, carriages, sleighs, vehicles, automobiles, motor trucks, toy wagons, sleighs or baby carriages.

25. Manufacture of explosive and dangerous chemicals, corrosive acids or salts, ammonia, gasoline, petroleum, petroleum products, celluloid, gas, charcoal, gunpowder or ammunition.

26. Manufacture of paint, color, varnish, oil, japans, turpentine, printing ink, printers' rollers, tar, tarred, pitched or asphalted paper.

27. Distilleries, breweries; manufacture of spirituous or malt liquors, alcohol, wine, mineral water or soda waters.

28. Manufacture of drugs and chemicals, not specified in paragraph 25, medicines, dyes, extracts, pharmaceutical or toilet preparations, soaps, candles, perfumes, noncorrosive acids or chemical preparations, fertilizers, including garbage disposal plants; shoeblacking or polish.

29. Milling; manufacture of cereals or cattle foods, warehousing; storage; operation of grain elevators.

30. Packing houses, abattoirs, manufacture of preparation of meats or meat products or glue.

31. Tanneries.

32. Manufacture of leather goods and products, belting, saddlery, harness, trunks, valises, boots, shoes, gloves, umbrellas, rubber goods, rubber shoes, tubing, tires or hose.

33. Canning or preparation of fruit, vegetables, fish or foodstuffs; pickle factories and sugar refineries.

34. Bakeries, including manufacture of crackers and biscuits, manufacture of confectionery, spices or condiments.

35. Manufacture of tobacco, cigars, cigarettes or tobacco products.

36. Manufacture of cordage, ropes, fiber, brooms or brushes; manila or hemp products.

37. Flax mills; manufacture of textiles or fabrics, spinning, weaving and knitting manufactories; manufacture of yarn, thread, hosiery, cloth, blankets, carpets, canvas, bags, shoddy or felt.

38. Manufacture of men's or women's clothing, white wear, shirts, collars, corsets, hats, caps, furs or robes.

39. Power laundries; dyeing, cleaning or bleaching.

40. Printing, photo-engraving, stereotyping, electrotyping, lithographing, embossing; manufacture of stationery, paper, cardboard boxes, bags or wall paper; and bookbinding.

41. The operation, otherwise than on tracks, on streets, highways, or elsewhere of cars, trucks, wagons or other vehicles, and rollers and engines, propelled by steam, gas, gasoline, electric, mechanical or other power.

42. Stone cutting or dressing; marble works; manufacture of artificial stone; steel building and bridge construction; installation of elevators, fire escapes, boilers, engines or heavy machinery; bricklaying, tile laying, mason work, stone setting, concrete work, plastering; and manufacture of concrete blocks; structural carpentry; painting, decorating or renovating; sheet-metal work; roofing; construction, repair and demolition of buildings and bridges; plumbing, sanitary or heating engineering; installation and covering of pipes or boilers.

43. In addition to the employments set out in the preceding paragraphs, this act is intended to apply to all extrahazardous employments not specifically enumerated herein.

SEC. 33. Any employer, his employee or employees engaged in works not extrahazardous within the meaning of this act may, by their joint election, filed with the commission, accept the provisions of this act and such acceptances when approved by the commission, shall subject them to the provisions of this act to all intents and purposes as if they had been originally included in its terms.

Who may elect.

Any workman of the age of sixteen years and upwards may himself exercise the election hereby authorized. The right of election hereby authorized shall be exercised on behalf of any workman under the age of sixteen years by his parent or guardian. Nothing herein shall be construed to apply to workmen of less than the minimum age prescribed by law for the employment of minors in the occupation in which such workman shall be engaged.

The provisions of this act shall apply to employers and employees engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen only in this State may, with the approval of the commission, and so far as not forbidden by any act of Congress, voluntarily accept the provisions of this act by filing written acceptances with the commission, which shall subject the acceptors to the provisions of this act to all intents and purposes as if they had been originally included in its terms.

SEC. 33½. Whenever there shall have been enacted by the Congress of the United States and shall be in effect any act providing an exclusive remedy and compensation to employees of common carriers by railroad while employed in interstate or foreign commerce who sustain personal injury by accident arising out of and in the course of such employment and resulting in disability, or to the dependents of such employees in case such injury results in death, it shall be lawful for any such common carrier by railroad in this State and its employees or any of them, by agreement between such employer and employees, to provide for the payment by the employer of compensation in the amounts at the times and in the manner specified in said act of Con-

Interstate commerce.

gress to any employee who, while employed by such employer in commerce or business wholly within this State, sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or to the dependents, as defined in said act of Congress, of such employee in case such injury results in his death; and in and by such agreement to stipulate and agree that, except as provided therein, such employer shall not be civilly liable for any injury to or death of any such employee resulting from any such accident.

If any such employer shall file with the commission an instrument in writing under its corporate seal offering to enter into such an agreement with all and any of its employees in this State and referring to such act of Congress, and shall cause notice of such offer filed to be published once each week for three successive weeks following the date of such filing in a newspaper published in each county in this State through which such employer runs regularly any freight or passenger train, and in two newspapers published in the city of Baltimore, if such employer runs regularly any freight or passenger train into or through said city, every employee of such employer shall be conclusively presumed to accept such offer of the employer and to have entered into such agreement, unless such employee shall, within thirty days after the filing of such offer by the employer, file with the commission a notice in writing or statement declining such offer; and at the expiration of said period of thirty days the terms of said agreement shall be mutually binding upon the employer and upon every employee not so declining, but any employee or the employer may at any time by filing with the commission not less than thirty days' notice in writing of his or its intention so to do, terminate such agreement upon his or its part as to all accidental injuries occurring after the expiration of such notice.

Municipalities. SEC. 34. Whenever the State, county, city or any municipality shall engage in any extrahazardous work within the meaning of this act in which workmen are employed for wages, this act shall be applicable thereto. Whenever and so long as by State law, city charter or municipal ordinance, provision equal or better than that given under the terms of this act is made for municipal employees injured in the course of employment such employees shall not be entitled to the benefits of this act.

Scale of compensation. SEC. 35. Each employee (or in case of death his family or dependents), entitled to receive compensation under this act shall receive the same in accordance with the following schedule, and except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

Permanent total disability. 1. Permanent total disability. In case of total disability adjudged to be permanent fifty per centum of the average weekly wages shall be paid to the employee during the continuance of such total disability, exclusive of the first week, not to exceed a maximum of twelve dollars per week and not less than a minimum of five dollars per week unless the employee's established weekly wages are less than five dollars per week at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages, but not to exceed a total of \$5,000. Loss of both hands, or both arms, or both feet or both legs, or both eyes or of any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

Temporary total disability. 2. Temporary total disability. In case of temporary total disability fifty per centum of the average weekly wages shall be paid to the employee during the continuance thereof, but not in excess of a maximum of twelve dollars per week and not less than a minimum of five dollars per week [unless the employee's established weekly wages are less than five dollars per week at the time of the injury], in which event he shall receive compensation equal to his full wages; but in no case to continue more than six years from the date of the injury or to exceed thirty-seven hundred and fifty dollars in the aggregate.

Permanent partial disability. 3. Permanent partial disability. In case of disability partial in character but permanent in quality the compensation shall be fifty

per centum of the average weekly wages in no case to exceed twelve dollars per week or more than three thousand dollars in the aggregate, and shall be paid to the employees for the period named in the schedule as follows:

Thumb. For the loss of a thumb, fifty weeks.

First finger. For the loss of a first finger, commonly called the index finger, thirty weeks.

Second finger. For the loss of a second finger, twenty-five weeks.

Third finger. For the loss of a third finger, twenty weeks.

Fourth finger. For the loss of a fourth finger, commonly called the little finger, fifteen weeks.

The loss of the second or distal [distal] phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb. The loss of the third or distal [distal] phalange of any finger shall be considered to be equal to the loss of one-third of such finger. The loss of the middle or second phalange of any finger shall be considered to be equal to the loss of two-thirds of such finger. The loss of more than the middle and distal [distal] phalange of any finger shall be considered to be equal to the loss of the whole of such finger; *Provided, however,* That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

Great toe. For the loss of a great toe, twenty-five weeks.

Other toes. For the loss of one of the toes other than the great toe, ten weeks.

Hand. For the loss of a hand, one hundred and fifty weeks.

Arm. For the loss of an arm, two hundred weeks.

Foot. For the loss of a foot, one hundred and fifty weeks.

Leg. For the loss of a leg, one hundred and seventy-five weeks.

Eye. For the loss of an eye, one hundred weeks.

Loss of use. Permanent loss of the use of a hand, arm, foot, leg or eye shall be considered as the equivalent of the loss of such hand, arm, foot, leg or eye.

Amputations. Amputations between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of the leg.

The compensation for the foregoing specific injuries shall be in lieu of all other compensations, except the benefits provided in section 36 of this act.

Other cases. In all other cases in this class of disability the compensation shall be fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, if less than before the accident (but not to exceed twelve dollars per week), payable during the continuance of such partial disability, but not to exceed \$3,000, and subject to reconsideration of the degree of such impairment by the commission on its own motion or upon application of any party in interest.

4. Temporary partial disability. In case of temporary partial disability, except the particular cases mentioned in subdivision three of this section, an injured employee shall receive fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, if less than before the accident, during the continuance of such partial disability, but not in excess of three thousand five hundred dollars, except as otherwise provided in this act. Temporary partial disability.

In case the injury causes death within the period of two years, the benefits shall be in the amounts and to the persons following:

If there be no dependents, the disbursements shall be limited to the expenses provided for in section thirty-six hereof.

If there are wholly dependent persons at the time of the death, the payment shall be fifty per cent of the average weekly wages, and to continue for the remainder of the period between the date of the death and eight years after the date of the injury, and not to amount to more

than a maximum of four thousand two hundred and fifty dollars, nor less than a minimum of one thousand dollars.

If there are partly dependent persons at the time of the death, the payment shall be fifty per cent of the average weekly wages, and to continue for all or such portion of the period of eight years after the date of the injury, as the commission in each may determine, and not to amount to more than a maximum of three thousand dollars.

The following persons shall be presumed to be wholly dependent for support upon a deceased employee: A wife or invalid husband ("invalid" meaning one physically or mentally incapacitated from earning), a child or children under the age of sixteen years (or over said age if physically or mentally incapacitated from earning) living with or dependent upon the parent at the time of the injury or death.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the facts in each particular case existing at the time of the injury resulting in death of such employee, but no person shall be considered as dependent unless such person be a father, mother, grandfather, grandmother, stepchild or grandchild, or brother or sister of the deceased employee, including those otherwise specified in this section.

An alien shall not be considered a dependent within the meaning of this act unless he be a resident within the United States.

Medical, etc.,
attendance.

SEC. 36. In addition to the compensation provided for herein the employer shall promptly provide for an injured employee, such medical, surgical or other attendance or treatment, nurse and hospital services, medicines, crutches and apparatus as may be required by the commission in an amount not to exceed the sum of one hundred and fifty dollars (\$150). If the employer fail to provide the same the injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall or some one on his behalf have requested the employer to furnish the same, and the employer shall have refused or neglected to do so. All fees and other charges for such treatment and services shall be subject to regulations by the commission, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living, and in case death ensues from the injury within two years, reasonable funeral expenses shall be allowed not to exceed the sum of seventy-five dollars (\$75): *Provided, however,* That if there are no dependents and the deceased employee leaves sufficient estate to pay same, all expenses of last sickness and burial shall be paid by said estate and not by the employer or insurance company or commission out of the State accident fund, as the case may be. The commission shall have full power to adopt rules and regulations with respect to furnishing medical, nurse, hospital services and medicine to injured employees entitled thereto and for the payment thereof.

Notice.

SEC. 37. Notice of an injury for which compensation is payable under this act shall be given to the employer within ten days after the accident, and also in case of the death of the employee resulting from such injury, within thirty days after such death. Such notice may be in writing and contain the name and address of the employee, and state in ordinary language the time, place, nature and cause of the injury, and be signed by him or by a person on his behalf, or in case of death, by any one or more of his dependents, or by a person on their behalf. The failure to give such notice, unless excused by the commission either on the ground that notice for some sufficient reason could not have been given, or on the ground that the State accident fund, insurance company, or employer, as the case may be, has not been prejudiced thereby, shall be a bar to any claim under this act.

Report

Whenever an accident occurs to any employee it shall be the duty of the employer to at once report such accident and the injury resulting therefrom to the commission, and also to any local representative of the commission. Such report shall state (a) the time, cause and nature of the accident and injuries, and the probable duration of the injury resulting therefrom; (b) whether the accident arose out of or in the course of the injured person's employment; (c) any other matters the rules and regulations of the commission may prescribe.

Sec. 38. Where an employee is entitled to compensation under this act he shall file with the commission his application within thirty days together with the certificate of the physician, if any, who attended him.

Application.

Where death results from injury the parties entitled to compensation under this act or some one in their behalf, shall make application for the same to the commission, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if attended by a physician, and such other proof as may be required by the rules of the commission.

Sec. 39. The commission shall make or cause to be made such investigation of any claim as it deems necessary, and upon application of either party, shall order a hearing and within thirty days after a claim for compensation is submitted under this section, or such hearing closed, shall make or deny an award, determining such claim for compensation, and file the same in the office of the commission, together with a statement of its conclusions of fact and rulings of law. The commission may, if it deems proper, on the written application of any party in interest, or on its own motion, require the claimant to appear before an arbitration committee appointed by it and consisting of one representative of employees, one representative of employers, and either a member of the commission or a person specially deputized by the commission to act as chairman, before which the evidence in regard to the claim shall be adduced and by which it shall be considered and reported upon with the right of either party to appeal to the commission from the finding of said arbitration committee on all questions of law and fact.

Investigation,
etc.

If changes of circumstances warrant an increase or rearrangement of compensation, like application shall be made. No increase or rearrangement shall be operative for any period prior to application therefor.

Sec. 40. Any person who shall knowingly secure or attempt to secure larger compensation or compensation for a longer term than he is entitled to, or knowingly secure or attempt to secure compensation when he is not entitled to any, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars or imprisoned not exceeding twelve months, or both, in the discretion of the court, and shall from and after such conviction cease to receive any compensation.

Fraud.

Sec. 41. Any employee entitled to receive compensation under this act is required, if requested by the commission to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the employee and as may be provided by the rules of the commission. If the employee refuse to submit to any such examination, or obstructs the same, his right to compensation shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period.

Medical exami-
nations.

Sec. 42. Should a further accident occur to an employee already receiving payment under this act for a disability, or who has been previously the recipient of a lump-sum payment under this act, his future compensation shall be adjusted according to the other provisions of this act, and with regard to the combined effect of his injuries and his past receipt of compensation under this act. In case of the remarriage of a dependent widow of a deceased employee without dependent children, all compensation under this act shall cease, and further no widow or widower shall receive any benefits under this act where the marriage shall have taken place after the person entitled to benefits hereunder shall have been injured, provided there are no dependent children.

Second inju-
ries.

If aggravation, diminution or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated in any case, the commission may, upon the application of any party in interest or upon its own motion, readjust for future application the rate of compensation in accordance with rules in this section provided, or in a proper case, terminate the payments.

A husband or wife of an injured employee, who has deserted said employee for more than one year prior to the time of the injury or subsequently shall not be a beneficiary under this act.

- In case of the remarriage of a dependent widow of a deceased employee without dependent children, all compensation under this act shall cease, and further no widow or widower shall receive any benefits under this act where the marriage shall have taken place after the person entitled to benefits hereunder shall have been injured, provided there are no dependent children.
- Removing from State.** SEC. 43. If a beneficiary shall reside or remove out of the State and shall have been such nonresident for a period of one year, the commission may in its discretion convert any payments thereafter to become due to such beneficiary into a lump-sum payment, not in any case to exceed twenty-four hundred dollars, by paying a sum equal to three-fourths of the then value of such payments.
- Intentional injury.** SEC. 44. If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the employee, the widow, widower, child, children or dependents of the employee shall have the privilege either to take under this act or have cause of action against such employer, as if this act had not been passed.
- Injuries not compensated.** SEC. 45. Notwithstanding anything hereinbefore or hereinafter contained, no employee or dependent of any employee shall be entitled to receive any compensation or benefits under this act, on account of any injury to or death of an employee caused by a self-inflicted injury, the willful misconduct or the intoxication of such employee.
- Learners, etc.** SEC. 46. If it be established that the injured employee was of such age and experience when injured as that under the natural conditions his wages would be expected to increase, this fact may be considered in arriving at his average weekly wage.
- Minors.** SEC. 47. A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purposes of this act, and no other person shall have any cause of action or right to compensation for any injury to such minor employee unless otherwise herein provided.
- Waiting time.** SEC. 48. No compensation shall be allowed for two weeks after the injury is received except disbursements herein authorized for medical, nurse and hospital services and medicines, and for funeral expenses.
- Distribution of death benefits.** SEC. 49. The benefits in case of death shall be paid to such one or more of the dependents of the decedent for the benefit of all the dependents as may be determined by the commission, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. The dependent or persons to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the findings and direction of the commission.
- Lump sums.** SEC. 50. In every case providing for compensation to an employee or his dependent, excepting temporary disability, the commission may, if in its opinion the facts and circumstances of the case warrant it, allow the compensation to be paid in a partial or total lump sum.
- Assignments, etc.** SEC. 51. No money payable under this act shall prior to issuance and delivery of the warrant or voucher therefor, be capable of being assigned, charged or taken in execution or attachment.
- Waivers.** SEC. 52. No employer or employee who are subject to the provisions of this act shall exempt himself from the burden or waive the benefit of this act by any contract, agreement, rule or regulation, and any such contract, agreement, rule or regulation shall be pro tanto void. No agreement by such employee to pay any portion of the premium paid by such employer shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employee entitled to the benefits of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hundred dollars for each offense.
- Jurisdiction continuing.** SEC. 53. The powers and jurisdiction of the commission over each case shall be continuing, and it may from time to time make such modifications or change with respect to former findings or orders with respect thereto as in its opinion may be justified.
- Absence of safeguards.** SEC. 54. If an employee shall be injured because of the absence of any safeguard or protection required by the commission, the employer shall be guilty of a misdemeanor and liable to a fine of not less than \$50 or more than \$500 to be paid into the State accident fund.

Sec. 55. Any employer, employee, beneficiary or person feeling aggrieved by any decision of the commission affecting his interests under this act may have the same reviewed by a proceeding in the nature of an appeal and initiated in the circuit court of the county or in the common-law courts of Baltimore City having jurisdiction over the place where the accident occurred or over the person appealing from such decision, and the court shall determine whether the commission has justly considered all the facts concerning injury, whether it has exceeded the powers granted it by the act, whether it has misconstrued the law and facts applicable in the case decided. If the court shall determine that the commission has acted within its powers and has correctly construed the law and facts, the decision of the commission shall be confirmed, otherwise it shall be reversed or modified. Upon the hearing of such an appeal the court shall, upon motion of either party filed with the clerk of the court according to the practice in civil cases, submit to a jury any question of fact involved in such case. The proceedings in every such an appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No such appeal shall be entertained unless notice of appeal shall have been served personally upon some member of the commission within thirty days following the rendition of the decision appealed from. An appeal shall not be a stay. If the decision of the commission shall be changed or modified, the practice prevailing in civil cases as to the payment of costs and the fees of medical and other witnesses shall apply. Appeal shall lie from the judgment of the circuit court of the county or the common-law courts of Baltimore City to the court of appeals as in other civil cases, and such appeals, shall have precedence over all cases except criminal cases.

Appeals.

The attorney general shall be the legal adviser of the commission and shall represent it in all proceedings whenever so requested by any of the commissioners in all court proceedings under or pursuant to this act, the decision of the commission shall be prima facie correct and the burden of proof shall be upon the party attacking the same.

Sec. 56. If the commission or the court before which any proceedings for compensation or concerning an award of compensation have been brought, under this act, determines that such proceedings have not been so brought upon reasonable ground, it shall assess the whole cost of the proceeding upon the party who has so brought them. Claims for legal services in connection with any claims arising under this act and claims for services or treatment rendered or supplies furnished pursuant to section 36 of this act, shall not be enforceable unless approved by the commission. If so approved, such claim or claims shall become a lien upon the compensation awarded, but shall be paid therefrom only in the manner fixed by the commission.

Costs and fees.

Sec. 57. Where the injury or death for which compensation is payable under this act was caused under circumstances creating a legal liability in some person, other than the employer, to pay damages in respect thereof, the employee, or in case of death, his personal representative or dependents as hereinbefore defined, may proceed either by law against that other person to recover damages or against the employer for compensation under this act, or in case of joint tortfeasors against both; and if compensation is claimed and awarded or paid under this act any employer may enforce for the benefit of the insurance company or association carrying the risk or the State accident fund, or himself, as the case may be, the liability of such other person: *Provided, however,* If damages are recovered in excess of the compensation already paid or awarded to be paid under this act, then any such excess shall be paid to the injured employee or, in case of death, to his dependents, less the employer's expenses and costs of action.

Liability of third parties.

Sec. 58. If the provisions of this act relative to compensation for injuries to or death of employees become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death not previously compensated for under this act by lump payment or completed periodical payments shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death: *Provided,* That such action be commenced within one year after such repeal or adjudication, but in

Law of limitations not to run.

any such action any sum paid to the employee on account of injury for which the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have insured himself as provided for in this act without delinquency, such sums as may have been paid to the employee or his dependents on account of injury or death, shall be credited upon recovery as payment thereon.

Cases outside scope of act.

SEC. 59. If any employer shall be adjudicated to be outside the lawful scope of this act, the act shall not apply to him or his employees; if any employee shall be adjudicated to be outside the lawful scope of this act, because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this act in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received.

Construction to be liberal.

SEC. 60. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act; but this act shall be so interpreted and construed as to effectuate its general purpose.

Presumptions.

SEC. 61. In any proceeding for the enforcement of a claim for compensation under this act, it shall be presumed in the absence of substantial evidence to the contrary:

- (a) That the claim comes within the provisions of this act.
- (b) That sufficient notice thereof was given.
- (c) That the injury was not occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another.
- (d) That the injury did not result solely from the intoxication of the injured employee while on duty.

Definitions.

SEC. 62. Definitions as used in this act:

1. "Extrahazardous employment" means a work or occupation described in section 32 of this act.
2. "Employer," except when otherwise expressly stated, means a person, partnership, association, corporation, and the legal representatives of a deceased employer, or the receiver or trustee of a person, partnership, association or corporation employing workmen in extrahazardous employments.
3. "Employee" means a person who is engaged in an extrahazardous employment in the service of an employer carrying on or conducting the same upon the premises or at a plant, or in the course of his employment away from the plant of his employer, and shall not include farm laborers. "Farm laborers" as used in this act, shall mean any employees who at the time of the accident, are engaged in rendering any agricultural service, including the threshing and harvesting of crops, or who, at the time of the accident, are engaged in service incidental to and in connection with agricultural pursuits or developments, whether the employer be the farmer or other person undertaking or contracting with the farmer to perform any such agricultural service, pursuit or development. This act shall not apply to farm laborers, domestic servants nor to country blacksmiths, wheelwrights or similar rural employments, nor in any case where the accident occurred before this act takes effect, nor to casual employees or any employee whose salary is in excess of two thousand dollars a year, or any employees who are employed wholly without the State.
4. "Employment" includes employment only in a trade, business or occupation carried on by the employer for pecuniary gain.
5. "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this act, and includes funeral benefits provided therein.
6. "Injury" and "personal injury" mean only accidental injuries arising out of and in the course of employment and such disease or infection as may naturally and unavoidably result therefrom.
7. "Death," when mentioned as a basis for the right to compensation means only death resulting from such injury.
8. "Average weekly wages" for the purposes of this act shall be taken to mean the average weekly wages earned by an employee when working on full time.
9. "State accident fund" means the State insurance fund provided for in section 16 of this act.

10. "Child" shall include a posthumous child and a child legally adopted prior to the injury of the employee.

11. "Beneficiary" means a husband, wife, child, children or dependents of an employee in whom shall vest a right to receive payment under this act.

SEC. 63. The sum of forty thousand dollars (\$40,000) annually for the years 1914, 1915 and 1916, or so much thereof as may be necessary annually for the maintenance of the State industrial accident commission and the payment of the salaries and expenses of said commission and its officers and employees, and so much thereof, if any, as may be necessary to maintain a solvent State accident fund, is hereby appropriated, and shall be payable on the order or orders of the said commission from time to time, as in this law provided; and the comptroller shall draw his warrant upon the treasurer of Maryland, as in law provided, for the annual appropriations. And a further appropriation is hereby made of the sum of fifteen thousand dollars for the year 1914 for the necessary expenses of the aforesaid State industrial accident commission to cover printing, office fixtures and such other legitimate expenses as the commission may incur in establishing their office or offices as in this act contemplated and the comptroller of the State of Maryland shall draw his warrant upon the treasurer of Maryland for the said sum of fifteen thousand dollars (\$15,000), or any part thereof, upon the order or orders presented to the State comptroller by the said State industrial accident commission.

Appropriation.

SEC. 64. Chapter 153 of the Acts of 1910, as amended by chapter 445 of the Acts of 1912 of the General Assembly of Maryland [establishing a miners' cooperative insurance fund in Allegany and Garrett counties] are hereby repealed, except for the purpose of providing confirmation for all claims which may arise thereunder, prior to the first day of November, 1914; and if after all such claims are paid, there be a surplus in the fund, it shall be turned over to the treasurer of Maryland for the account of the State industrial accident fund, but if there be a deficit in said fund at the time this act takes effect as between employers and employees, the payments provided for under chapter 153 of the Acts of 1910 as amended by chapter 445 of the Acts of 1912 shall be continued by the employer and employees of Allegany and Garrett counties to the treasurers of said counties until such pending claims are paid, when said payments shall cease.

Approved April 16, 1914.

CHAPTER 840.—*Employment of children—General provisions.*

SECTION 1. Sections 47, 48 and 50 of the Code of Public General Laws of Maryland, * * * are hereby repealed and reenacted with amendments so as to read as follows:

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

Certificates to be free.

Sec. 48. The chief of the Maryland Bureau of Statistics and Information is hereby authorized to appoint seven inspectors at a compensation not exceeding one thousand dollars each per annum, and one officer, whose duty it shall be to issue employment certificates at a compensation not exceeding twelve hundred dollars per annum, to carry out the provisions of this act; they shall also be allowed their actual expenses when away from the city of Baltimore in the business of their office; they shall be attached to and be a part of the Maryland Bureau of Statistics and Information, and be subject to the order of the chief of said bureau, whose duty it shall be to see that the provisions of this act are enforced; and said chief of said bureau is further empowered to des-

Inspectors.

ignates one or more regular physicians, who shall be attached to and be part of the Maryland Bureau of Statistics and Information and be subject to the order of the chief of said bureau, who shall have such duties and receive such compensation as shall be determined upon by said chief: *Provided, however,* That the total compensation of all physicians so employed by said chief of the Maryland Bureau of Statistics and Information shall not exceed twenty-five hundred dollars per annum.

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

Approved April 16, 1914.

MASSACHUSETTS.

ACTS OF 1914.

CHAPTER 164.—*Factory regulations—Toilet appliances.*

SECTION 1. Whoever willfully destroys, defaces, injures or defiles any toilet appliances provided in any place of employment shall be punished by a fine of not more than fifty dollars. Defacing appliances.

Approved March 16, 1914.

CHAPTER 217.—*Leave of absence for employees in public service.*

SECTION 1. All persons classified as laborers, or doing the work of laborers, and regularly employed by cities or towns for more than one year, shall be granted a vacation of not less than two weeks during each year of their employment, without loss of pay. Two weeks' leave allowed.

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

Approved March 23, 1914.

CHAPTER 241.—*Employment of women—Handling boxes, etc.*

SECTION 1. Section one of chapter four hundred and twenty-six of the acts of the year nineteen hundred and thirteen is hereby amended * * * so as to read as follows:

Section 1. Boxes, baskets and other receptacles which with their contents weigh seventy-five pounds or over and which are to be moved by female employees in any manufacturing or mechanical establishment, shall be provided with pulleys, casters or some other mechanical device connected with such boxes or other receptacles so that they can be moved easily from place to place in such establishments. Pulleys, etc., required, when.

Approved March 25, 1914.

CHAPTER 247.—*Payment of wages—Weekly pay day.*

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

Section 112. Every person, firm or corporation engaged in carrying on a factory, workshop, manufacturing, mechanical or mercantile establishment, mine, quarry, railroad or street railway, or a telephone, telegraph, express or water company, or any of the building trades, or the construction or repair of any railroad, street railway, road, bridge, sewer, gas, water or electric-light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, shall be paid in full on the following regular pay day; and any employee discharged from such employment shall be paid in full on the day of his discharge, or in the city of Boston as soon as the provisions of law requiring pay rolls, bills and accounts to be certified shall have been complied with; and the Commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every person employed by it or them in any penal or charitable institution, and every county and city shall so pay every employee who

Scope of law.

P a y m e n t weekly.

Railroad companies.

is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee of a cooperative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. The board of railroad commissioners, after a hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears to the board that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this and the following section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Approved March 26, 1914.

CHAPTER 263.—*Factory regulations—Posting notices.*

Power of board. SECTION 1. The State board of labor and industries may require employers to post in conspicuous positions in any place of employment such placards, posters or signs as the said board may issue for the information of employees.

Approved March 31, 1914.

CHAPTER 316.—*Employment of children—Certificates to be free.*

No fee to be charged. SECTION 1. It shall be unlawful for any city or town clerk or other official to charge any fee for a certificate relating to the age or place of birth of any minor or to any other fact sought to be established in relation to school attendance, but such certificates shall be issued, upon request, by any city or town clerk.

Approved April 6, 1914.

CHAPTER 328.—*Factory regulations—Sanitation and safety.*

Toilet rooms, etc., to be supplied.

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

Section 79. In every factory, workshop, manufacturing, mechanical, mercantile or other establishment, there shall be provided suitable, adequate and convenient water-closets and washing facilities, separate for each sex, of such number, in such location and so constructed, lighted, ventilated, arranged and maintained as may be determined by such reasonable rules and regulations as the State board of labor and industries may adopt with reference thereto. If any such establishment is so located that a connection with a sewer system is, in the opinion of the said board, impossible or impracticable, it shall provide such suitable toilet and washing facilities as may be required by the said board.

Sec. 2. Section ninety-four of said chapter * * * is hereby further amended by striking out the said section and inserting in place thereof the following new section:

Dangerous machinery to be guarded.

Sec. 94. The belting, shafting, gearing, drums and all machinery having movable parts in all factories, mechanical establishments, workshops and mercantile establishments, if so placed as, in the opinion of the State board of labor and industries, to be dangerous to employees therein while engaged in their ordinary duties, shall be, so far as is practicable, securely guarded. No machinery except steam engines in a factory, mechanical establishment, workshop or mercantile establishment shall be cleaned while running if objection in writing is made by one of the inspectors of said board. Every factory, workshop, manufacturing, mechanical and mercantile establishment

shall be well lighted, well ventilated and kept clean and free from unsanitary conditions, according to such reasonable rules and regulations as may be adopted with reference thereto by the State board of labor and industries.

SEC. 3. Nothing in this act shall be construed as applying to the belting, shafting, gearing, drums or machinery used in the operation of elevators, nor in any way as affecting the powers of the board of elevator regulations given by chapter eight hundred and six of the acts of the year nineteen hundred and thirteen.

Elevators.

Approved April 8, 1914.

CHAPTER 338.—*Compensation of workmen for injuries—Massachusetts employees' insurance association.*

SECTION 1. Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven is hereby amended by striking out section two and inserting in place thereof the following new section:

Section 2. The board of directors of the association shall consist of not less than fifteen members, to be elected by ballot by the members, who shall hold office for such term or terms as the by-laws may provide in accordance with the provisions of section twenty-six of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven and until their successors are elected.

Board of directors.

Approved April 11, 1914.

CHAPTER 347.—*Strikes, etc.—Notice in advertisements for labor.*

SECTION 1. If an employer, during the continuance of a strike among his employees, or during the continuance of a lockout or other labor trouble among his employees, publicly advertises in newspapers, or by posters or otherwise, for employees, or by himself or his agents solicits persons to work for him to fill the places of strikers, he shall plainly and explicitly mention in such advertisements or oral or written solicitations that a strike, lockout or other labor disturbance exists among his employees.

Advertisements during strikes, etc.

SEC. 2. No employer, during the continuance of a strike, lockout or other labor trouble among his employees, shall directly or indirectly procure or attempt to procure persons to fill the places of employees involved in such strike, lockout or other labor trouble, if such persons are or have been solicited by means of advertisements or oral or written statements in which it has not been plainly and explicitly mentioned that a strike, lockout or other labor trouble exists in the establishment where such persons are to be employed. This provision shall apply whether such advertisements or oral or written solicitations were made within or without the Commonwealth.

Statements to be explicit.

SEC. 3. No person, firm, association or corporation, during the continuance of a strike, lockout or other labor trouble among the employees of another person, firm, association or corporation, shall procure, or attempt to procure, or assist in any way in procuring, or attempting to procure persons to work for such other person, firm, association, or corporation, to fill the places of employees involved in such strike, lockout or other labor trouble, if such persons are or have been solicited by advertisements or oral or written statements, whether made within or without the Commonwealth, in which it has not been plainly and explicitly mentioned that a strike, lockout or other labor trouble exists in the establishment where such persons are to be employed.

Agents to give notice.

SEC. 4. Any person, firm, association or corporation violating any provision of this act shall be punished by a fine not exceeding one hundred dollars for each offense.

Violations.

SEC. 5. The provisions of this act shall cease to be operative when the State board of conciliation and arbitration shall determine that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. Said board shall determine this question as soon as may be, upon the application of the employer.

End of strike, etc.

Approved April 13, 1914.

CHAPTER 352.—*Pensions for public employees.*

Who may receive pensions.

SECTION 1. Any laborer in the employ of any fire or water district which accepts this act, who has reached the age of sixty years and has been in the employ of such district for a period of not less than twenty-five years and has become physically or mentally incapacitated for labor, and any laborer in the employ of any such district who has been in such employ for a period of not less than fifteen years and has become physically or mentally incapacitated for labor by reason of any injury received in the performance of his duties for such district may, at his request, with the approval of the prudential committee or water commissioners, be retired from service, and if so retired he shall receive from the district, for the remainder of his life, an annual pension equal to one-half of the average annual compensation paid to him as a laborer during the two years next prior to his retirement. Any laborer in the employ of such a district who has reached the age of sixty-five years and has been in such employ for a period of not less than twenty-five years shall be retired from service and shall receive from the district an annual pension computed in the manner hereinbefore set forth. This section shall take effect in any fire or water district if accepted by a majority of the voters in that district who are present and vote thereon at any annual meeting or at any special meeting duly called for the purpose.

Measure to be voted on.

SEC. 2. If any city or town is now under any obligation under chapter five hundred and three of the acts of the year nineteen hundred and twelve or under chapter six hundred and seventy-one of the acts of the year nineteen hundred and thirteen to pay a pension to any employee of a fire or water district, that obligation shall cease on the day of the next regular annual meeting of the district contained or partly contained in such city or town; and at the said next annual meeting of such district this act shall be submitted to the voters thereof, and if the act is accepted by a majority of the voters voting thereon, then the pension payable by the said city or town to the former employees of the district shall thereafter be payable by the district, and the obligation to pay pensions in accordance with the provisions of this act shall thereafter rest upon the said district and not upon the city or town in which the district is contained or partly contained. This section shall take effect upon the passage of this act.

Approved April 13, 1914.

CHAPTER 368.—*Employment of women and children—Minimum wages.*

SECTION 1. Section four of chapter seven hundred and six of the acts of the year nineteen hundred and twelve is hereby amended * * * so as to read as follows:

Wage boards to be established.

Section 4. If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of an equal number of representatives of employers in the occupation in question, and of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the representatives of the public shall not exceed one-half of the number of representatives of either of the other parties. The commission shall give notice to employers and employees in said occupation by publication or otherwise of its determination to establish a wage board and shall request that said employers and employees, respectively, nominate representatives for said board by furnishing names to the commission. The representatives of employers and employees shall be selected by the commission from names furnished by the employers and by the employees, respectively, provided that these names are furnished within ten days after the request of the commission. The commission shall designate as chairman one of the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the boards, and shall exercise ex-

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

Sec. 2. Section six of said chapter * * * is hereby further amended * * * so as to read as follows:

Sec. 6. Upon receipt of a report from a wage board, the commission shall review the same, and may approve any or all of the determinations recommended, or may disapprove any or all of them, or may recommit the subject to the same or to a new wage board. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall thereafter publish at such times and in such manner as it may deem advisable a summary of its findings and of its recommendations. It shall also at such times and in such manner as it shall deem advisable publish the facts, as it may find them to be, as to the acceptance of its recommendations by the employers engaged in the industry to which any of its recommendations relate, and may publish the names of employers whom it finds to be following or refusing to follow such recommendations. An employer who files a declaration under oath in the supreme judicial court or the superior court to the effect that compliance with the recommendation of the commission would render it impossible for him to conduct his business at a reasonable profit shall be entitled to a review of said recommendation by the court under the rules of equity procedure. The burden of proving the averments of said declaration shall be upon the complainant. If, after such review, the court shall find the averments of the declaration to be sustained, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with the recommendations of the commission. But such review, or any order issued by the court thereupon, shall not be an adjudication affecting the commission as to any employer other than the complainant, and shall in no way affect the right of the commission to publish the names of those employers who do comply with its recommendations. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

Sec. 3. Section seven of said chapter seven hundred and six is hereby repealed. Reports by less than two-thirds.

Sec. 4. Section eleven of said chapter * * * is hereby further amended * * * so as to read as follows:

Sec. 11. Every employer of women and minors shall keep a register of the names, addresses and occupations of all women and minors employed by him, together with a record of the amount paid each week to each woman and minor, and shall, on request of the commission or of the director of the bureau of statistics, permit the commission or any of its members or agents, or the director of the bureau of statistics or any duly accredited agent of said bureau, to inspect the said register and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. The commission shall also have power to subpoena witnesses, administer oaths and take testimony. Such witnesses shall be summoned in the same manner and be paid from the treasury of the Commonwealth the same fees as witnesses before the superior court. Register of employees.

Sec. 5. Section thirteen of said chapter * * * is hereby further amended * * * so as to read as follows:

Sec. 13. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or has served or is about to serve upon a wage board, Employees furnishing information, etc.

or is or has been active in the formation thereof, or has given or is about to give information concerning the conditions of such employee's employment, or because the employer believes that the employee may testify, or may serve upon a wage board, or may give information concerning the conditions of the employee's employment, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars and not more than one thousand dollars for each offense.

Approved April 17, 1914.

CHAPTER 419.—*Pensions for public employees.*

Retirement for disability.

SECTION 1. Any employee of the Commonwealth subject to and affected by the provisions of chapter five hundred and thirty-two of the acts of the year nineteen hundred and eleven and the amendments thereof, may, after fifteen years of continuous service, be retired for permanent disability at a yearly rate of not more than one-half of his salary, based on the average sums received during the last ten years of service: *Provided, however,* That the minimum amount be not less than two hundred dollars and that the tables now in use by the board of retirement be used in determining the amount to be paid, and the board of retirement may call upon the surgeon general to assist it in determining the degree of disability. The decision of the board of retirement shall be final.

Approved April 28, 1914.

CHAPTER 421.—*Inspectors of factories, etc.—Explosives.*

Inspector to be appointed.

SECTION 1. There shall annually be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended by the chief of the district police for the employment of expert assistance to aid in the enforcement of the statutes relative to explosives and inflammable fluids and compounds.

Approved April 28, 1914.

CHAPTER 458.—*Wages of employees of prison commissioners.*

Rate per day.

SECTION 1. The wages paid by the board of prison commissioners to male laborers directly employed by it shall be not less than two dollars and a half a day.

Approved April 30, 1914.

CHAPTER 464.—*Employers' liability, etc., insurance.*

Liability for loss.

SECTION 1. In respect to every contract of insurance made between an insurance company and any person, firm or corporation, by which such person, firm or corporation is insured against loss or damage on account of the bodily injury or death by accident of any person, for which loss or damage such person, firm or corporation is responsible, whenever a loss occurs on account of a casualty covered by such contract of insurance, the liability of the insurance company shall become absolute, and the payment of said loss shall not depend upon the satisfaction by the assured of a final judgment against him for loss, or damage, or death, occasioned by said casualty. No such contract of insurance shall be canceled or annulled by any agreement between the insurance company and the assured after the said assured has become responsible for such loss or damage, and any such cancellation or annulment shall be void.

Rights of judgment creditor.

SEC. 2. Upon the recovery of a final judgment against any person, firm or corporation by any person, including administrators or executors, for loss or damage on account of bodily injury or death, if the defendant in such action was insured against said loss or damage at the time when the right of action arose, the judgment creditor shall be

entitled to have the insurance money, provided for in the contract of insurance between the insurance company and the defendant, applied to the satisfaction of the judgment, and if the judgment is not satisfied within thirty days after the date when it is rendered, the judgment creditor may proceed in equity against the defendant and the insurance company to reach and apply the insurance money to the satisfaction of the judgment.

Approved May 2, 1914.

CHAPTER 467.—*Factory regulations—Ammonia compressors.*

SECTION 1. It shall be unlawful to use an ammonia compressor unless it is equipped with a safety valve. Safety valve.

SEC. 2. The board of boiler rules shall within ninety days after the passage of this act formulate rules for the size, design, location and piping of safety valves on ammonia compressors. Rules.

SEC. 3. The rules so formulated shall have the force of law and shall be printed and furnished to those requesting them by the boiler inspection department. Force.

SEC. 4. Any changes in the rules as formulated by the board of boiler rules shall be made in accordance with section twenty-six of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, as amended by section two of chapter three hundred and ninety-three of the acts of the year nineteen hundred and nine. Changes.

SEC. 5. The provisions of this act shall be enforced by the boiler inspection department of the district police, * * * Enforcement.

Approved May 2, 1914.

CHAPTER 474.—*Wages of mechanics on public works.*

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

Section 21. In the employment of mechanics and laborers in the construction of public works by the Commonwealth, or by a county, city or town, or by persons contracting therewith, preference shall be given to citizens of the Commonwealth, and, if they can not be obtained in sufficient numbers, then to citizens of the United States; and every contract for such works shall contain a provision to this effect. The wages for a day's work paid to mechanics employed in such construction of public works shall be not less than the customary and prevailing rate of wages for a day's work in the same trade or occupation in the locality, city or town where such public works are constructed. Any contractor who knowingly and willfully violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for each offense. Citizens preferred.

SEC. 2. The board of labor and industries shall enforce the provisions of this act, and in case of any dispute that may arise upon public works as to the customary and prevailing rate of wages the board of labor and industries shall investigate the wages paid in the trade or occupation in the locality, city or town where such public works are under construction and decide what rate of wages shall be paid upon such works. Current rates of wages.

Approved May 5, 1914.

CHAPTER 486.—*Civil service—Employees included.*

SECTION 1. The civil service commissioners shall prepare rules, which shall take effect when approved by the governor and council in the manner provided by law, for including within the classified civil service all engineers, and all persons having charge of steam boilers, heating, lighting and power plants maintained by the Commonwealth. Engineers and firemen.

Approved May 6, 1914.

CHAPTER 533.—*State board of labor and industries—Reports.*

SECTION 1. Section fourteen of chapter seven hundred and twenty-six of the acts of the year nineteen hundred and twelve is hereby amended * * * so as to read as follows:

Annual reports. SECTION 14. The board shall annually, on or before the first Wednesday in January, submit to the general court a report containing a statement of the character and results of the work performed by it or under its direction during the preceding year and of the expenditures for the year, together with an estimate of the sum required for the ensuing year and recommendations for such additional legislation as the board shall deem necessary. Thirty-five hundred copies of the report shall be printed, of which number twenty-five hundred copies shall be delivered to the said board for distribution. Five hundred copies of those delivered to the board for distribution shall be bound in cloth.

Approved May 16, 1914.

CHAPTER 541.—*Preference of domestic materials for use on public works.*

Local products preferred. SECTION 1. In the purchase of marble or other stone or brick material to be used in constructing the additions to the statehouse, provided for by chapter eight hundred and thirty of the acts of the year nineteen hundred and thirteen, preference shall be given by the statehouse building commission to material quarried or manufactured within the Commonwealth.

Approved May 20, 1914.

CHAPTER 553.—*Employers' liability, etc.—Contributory negligence.*

Defense affirmative only. SECTION 1. In all actions, civil or criminal, to recover damages for injuries to the person or property or for causing the death of a person, the person injured or killed shall be presumed to have been in the exercise of due care, and contributory negligence on his or her part shall be an affirmative defense to be set up in the answer of, and proved by the defendant.

Approved May 21, 1914.

CHAPTER 557.—*Factory regulations—Provisions for accidents.*

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

Section 104. Every person, firm or corporation operating a factory or shop in which machinery is used for any manufacturing or other purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such medical or surgical chest, or both, as shall be required by the State board of labor and industries, and containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises, and every person, firm or corporation carrying on a business in a mercantile establishment in which twenty or more women or minors are employed, shall in like manner provide such medical and surgical chest as the State board of labor and industries may require. A person, firm or corporation violating any provision of this section shall be punished by a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

Approved May 22, 1914.

CHAPTER 566.—*Factory regulations—Locking doors during work hours.*

Doors not to be locked. SECTION 1. Chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by striking out section ninety-three and inserting in place thereof the following new section:

Section 93. No outside or inside doors of any building in which operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress. Any person having charge of any such building or of any room thereof, any exit door of which shall be found to be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Approved May 22, 1914.

CHAPTER 568.—*Pensions for public employees.*

SECTION 1. Section one of chapter five hundred and thirty-two of the acts of the year nineteen hundred and eleven, * * * is hereby further amended * * * so that said paragraph [f] will read as follows:

(f) The words "continuous service" mean uninterrupted employment, with these exceptions: A lay off on account of illness or reduction of force, and a leave of absence, suspension or dismissal followed by reinstatement within two years. As to appointees of the sergeant at arms the interval between sessions of the general court shall not be considered as breaking the continuity of service, and engineers and inspectors in the intermittent service of the Commonwealth shall not lose the benefit of continuity of service in the intervals between employments, and, for the purpose of computation, cumulative credit shall be given them for all periods of employment in the service of the Commonwealth, as shown by the records of the civil service commission.

Approved May 22, 1914.

CHAPTER 580.—*Employment of children—Issue of certificates.*

SECTION 1. The third paragraph of section fifty-nine of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, * * * is hereby further amended * * * so that said third paragraph will read as follows:

No such school record shall be issued or accepted unless the child has regularly attended the public schools or other lawfully approved schools for not less than one hundred and thirty days after becoming thirteen years of age: *Provided, however,* That the school record may be accepted in the case of a person who has been an attendant at a public day school or other lawfully approved school for a period of not less than seven years, if in the opinion of said superintendent such person is mentally incapable of acquiring the educational qualifications herein prescribed: *And provided further,* That the superintendent of schools shall have authority to suspend this requirement in any case when, in his opinion, the interests of the child will best be served by such suspension.

[Became a law without the approval of the governor.]

CHAPTER 582.—*State employees' retirement association—Refunds.*

SECTION 1. The paragraph headed "A. Refunds.—(a)" of section six of chapter five hundred and thirty-two of the acts of the year nineteen hundred and eleven, is hereby amended * * * so as to read as follows:

A. Refunds.—(a) Should a member of the association cease to be an employee of the Commonwealth for any cause other than death before becoming entitled to a pension, there shall be refunded to him all the money paid in by him under section five, (2) A, with such interest as shall have been earned thereon.

SEC. 2. The paragraph headed "B. Annuities from employees' deposits" of section six of said chapter five hundred and thirty-two is hereby amended * * * so as to read as follows:

B. Annuities from employees' deposits.—Any member who reaches the age of sixty years and has been in the continuous service of the

Commonwealth for fifteen years immediately preceding, and then or thereafter retires or is retired, any member who retires or is retired at the age of seventy years, and any member who is retired for the good of the service under the provisions of section three, (5), shall receive an annuity to which the sum of his deposits under section five, (2), with such interest as shall have been earned on such deposits, shall entitle him, according to the tables adopted by the board of retirement, in one of the following forms:

Approved May 29, 1914.

CHAPTER 600.—*Preference of citizens for employment on public works.*

Citizens to be preferred. SECTION 1. In all work of any branch of the service of the Commonwealth, or of any city or town therein, citizens of the Commonwealth shall be given preference.

Civil-service lists. SEC. 2. The civil service commission shall not place upon its lists any person not a citizen of the United States.

Aliens to be discharged. SEC. 3. If an appointing officer, because of the nonexistence of a list of eligible appointees, appoints under provisional authority from the civil service commission a person not a citizen of the United States, he shall discharge the person so appointed and appoint from the eligible list whenever the civil service commission establishes a list of the proper class.

Duty of civil service commission. SEC. 4. Whenever the attention of the civil service commission shall be called by complaint on the part of any citizen of the Commonwealth to the employment of a noncitizen when there is a list of eligibles existing, the commission shall take steps to enforce the dismissal of such noncitizen and the appointment in his place from the suitable eligible list.

Violations. SEC. 5. Whenever it shall appear that any appointing officer has had due notice of unlawful employment of a noncitizen and that the said appointing officer has continued such employment for ten days after such notice, he shall be subject to a fine of not less than ten nor more than one hundred dollars for each offense.

Approved June 2, 1914.

CHAPTER 618.—*Compensation of workmen for injuries—Election by municipalities.*

Towns may vote, when. SECTION 1. Towns and districts which have an annual meeting of the legal voters, and which, for any cause, failed to submit chapter eight hundred and seven of the acts of the year nineteen hundred and thirteen, being "An act to provide for compensating certain public employes for injuries sustained in the course of their employment," for acceptance to the voters of the town or district at the next annual meeting after the passage of said act, may submit said act for acceptance by the legal voters of the town or district at the annual meeting in the year nineteen hundred and fifteen, and such submission and the vote thereon shall have the same effect as if the act had been submitted at the next annual meeting of the town or district after the passage of said act.

Approved June 4, 1914.

CHAPTER 623.—*Hours of labor of prison, etc., employes.*

Eight-hour day. SECTION 1. The hours of labor of officers, watchmen and matrons employed by counties in the prisons and reformatory institutions of the Commonwealth shall not exceed eight a day, with the exceptions and subject to the provisions contained in section one of chapter four hundred and ninety-four of the acts of the year nineteen hundred and eleven, so far as the said exceptions and provisions are applicable.

Approved June 4, 1914.

CHAPTER 649.—*Compressed air—Inspection of tanks, etc.*

SECTION 1. No person shall install or use, or cause to be installed or used, any tank or other receptacle, except pipes laid from tanks or other receptacles, for the keeping or storing of compressed air at any pressure exceeding fifty pounds per square inch, for use in operating pneumatic machinery, unless the owner or user thereof shall hold a certificate of inspection issued by the boiler inspection department of the district police, certifying that the said tank or other receptacle has duly been inspected within two years, or unless the owner or user shall hold a policy of insurance upon the said tank or other receptacle issued by an insurance company operating under the laws of this Commonwealth, together with a certificate of inspection from an insurance inspector who holds a certificate of competency as a boiler inspector issued by the boiler inspection department of the district police.

Inspection required.

SEC. 2. The board of boiler rules shall prescribe regulations for the size, shape, construction, gauges, operation, maximum pressure, safety devices, use of oil, and other appurtenances necessary for the safe operation of all tanks or other receptacles used for the storing of compressed air, except those exempted by section seven of this act.

Regulations.

SEC. 3. The boiler inspection department of the district police shall inspect all of the said tanks or other receptacles having a pressure in excess of fifty pounds per square inch, at least once every two years: *Provided however*, That the said department shall not be required to inspect such tanks or other receptacles as may be covered by a policy of insurance and inspected by insurance inspectors as specified in section one.

Inspections bi-annual.

SEC. 4. All owners of any of the said tanks or other receptacles having a pressure in excess of fifty pounds per square inch shall notify the chief of the district police of the location of the same.

Owners to give notice.

SEC. 5. Every insurance company authorized to insure air tanks within this Commonwealth shall forward to the chief of the district police, within fourteen days after each internal and external inspection of an air tank or other such receptacle, a report of such inspection. The reports shall be made on blanks furnished by the chief of the district police, and shall contain all orders and regulations made by the company regarding the air tanks or other receptacles so inspected.

Duty of insurance companies.

SEC. 6. The inspection shall consist of a hammer test, and, if required by the inspector, also a hydrostatic test the pressure of which shall be one and one-half times the pressure allowed on the air tank or other receptacle inspected. The air tank or other receptacle shall be prepared for inspection by the owner or user thereof.

Nature of inspection.

SEC. 7. The provisions of this act shall not apply to tanks or other receptacles used for the keeping or storing of compressed air when attached to locomotives, street or railway cars, vessels or motor vehicles.

Exemptions.

SEC. 8. The sum of three dollars shall be paid to the boiler inspection department of the district police by the owner, agent or user of any such tank or other receptacle for every inspection thereof by the said department, herein provided for.

Fee.

SEC. 9. Whoever violates any provision of this act, or any regulation made under authority hereof, shall be punished by a fine not exceeding fifty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Violations.

Approved June 9, 1914.

CHAPTER 656.—*Industrial accident board—Reports.*

SECTION 1. The industrial accident board established by section one of Part III of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven shall make an annual report to the general court; of which report there shall be printed four thousand five hundred copies, fifteen hundred to be bound, and the remainder to be unbound. Of the said copies, five hundred bound and five hundred unbound shall be distributed by the secretary of the Commonwealth, and the remainder shall be distributed by the board.

Reports to be annual.

Approved June 10, 1914.

CHAPTER 681.—*Arbitration, etc., of labor disputes.*

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

Notice to
board.

Section 11. A mayor of a city or the selectmen of a town, having knowledge that a strike or lockout such as is described in this act is seriously threatened or actually occurs in such city or town, shall at once give notice to the State board. Notice may be given by the employer or by the employees concerned in the controversy, strike, or lockout. When the State 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, and such employer at that time is employing, or upon the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, the State board shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement, or endeavor to persuade them to submit the controversy to a local board of conciliation and arbitration or to the State board. If a settlement is not agreed upon and the parties refuse to submit the matter in dispute to arbitration, the State board shall investigate the cause of such controversy and ascertain which of the parties thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall, unless a settlement of the controversy is reached, make and publish a report finding such cause and assigning such responsibility or blame. The State board may employ agents to assist in the said investigation. 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 State board shall have the same powers for the foregoing purpose as are given to it by the provisions of the four following sections. The State board shall by publication or otherwise inform employers and employees of their duty to give notice to the State board before resorting to a strike or lockout and of the provisions of this act affecting the rights of employers and employees relative to industrial disputes.

Sec. 2. Chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by striking out section sixteen and inserting in place thereof the following new section:

Local boards.

Sec. 16. The parties to any controversy such as is described in section thirteen of this act may submit the controversy in writing to a local board of conciliation and arbitration which may be composed either of three members mutually agreed upon, or of a member designated by the employer, a member chosen by the employees, or their duly authorized representative, and a third, who shall be chairman, chosen by those two. Such board shall have and exercise, relative to matters referred to it, all the powers of the State board, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. Such board shall have exclusive jurisdiction of the controversy submitted to it, but it may ask the advice and assistance of the State board. The decision of such board shall be rendered within ten days after the close of any hearing held by it, and shall forthwith be filed with the clerk of the city or town in which the controversy arose, and a copy thereof shall be forwarded by said clerk to the State board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy submitted arose, with the approval in writing of the mayor of the city or the selectmen of the town, the sum of three dollars for each day of actual service, not exceeding ten dollars for any one arbitration.

Approved June 18, 1914.

CHAPTER 708.—*Compensation of workmen for injuries.*

SECTION 1. Chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven is hereby amended by striking out section five of Part II and inserting in place thereof the following new section:

Section 5. During the first two weeks after the injury, and, if the employee is not immediately incapacitated thereby from earning full wages then from the time of such incapacity, and in unusual cases, in the discretion of the board, for a longer period, the association shall furnish reasonable medical and hospital services, and medicines, when they are needed. Where, in a case of emergency or for other justifiable cause, a physician other than the one provided by the association is called in to treat the injured employee, the reasonable cost of his services shall be paid by the association, subject to the approval of the industrial accident board. Such approval shall be granted only if the board finds that there was such justifiable cause and that the charge for the services is reasonable. Medical, etc.
aid.

SEC. 2. Said chapter seven hundred and fifty-one is hereby further amended by striking out section six of Part II and inserting in place thereof the following new section:

Sec. 6. If death results from the injury, the association shall pay the dependents of the employee, wholly dependent upon his earnings for support at the time of injury, a weekly payment equal to sixty-six and two-thirds per cent of his average weekly wages, but not more than ten dollars nor less than four dollars a week for a period of five hundred weeks from the date of the injury; but in no case shall the amount be more than four thousand dollars. If the employee leaves dependents only partially dependent upon his earnings for support at the time of his injury, the association shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than five hundred weeks from the date of the injury. Death benefits.

SEC. 3. Said chapter seven hundred and fifty-one is hereby further amended by striking out section seven of Part II and inserting in place thereof the following new section:

Sec. 7. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:— Dependents.

(a) A wife upon a husband with whom she lives at the time of his death, or from whom, at the time of his death, the industrial accident board shall find the wife was living apart for justifiable cause or because he had deserted her. The findings of the board upon the questions of such justifiable cause and desertion shall be final.

(b) A husband upon a wife with whom he lives at the time of her death.

(c) A child or children under the age of eighteen years, (or over said age, but physically or mentally incapacitated from earning), upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving dependent parent: *Provided*, That in the event of the death of an employee who has at the time of his death a living child or children by a former wife or husband, under the age of eighteen years, (or over said age, but physically or mentally incapacitated from earning), said child or children shall be conclusively presumed to be wholly dependent for support upon such deceased employee, and the death benefit shall be divided between the surviving wife or husband and all the children of the deceased employee in equal shares, the surviving wife or husband taking the same share as a child. The total sum due the surviving wife or husband and her or his own children shall be paid directly to the wife or husband for her or his own use and for the benefit of her or his own children, and the sums due to the children by the former wife or husband of the deceased employee shall be paid to their guardians or legal representatives for the benefit of such children.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no

part thereof, and if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

SEC. 4. Section nine of Part II of said chapter is hereby amended * * * so as to read as follows:

Total disability. SEC. 9. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of his average weekly wages, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor the amount more than four thousand dollars.

SEC. 5. Said chapter seven hundred and fifty-one is hereby further amended by striking out section ten of Part II and inserting in place thereof the following new section:

Partial disability. SEC. 10. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks from the date of the injury, nor the amount more than four thousand dollars.

SEC. 6. Section eleven, of Part II of said chapter * * * is hereby further amended by striking out said section and inserting in place thereof the following new section:

SEC. 11. In case of the following specified injuries the amounts hereinafter named shall be paid in addition to all other compensation:

Schedule for specific injuries. (a) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the reduction to one-tenth of normal vision in both eyes with glasses, sixty-six and two-thirds per cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks.

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

(c) For the loss by severance at or above the second joint of two or more fingers, including thumbs, of the same hand, or of two or more toes of the same foot, sixty-six and two-thirds per cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twenty-five weeks for each hand or foot so injured.

(d) For the loss by severance of at least one phalange of a finger, thumb or toe, sixty-six and two-thirds per cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twelve weeks for each hand or foot so injured.

(e) The additional amounts provided for in this section in case of the loss of a hand, foot, thumb, finger, toe, or phalange, shall also be paid for the number of weeks above specified in case the injury is such that the hand, foot, thumb, finger, toe or phalange is not lost but so injured as to be permanently incapable of use.

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

Payee. SEC. 13. The compensation payable under this act in case of the death of the injured employee shall be paid to his legal representative; or, if he has no legal representative to his dependents; or, if he leaves no dependents, to the persons to whom payment of the expenses for the last sickness and burial are due. If the payment is made to the legal representative of the deceased employee, it shall be paid by him to the dependents or other persons entitled thereto under this act. When the appointment of a legal representative of a deceased employee, not otherwise necessary, is required for carrying out the provisions of this

Appointment of legal representative.

act, the association shall furnish or pay for all legal services rendered in connection with the appointment of such legal representative, or in connection with any of his duties, and shall pay the necessary disbursements for such appointment, the necessary expenses of such legal representative, and reasonable compensation to him for time necessarily spent in carrying out said provisions. All of said payments shall be in addition to all sums paid for compensation.

Sec. 8. Said chapter seven hundred and fifty-one is hereby further amended by striking out section twenty-two of Part II and inserting in place thereof the following new section:

Sec. 22. Whenever any weekly payment has been continued for not less than six months, the liability therefor may, in unusual cases where the parties agree and the board deems it to be for the best interest of the employee or his dependents, be redeemed by the payment, in whole or in part, by the association of a lump sum which shall be fixed by the board, but in no case to exceed the amount provided by this act. The board may, however, in its discretion at any time in the case of a minor who has received permanently disabling injuries, either partial or total, provide that he be compensated in whole or in part by the payment of a lump sum, the amount of which shall be fixed by the board, but in no case to exceed the amount provided by this act.

Lump sum payments.

Sec. 9. Section five of Part III of said chapter, * * * is hereby further amended * * * so as to read as follows:

Sec. 5. If the association and the injured employee fail to reach an agreement in regard to compensation under this act, or if they have reached such an agreement, which has been signed and filed in accordance with the provisions of this act, and compensation has been paid or is due in accordance therewith and the parties thereto then disagree as to the continuance of any weekly payments under such agreement, either party may notify the industrial accident board who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the industrial accident board, and shall act as chairman. The other two members shall be named, respectively, by the two parties. If the subscriber has appeared under the provisions of Part II, section three, the member named by the association shall be subject to his approval. If a vacancy occurs it shall be filled by the party whose representative is unable to act.

Arbitration.

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

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

Sec. 8. The industrial accident board or any member thereof may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases, and the association shall reimburse the board for the amount so paid.

Physician.

Sec. 11. Said chapter seven hundred and fifty-one is hereby further amended by striking out section twelve of Part III and inserting in place thereof the following new section:

Sec. 12. Any weekly payment under this act may be reviewed by the industrial accident board, and on such review the board may, in accordance with the evidence and subject to the provisions of this act, issue any order which it deems advisable.

Review of award.

Sec. 12. Said chapter seven hundred and fifty-one is hereby further amended by striking out section thirteen of Part III and inserting in place thereof the following new section:

Sec. 13. Fees of attorneys and physicians and charges of hospitals for services under this act shall be subject to the approval of the industrial accident board. If the association and any physician or hospital, or the employee and any attorney, fail to reach an agreement as to the amount to be paid for such services, either party may notify the board,

Fees to be approved.

- Arbitration.** which may thereupon call for the formation of a committee of arbitration in accordance with the provisions of this act, and all proceedings thereunder shall be in accordance with the provisions of this act.
- Who are employees.** **Sec. 13.** Section two of Part V of said chapter, * * * is hereby further amended by striking out the third paragraph of said section and inserting in place thereof the following:
 "Employee" shall include every person in the service of another under any contract of hire, express or implied, oral or written, except masters of and seamen on vessels engaged in interstate or foreign commerce, and except one whose employment is not in the usual course of the trade, business, profession or occupation of his employer. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents and other persons to whom compensation may be payable.
- Interest to be allowed.** **Sec. 14.** Part II of said chapter seven hundred and fifty-one is hereby further amended by adding thereto a new section, to be numbered twenty-four, as follows:
Sec. 24. Whenever any question involving the compensation of an injured employee, or his dependents, is appealed to the supreme judicial court, and the decision rendered is in favor of the employee or his dependents, interest to the date of payment shall be paid by the association on all sums due as compensation to such employee or dependents.
- Information to be furnished.** **Sec. 15.** Part V of said chapter seven hundred and fifty-one is hereby further amended by adding at the end thereof three new sections, to be numbered seven, eight, and nine, as follows:
Sec. 7. The association and all insurance companies insuring employees under the provisions of this act shall, at the request of the industrial accident board, furnish to said board in writing any information required in connection with the administration by said board of said act, including any statistical facts and figures and the names of all employees insured by them.
- Branch offices.** **Sec. 8.** There may be established and maintained under the care and direction of the industrial accident board not more than four branch offices in such cities as may be selected by said board, from time to time, after proper investigation, for the purpose of the better adjustment of disputed cases and for the better information of all parties as to their rights under this act. Said board is hereby authorized to provide such offices with useful rooms, furniture and equipment required for the transaction of the business authorized by this act, also to appoint such officers, agents, clerks and assistants as are necessary to discharge in connection with such offices the duties required by this act, under the direction of said industrial accident board.
- Medical adviser.** **Sec. 9.** The industrial accident board may appoint a medical adviser, who shall be a duly qualified physician. The board shall prescribe the duties of said medical adviser. His compensation shall be fixed by said board, subject to the approval of the governor and council, and shall not exceed the sum of four thousand dollars a year.
- Insurance rates.** **Sec. 16.** All insurance rates under said chapter seven hundred and fifty-one and acts in amendment thereof and in addition thereto, now on file and approved by the insurance commissioner, shall continue to apply to the several classifications after the taking effect of the provisions of this act, unless the insurance commissioner withdraws approval in accordance with the provisions of chapter six hundred and sixty-six of the acts of the year nineteen hundred and twelve.

Approved June 25, 1914.

CHAPTER 723.—*Railroads—Monthly rest days for employees.*

- Two days to be allowed.** **SECTION 1.** Every person employed as signalman, towerman, lever man, agent, train dispatcher, telegrapher or telephone operator in a railroad signal town or railroad station, and every other person employed by a railroad in the operating of trains by the use of the telegraph, telephone or signal and interlocking switching machines shall be allowed two days of twenty-four hours each in every calendar month

for rest with regular compensation; except in a case of extraordinary emergency caused by accident, fire, flood, or danger to life or property, in which case the said period of rest shall be allowed after the emergency is past.

SEC. 2. Any violation of the provisions of this act shall be punished by a fine of not less than one hundred dollars for each offense. Violations.

[Became a law without the approval of the governor.]

CHAPTER 726.—*Factory regulations—Toilets.*

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

Section 79. In every factory, workshop, manufacturing, mechanical, mercantile or other establishment there shall be provided suitable, adequate and convenient water-closets and washing facilities, separate for each sex and plainly so designated, of such number, in such location and so constructed, lighted, ventilated, arranged and maintained as may be determined by such reasonable rules and regulations as the State board of labor and industries may adopt with reference thereto. No person shall be allowed to use a closet or privy which is provided for the use of persons of the opposite sex. If any such establishment is so located that a connection with a sewer system is, in the opinion of the said board, impossible or impracticable, it shall provide such suitable toilet and washing facilities as may be required by the said board. Separate toilets etc.

Approved July 1, 1914.

CHAPTER 742.—*Gas and electric companies—Employees' stock—Accidents.*

SECTION 32. A corporation which is subject to the provisions of this act may, by a vote of its common stockholders at a meeting called for the purpose, issue employees' stock to be held only by the employees of such corporation. The par value of the shares of such employees' stock shall be ten dollars, and the purchasers thereof may pay for them in monthly installments of one dollar upon each share. The total amount of such employees' stock outstanding at any time shall not exceed two-fifths of its issued and outstanding capital stock. Stock may be issued.

SEC. 33. If a dividend is paid by such corporation to holders of its common stock, the holders of employees' stock shall receive upon each share which has been paid for in full in time to be entitled to a dividend, an amount which shall bear such proportion to the amount paid as a dividend upon each share of the common stock of such corporation as the par value of the shares of such employees' stock bears to the par value of the shares of such common stock. Dividends.

SEC. 34. The shares of employees' stock shall not be sold or transferred except to an employee of such corporation or to the corporation itself. A corporation which issues employees' stock may prescribe by its by-laws the number of shares which may be held by any one employee and the method of transfer and redemption of such stock as is held by any person after he ceases to be an employee of the corporation. Transfer.

SEC. 164. Corporations, persons and municipalities engaged in the manufacture or sale of gas or electricity shall, within twenty-four hours after every accident caused by the gas or electricity manufactured or supplied by them, whereby an employee or other person is injured, rendered insensible, or killed, report in writing to the board, stating the time, place and circumstances of the accident and such other facts relative thereto as the board may require. The chief of police of the city or town, and the medical examiner of the district, in which such accident occurs shall, in writing, report the same to said board. The chief of police shall so report within twenty-four hours, and the medical examiner within seven days, after he has notice thereof. The members of the board shall personally investigate all cases which require investigation. Accidents to be reported.

Approved July 3, 1914.

CHAPTER 746.—*Hours of labor of railroad employees.*

Nine-hour day. SECTION 1. Employees in and about steam railroad stations in this Commonwealth designated as baggagemen, laborers, crossing tenders and the like, shall not be employed for more than nine working hours in ten hours' time; the additional hour to be allowed as a lay-off.

Violations. SEC. 2. Any employer, agent, officer or other person who violates any provision of this act shall be punished by a fine not exceeding one hundred dollars for each offense.

Approved July 3, 1914.

CHAPTER 778.—*Labor organizations—Agreements—Injunctions.*

Agreements not unlawful. SECTION 1. It shall not be unlawful for persons employed or seeking employment to enter into any arrangements, agreements or combinations with the view of lessening the hours of labor or of increasing their wages or bettering their condition; and no restraining order or injunction shall be granted by any court of the Commonwealth or by any judge thereof in any case between an employer and employees, or between employers and employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, or any act or acts done in pursuance thereof, unless such order or injunction be necessary to prevent irreparable injury to property or to a property right of the party making the application, for which there is no adequate remedy at law; and such property or property right shall be particularly described in the application, which shall be sworn to by the applicant or by his agent or attorney.

Injunctions. SEC. 2. In construing this act the right to enter into the relation of employer and employee, to change that relation, and to assume and create a new relation for employer and employee, and to perform and carry on business in such relation with any person in any place, or to do work and labor as an employee, shall be held and construed to be a personal and not a property right. In all cases involving the violation of the contract of employment either by the employee or employer where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted but the parties shall be left to their remedy at law.

Rights, personal. SEC. 3. No persons who are employed or seeking employment or other labor shall be indicted, prosecuted or tried in any court of the Commonwealth for entering into any arrangement, agreement, or combination between themselves as such employees or laborers, made with a view of lessening the number of hours of labor or increasing their wages or bettering their condition, or for any act done in pursuance thereof, unless such act is in itself unlawful.

Acts not indictable. Approved July 7, 1914.

CHAPTER 795.—*Factory regulations—Fire prevention—Metropolitan district.*

Equipment with automatic sprinklers. SECTION 10. Any building within the metropolitan district used in whole or in part for the business of woodworking, or for the business of manufacturing or working upon wooden, basket, rattan or cane goods or articles, or tow, shavings, excelsior, oakum, rope, twine, string, thread, bagging, paper, paper stock, cardboard, rags, cotton or linen, or cotton or linen garments or goods, or rubber, feathers, paint, grease, soap, oil, varnish, petroleum, gasoline, kerosene, benzine, naphtha, or other inflammable fluids, and any building in the metropolitan district used in whole or in part for the business of keeping or storing any of such goods or articles, except in such small quantities as are usual for domestic use, or for use in connection with and as incident to some business other than such keeping or storing, shall, upon the order of the [fire prevention] commissioner, be equipped with automatic sprinklers: *Provided, however,* That no such order shall apply to any building unless four or more persons live or are usually employed therein above the second floor.

SEC. 12. Owners of buildings in the metropolitan district who, within six months after having received written notice from the [fire prevention] commissioner under sections ten or eleven fail to comply with the requirement of such notice, shall be punished by a fine of not more than one thousand dollars. Violations.

SEC. 13. In addition to the powers given by sections one to twelve, inclusive, the commissioner shall have power to make orders and rules relating to fires, fire protection and fire hazard binding throughout the metropolitan district, or any part of it, or binding upon any person or class of persons within said district, limited, however, to the following subjects:— Orders and rules.

A. Requiring the keeping of portable fire extinguishers, buckets of water or other portable fire extinguishing devices on any premises by the occupant thereof, and prescribing the number and situation of such devices.

B. Prohibiting or regulating the accumulation, and requiring the removal, of combustible rubbish, including waste paper, cardboard, string, packing material, sawdust, shavings, sticks, rags, waste leather and rubber, boxes, barrels, broken furniture and other similar light or combustible refuse.

D. Causing obstacles that may interfere with the means of exit to be removed from floors, halls, stairways and fire escapes.

H. Requiring the cleaning of chimney flues and vent pipes.

I. Requiring proper safeguards to be placed and maintained about or over roof skylights.

J. Prohibiting or regulating smoking in factories, workshops and mercantile establishments.

K. Requiring that all signs and advertising devices erected on buildings shall be approved by said commissioner.

L. Causing to be made public all violations of fire prevention laws by posting placards on buildings or premises, and by publishing in the daily newspapers the names of the owners and specifying the buildings in which the violation occurs.

M. Defining the classes of buildings to be equipped with sprinkler protection under the authority of this act.

Approved, July 7, 1914.

RESOLVES.

CHAPTER 160.—*Commission on rates of insurance for workmen's compensation.*

The governor, with the advice and consent of the council, shall appoint a special commission of three persons, one of whom shall be the insurance commissioner, to investigate the practices of insurance companies and their rates in workmen's compensation and other insurance, with a view to determining whether or not any monopoly or combination exists in the insurance business; also, whether the rates charged by insurance companies for workmen's compensation and other insurance are reasonable, and to what extent Government regulation of insurance rates is desirable. The commission shall serve without compensation, but may incur such expenses, not exceeding four thousand dollars, as the governor and council shall approve. Commission to be appointed.

Approved July 7, 1914.

Amendment to constitution—State aid for procuring homes.

(Page 798.)

The general court shall have power to authorize the Commonwealth to take land and to hold, improve, subdivide, build upon and sell the same, for the purpose of relieving congestion of population and providing homes for citizens: *Provided, however,* That this amendment shall not be deemed to authorize the sale of such land or buildings at less than the cost thereof. Amendment proposed.

House of representatives, April 10, 1914.

Senate, May 20, 1914.

MISSISSIPPI.

ACTS OF 1914.

CHAPTER 112.—*Wage brokers—Loans on wages.*

SECTION 1. All persons, firms or corporations doing a money-lending business, where a greater rate of interest than twenty per centum per annum is charged, whether secured or unsecured, or whether by taking bills of sale absolute or conditional shall pay a privilege tax to the State of \$2,000 per annum, but nothing in this act shall be construed to validate, or make enforceable, or render lawful any contract for a loan of money at a greater rate of interest than twenty per centum, whether made before or after the passage of this act.

Who to pay tax.

SEC. 2. All persons, firms or corporations engaged or hereafter engaging in the business of lending money at above legal rates and where personal property or assignment of wages is taken as security for the payment of such money so loaned, shall be presumed to be charging a rate of interest in excess of twenty per centum, per annum, unless some member of such firm or the president or secretary of each corporation shall make an affidavit before the circuit or chancery clerk in the county in which said business shall be carried on, and file the same with the sheriff of such county who shall carefully keep and preserve the same, that a greater rate of interest than twenty per centum per annum is not charged or agreed to be collected or paid on such loan and will not be charged or collected. And a list of the names with their places of residence of all persons borrowing money from each firm or corporation shall be semiannually filed with said sheriff and the failure to file said list of names and make said affidavit shall be prima facie evidence that such person, firm or corporation, is making the loans described in said act at a greater rate of interest than twenty per centum per annum.

Presumption.

List of borrowers.

SEC. 3. If any person, firm or corporation shall engage in the business of lending money at a greater rate of interest than twenty per centum per annum without first paying the privilege tax provided for, or shall engage in the business of lending money at a rate of interest in excess of the legal contract [contract] rate allowed by law, without making and filing the affidavit and list of names and addresses provided for in section two of this act, such person, firm or corporation shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars, nor more than one thousand dollars, and be imprisoned in the county jail not less than ten days, nor more than sixty days, and each week or part of a week such business is so engaged in shall constitute a separate offense under this act. This act is hereby declared to be remedial and shall be liberally construed by the courts, and it is hereby made the duty of the county prosecuting attorneys in each county to diligently see that the provisions of this act are complied with. If for any reason any section or part of this act shall be held to be unconstitutional or invalid, then that fact shall not invalidate any other part of this act, but the same shall be enforced without reference to the part so held to be invalid.

Violations.

Approved March 17, 1914.

CHAPTER 138.—*Payment of wages—Discounting checks, etc.*

SECTION 1. Every person, company, association, partnership, manufacturing company or railroad company now existing or hereafter organized in this State, engaged in employing labor for manufacturing purposes, or any railroad within this State shall be prohibited from discounting any trade check, coupons or other written instrument issued for the payment of such labor, and it shall be unlawful for any person,

Discounting prohibited.

partnership, corporation or trade establishment purchasing said trade checks, coupons, or other instruments issued for the payment of such labor to discount the same, and any person, partnership, corporation, trade establishment purchasing the same at a discount, or any company, corporation, railroad, or other person issuing said checks, coupons or other written instruments, and who shall discount the same in settlement with the employes shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, and not more than fifty dollars for each offense.

Script to be re-deemed.

SEC. 2. All persons, firms, corporations engaged in manufacturing, issuing trade checks, coupons or other instruments of writing in payment for labor, shall on or after the regular pay day cash said check, or checks, so issued at their face value less any amount that may be due by the party to whom issued, and any such person, firm, corporation so engaged in manufacturing, failing to settle such claim as herein required, shall be liable to pay to the holder thereof twenty-five per cent on the face of said check as damages in the event any suit or action shall be brought to enforce the payment thereof: *Provided*, That this section shall only apply when the amount claimed is one hundred dollars or less.

Approved March 28, 1914.

CHAPTER 152.—*Bonds of employees of common carriers.*

Freedom to choose company.

SECTION 1. No common carrier, authorized to do business in this State, when requiring of an employee that he give it a bond or undertaking of any nature whatever, shall require such employee to have such bond or undertaking executed as surety by any particular company, corporation, association, or firm, or by any one or more of any number of such companies, corporations, associations or firms named by such common carrier; and no such common carrier shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.

Non resident companies.

SEC. 2. No common carrier, authorized to do business in this State, when requiring of any employee that he give it a bond or undertaking of any nature, whatsoever, shall require as surety thereon any companies, corporations, associations or firms not a resident of this State; nor shall any such common carrier accept as such surety any company, corporation or association unless the same is a corporation duly organized under the laws of Mississippi or who shall have designated an agent residing within this State upon whom service of legal process against it may be made, as provided for foreign corporations doing business in this State, and shall also require that every such bond or undertaking shall be approved, and canceled, if canceled by said agent with whom a complete record thereof shall be kept.

Term of bond.

SEC. 3. Every bond or undertaking of any nature whatsoever given by an employee of any common carrier authorized to do business in this State, shall be made to cover a definite term; and no such bond or undertaking shall be canceled without the consent of all parties thereto, except for a breach of one or more of the conditions thereof. Any such employee who shall have given any such bond or undertaking, shall, upon breach of any of the conditions thereof by the other party or parties thereto, have the power to cancel the same by giving the surety or sureties thereon and the common carrier for the benefit of whom the same shall have been made, at least ten days' notice in writing, setting out in full the reasons for canceling the same, said notice to be signed by such employee and sworn to by him in this State before an officer authorized to administer oaths. Any such notice to a company, corporation or association may be served by leaving the same with any person upon whom service of legal process upon such company, corporation or association may be had. Any surety on any such bond or undertaking shall, upon the breach of any of the conditions thereof by the common carrier employee for whom the same shall have been made, have power to cancel the same by giving such employee at least ten days' notice in writing, setting in full the reasons for canceling the same, the said notice to be signed by an agent or manager of such surety, then a resi-

Cancellation.

dent of this State, and then authorized to approve or disapprove similar bonds or undertakings for such surety, and to be sworn to by the person signing the same in this State before an officer authorized to administer oaths: *Provided*, That nothing herein shall affect any right of action accruing to any person upon the breach of a contract.

SEC. 4. Any officer, agent, or representative of any company, corporation, association or firm, or any other person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) and by imprisonment in the county jail for a period of not less than thirty (30) days, nor more than one (1) year. Any bond, contract, or undertaking made in violation of the provisions of this act shall be void.

Approved March 10, 1914.

CHAPTER 156.—*Liability of employers for injuries to employees—Assumption of risks.*

SECTION 1. In all actions for personal injury to an employee, and in all actions where such injury results in death, such employee shall not be held to have assumed the risks of his employment in any case where such injury or death results in whole or in part from the negligence of the master; except as to conductors, or locomotive engineers, in charge of dangerous or unsafe cars or engines voluntarily operated by them.

Violations.

Risk of negligence not assumed.

Exception.

Approved February 28, 1914.

CHAPTER 163.—*Inspector of factories.*

SECTION 1. [The] State board of health shall appoint and may remove for cause a special inspector who shall have the title of factory inspector and who shall be a person having competent knowledge of factories and capable of performing the duties prescribed below. Such inspector shall execute bond in the penalty of three thousand (\$3,000) dollars, payable to the State, for the faithful performance of his or her duties.

Appointment.

SEC. 2. The said State factory inspector shall receive an annual salary of fifteen hundred (\$1,500) dollars, payable monthly. The salary and the reasonable and necessary traveling and other expenses of the said State factory inspector, while engaged in the performance of his or her duties, shall be paid by the secretary of the State board of health upon vouchers approved by the governor.

Salary.

SEC. 3. It shall be the duty of the factory inspector to inspect all factories and canneries where women and children are employed at least three times each year. Such inspector shall collect evidence of violations of the laws of the State relating to the employment of women and children, and furnish such information to the county or district attorney in the county in which said violation occurred. Such inspector shall report annually, under the direction of the secretary of the State board of health, the number of women and children employed in the different cotton and knitting mills and canneries in the State, and the number of violations found and disposition of each.

Duties.

SEC. 4. Said inspector shall report annually to the secretary of State board of health the number of industrial establishments in this State which it is made his duty to inspect, the number of employees, the number of inspections made, the number of violations found, and the disposition of each, and such other information as may be deemed valuable and necessary, and shall enforce the laws of the State in factories and other establishments where women and children are employed.

Reports.

SEC. 5. Any officer, manager, or other agent of any factory, or cannery subject to the provisions of this act who shall fail or refuse to give true and correct information demanded of him by the State factory inspector, or who shall attempt to prevent the factory inspector from entering such establishment in the regular performance of the duties of such inspector, shall be guilty of a misdemeanor and upon

Offenses of managers, etc.

conviction be fined not less than ten dollars nor more than one hundred dollars.

Registers.

SEC. 6. It shall be the duty of the State factory inspector to register each year each manufacturing establishment in the State employing more than five persons, and to collect the registration or license fee herein required, and to report by the fifth day of each month to the State board of health all such registrations and the fees collected therefor during the month previous, and to turn into the treasury of the State board of health at such time as such report is made all moneys collected by such inspector for registration of factories during such time.

Fees.

SEC. 7. Every person, firm or corporation except woodworking establishments employing more than five persons in the conduct of any mill, factory, manufacturing establishment, or cannery within this State where women or children are employed, shall register such establishment with the State factory inspector each year and pay an annual fee for such registration according to the following schedule:

Those employing 5 to 10 persons.....	\$10
Those employing 11 to 25 persons.....	20
Those employing 26 to 50 persons.....	40
Those employing 51 to 100 persons.....	60
Those employing 101 to 200 persons.....	100
Those employing 201 to 300 persons.....	150
Those employing over 300 persons.....	200

Persons, firms or corporations engaged in any business subject to the provisions of this act where the number of employees varies from time to time shall report the average number employed during the regular or busy season of their work and shall pay the fee on the basis provided for in this section.

Schedule of injuries.

The license year shall begin July first each year and end June thirtieth the following year, and within thirty days after the beginning of the license year the State factory inspector shall submit to each person, firm or corporation subject to the provisions of this section, a blank upon which such person, firm or corporation shall report to the State factory inspector the following information and such other facts as may be required by the State factory inspector:

1. Officers.
2. Character and location of business.
3. Number of persons employed, male and female, and children.
4. Number of work hours per week.
5. Description of buildings and equipment, number of floors, elevators, boilers and fire escapes.

Any person, firm or corporation failing or refusing to comply with any of the provisions of this section by October first each year, or within sixty days after having been notified to do so by the State factory inspector, or the secretary of the State board of health, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of twenty-five dollars (\$25).

Approved March 25, 1914.

CHAPTER 164.—*Employment of children in cotton and knitting mills.*

Age limit.

SECTION 1. No boy under the age of twelve years, and no girl under the age of fourteen years, shall be employed or permitted to work in any cotton mill or knitting mill in this State.

Hours of labor.

SEC. 2. No boy under fourteen years of age, and no girl under sixteen years of age shall be employed or permitted to work in any cotton mill or knitting mill more than eight hours in any one day, or more than forty-eight hours in any one week, or be employed in or detained in any such establishment between the hours of seven p. m. and six a. m., but all other employees of cotton mills or knitting mills may be employed and be permitted to work not more than ten hours in any one day or sixty hours in any one week.

Nightwork.
Other employ-
ees.

Affidavits.

SEC. 3. It shall be unlawful for any person, firm or corporation to employ, or detain, or permit to work, in any cotton mill or knitting

mill in this State, any child under the age of sixteen years without first requiring said child to present the affidavit of the parent or guardian, or person standing in parental relation to such child, stating the place and date of the birth of such child, and also stating the last school attendance of such child, the grade of study pursued, and the name of the school, and the name of the teacher in charge. The employer shall preserve such affidavit and keep a complete register of all such affidavits, showing all the facts contained therein.

Register.

SEC. 4. It shall be the special duty of the sheriff of the county in which the cotton mills or knitting mills employing child labor are located to visit, at least once each month, such cotton or knitting mill, to see to the enforcement of this act.

Duty of sheriff.

SEC. 5. It shall be the duty of the county health officer to visit, without notice of his intention to do so, all cotton mills and knitting mills employing child labor within his county at least twice each year or oftener if requested by the sheriff, and to promptly report to the sheriff any unsanitary condition of the premises, any child or children afflicted with infectious, contagious or communicable disease, or whose physical condition renders such child or children incapacitated to perform the work required of them, and the sheriff shall promptly remove such child or children from such cotton mill or knitting mill, and order the premises put in sanitary condition, and the judgment of the county health officer as to the physical condition of the children, and the sanitary condition of the premises shall be final and conclusive.

County health officers.

SEC. 6. It shall be the duty of the circuit judge to specially charge the grand jury to investigate violations of this act.

Duty of judge.

SEC. 7. Any officer, manager, or superintendent of any cotton mill or knitting mill in which child labor is employed, who shall fail or refuse to give true and correct information demanded of him by any officer hereinbefore directed to inspect such cotton mills or knitting mills, or who shall fail or refuse to obey any lawful order of the sheriff or health officer of the county in which said cotton mill or knitting mill is located, for carrying out the purpose of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars.

Offenses of managers, etc.

SEC. 8. Any person, firm or corporation, or the superintendent, manager, or any officer of the cotton mills or knitting mills employing any child, or permitting any child to be employed by or to work in, or to be detained in any cotton mill or knitting mill in this State contrary to law, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars, or may be sentenced to the county jail for not less than ten days nor more than sixty days, or both such fine and imprisonment.

Violations.

SEC. 9. All acts or parts of acts, in conflict with this act are hereby repealed; but this act shall not be construed as repealing any part of chapter 165 of the Laws of 1912, except those parts relating to cotton mills and knitting mills.

Repealer.

Approved March 10, 1914.

CHAPTER 165.—*Hours of labor of women.*

SECTION 1. It shall be unlawful for any person, firm or corporation to work any female or girl in any laundry, millinery, dressmaking store, office, mercantile establishment, theater, telegraph or telephone office or any other occupation not here enumerated, to work such female labor or girl more than ten (10) hours per day or more than 60 hours per week except in case of emergency or where public necessity requires such.

Ten-hour day.

SEC. 2. Any person, firm or corporation violating this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10, nor more than \$50 for each offense, or imprisonment in the county jail not less than five days nor more than thirty days, or both fine and imprisonment. And each day's violation shall constitute a separate offense.

Violations.

SEC. 3. This act shall not be construed to conflict with the child labor law of the sheet Acts of 1912, chapter 165, nor to apply to domestic servants.

Construction.

Approved March 27, 1914.

CHAPTER 166 (as amended by chapter 167, Acts of 1914).—*Payment of wages—Semimonthly pay day.*

- Scope of law. SECTION 1. Every corporation, company, association, partnership, and individual person engaged in manufacturing of any kind in this State, employing as many as fifty or more employees, and employing public labor, and every public-service corporation doing business in this State, shall be required to make full payment to employees for services performed as often as once every two weeks or twice during each calendar month, and such payment or settlement shall include all amounts due for labor or service performed up to not more than seven days previous to the time of payment, except that public-service corporations shall not be required to make payment for labor or services performed up to more than fifteen days prior to the time of payment.
- Payments twice monthly.
- Violations. SEC. 2. Any corporation or person, or manager of any company or partnership who violates this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred and fifty dollars for each offense, and each day's violation against each employee shall constitute a separate offense.

Approved February 5, 1914.

CHAPTER 168.—*Hours of labor in manufacturing establishments.*¹

- SECTION 1. Chapter 157 of the Laws of 1912 [shall] be amended to read as follows:
- Ten-hour day. Section 1. It shall be unlawful for any person, firm, or corporation engaged in manufacturing or repairing to work their employees more than ten hours per day, except in cases of emergency, or where necessity requires in such departments; but this provision shall not extend to those persons, firms or corporations engaged in handling or converting perishable agricultural products in season who work adult male labor only in connection therewith.
- Exceptions.
- Violations. Sec. 2. Any person, firm or corporation violating this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars for each offense, and each day's violation shall constitute a separate offense.
- Approved March 28, 1914.

CHAPTER 169.—*Hours of labor in manufacturing establishments.*²

- SECTION 1. Section 1 of chapter 157 of the Laws of 1912 is hereby amended so as to read as follows:
- Ten-hour day. Section 1. Is [it] shall be unlawful for any person, firm or corporation engaged in manufacturing or repairing to work their employees more than ten hours per day, except in cases of emergency, or where the public necessity requires in such departments: *Provided*, That persons may work not more than twenty minutes additional each day for the first five days of the week, the additional time so worked to be deducted from the last day of the week, but sixty hours shall constitute a full week's work under the provisions of this act.
- Proviso.
- Approved March 28, 1914.

CHAPTER 170.—*Railroads—Sufficient crews for trains.*

- Crew required. SECTION 1. It shall be unlawful for any railroad propelled by steam doing business in the State of Mississippi to operate or run over its lines, or any part thereof, or suffer or permit to be run over its lines, or any part thereof, outside of the yard limits, any passenger, mail, or express train carrying passengers, or any freight train which is not manned with a crew consisting of one engineer, one fireman, one conductor, one brakeman, or porter, and one competent flagman.

¹ See chapter 169.

² This and the foregoing chapter relate to the same subject matter, and present an apparent conflict. They were approved on the same day and are reproduced as given in the authorized volume of acts of the session.

SEC. 2. Any railroad company doing business in the State of Mississippi who shall send out on its road, or cause to suffer or permit to be sent out on its road, or any part thereof, outside of the yard limits, any train of the classes enumerated in section 1, which is not manned in accordance with the provisions of that section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred (100) dollars nor more than one thousand (1,000) dollars for each offense.

Violations.

SEC. 3. Nothing in this act shall be held as applying to any case of disaster or disability of any member, or members, of the crew arising while out on the road between division terminals, or to relief trains, or wrecking trains where men are not available: *Provided*, This act shall not apply to branch or independent roads not over fifty miles in length.

Exemptions.

Approved March 5, 1914.

NEW JERSEY.

ACTS OF 1914.

CHAPTER 49.—*Wage brokers—Loans on wages.*

SECTION 1. Every person, firm, corporation or association engaged or seeking to engage in this State in the business of loaning money in sums of three hundred dollars or less amounts shall procure a license to conduct such business from the commissioner of banking and insurance. When an application for a loan, or for an indorsement or guaranty, or for the purchase of a note, is made by any person within this State, and the money is advanced, or the indorsement or guaranty is made or furnished, or the note purchased by any person situated without this State, the transaction shall be deemed a loan made within this State, and such loan, and the parties making it, shall be subject to the provisions of this act. The buying or indorsing of notes, or the furnishing of guaranty or security for compensation, shall be considered to be engaging in the business of making small loans, within the provisions of this act. Any person, firm, corporation or association directly or indirectly engaged, or seeking to engage, in the business of negotiating, arranging, or aiding the borrower or lender in procuring or making loans of three hundred dollars or less, whether such loans are actually made by such persons or by other parties, shall be deemed to be engaged in the business of making small loans, and shall be subject to the provisions of this act.

Loan business to be licensed.

Loan defined.

Who subject to act.

SEC. 2. Any person, firm, corporation or association applying for the same under oath and in the form prescribed by the commissioner of banking and insurance and paying the sum of fifty (50) dollars, may, in the discretion of the commissioner of banking and insurance, except as hereinafter provided, obtain a license for carrying on the said business. The said license shall be issued by the commissioner of banking and insurance and shall expire the first day of March next following the date of its issuance, but no abatement of said charge shall be made if licenses are issued for less than one year. Every such license shall be renewed annually on the first day of March in each year. No license shall be granted to any corporation unless and until such corporation shall, in writing and in due form, to be first approved by and filed by the commissioner of banking and insurance, appoint an agent, resident in the State of New Jersey, upon whom all judicial and other process or legal notice directed to such corporation may be served, and in the case of the death, removal from the State, or any legal disability or disqualification of any such agent, service of such process or notice may be made upon the commissioner of banking and insurance. The said commissioner shall have the power to reject any application for license if he is satisfied that the character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act. The said commissioner may revoke any license if the licensee shall violate any of the provisions of this act or fail to comply with any rule or regulation made by said commissioner under authority of section nine (9) hereof. Whenever for any cause such license is revoked said commissioner shall not issue another to said licensee until the expiration of at least one year from the date of revocation of such license and not at all if such licensee shall have been convicted of a violation of this act under the provisions of section six (6) thereof. In addition to said license fee said licensee shall pay for the examination by said commissioner of banking and insurance as hereinafter provided. Every such applicant shall execute and file a bond to the State of New Jersey in the penal

License fee.

Term of license.

Agent of corporations.

Rejection of application.

Revocation of license.

Examination fee.

- Applicant to give bond.** to sum of five thousand (5,000) dollars, with the commissioner of banking and insurance, to be approved by him, for the faithful observance of all laws relating to such business. Said bond shall be executed by a surety company authorized by the laws of New Jersey to transact business within the State, and such bond shall be renewed and refilled annually not later than the first day of March in each year.
- License to show what.** SEC. 3. The license shall state fully the name or names of the person or corporation and of every member of the firm or association authorized to do business thereunder, and the location of the office or place of business in which the business is to be conducted; and in the case of a corporation shall also state the date and place of its incorporation, the names of its directors for the period for which the license is issued, and the name and address of the agent as provided in section two (2) of this act. Such license shall be kept posted in a conspicuous place in the office where the business is transacted. No person, firm, corporation or association so licensed shall transact or solicit business under any other name or at any other office or place of business than that named in the license. Not more than one office or place of business shall be maintained under the same license, and no loans or advancements shall be made at any other place than that designated in the license. But in case of a removal, the commissioner of banking and insurance may, on application, indorse thereon a transfer to the new place of business, with the date of transfer and from the time of such indorsement the new place so designated shall be deemed the place designated in the license.
- License to be displayed.**
- Transfer.**
- Annual investigations.** SEC. 4. The commissioner of banking and insurance shall either personally, or by such person or persons as he may appoint for the purpose, at least once a year, and oftener, if he deems it advisable, investigate the business and affairs of every such licensee, and for that purpose shall have free access to the vaults, books and papers thereof, and other sources of information with regard to the business of such licensee, and shall ascertain the condition of the business and whether it has been transacted in accordance with law and such rules and regulations as may be prescribed by the commissioner of banking and insurance pursuant to section nine (9) of this act. Said commissioner and every examiner appointed by him shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination. The cost of every such examination shall be paid by the licensee so examined, and said commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction. All licensees shall annually, on or before the twentieth day of December, submit a report to the commissioner of banking and insurance in the form of a trial balance of their books at the close of business on the thirtieth of November last preceding, and shall specify the different kinds of liabilities and the different kinds of assets, together with such other information as may be called for by said commissioner in accordance with a blank form to be furnished by him.
- Costs.**
- Report.**
- Rate of interest.** SEC. 5. No such licensee shall charge or receive of the borrower or borrowers, or any other person on his, her or their behalf, a greater rate of interest than three per centum per month. Such interest shall not be payable in advance and shall be computed on unpaid balances. No charges, bonus, fees, expense or demands of any nature whatsoever other than interest as above provided shall be made upon such loans or advancements except upon the actual foreclosure of the security or upon the entry of judgment. Every such licensee shall furnish the borrower at the time the loan is made a statement in the English language showing in clear and distinct terms the amount of the loan and the date when loaned and when due, the person to whom the loan is made, the name of the lender, and the amount and rate of interest charged. On the back of such statement there shall be printed in English a copy of section five of this act. The lender shall give to the borrower a plain and complete receipt for all payments made on account of the loan at the time such payments are made. No loan or advancement greater than three hundred (300) dollars shall be made to any person nor shall any one person owe such licensee more than three hundred (300) dollars at any time.
- Statement to be furnished borrower.**
- Receipts.**
- Maximum loan.**

SEC. 6. The violation of any provision of this act shall be a misdemeanor, and if such violation be by a corporation, then such violation shall be a misdemeanor on the part of any person participating therein as a representative or agent of said corporation. Every loan in connection with which such violation shall have occurred shall be absolutely null and void, and the borrower shall be entitled to recover from the lender any or all sums paid or returned on account of or in connection with such loan.

Violations.

SEC. 7. No assignment of or order for wages earned or to be earned in the future to secure a loan or advancement of three hundred (300) dollars or less shall be valid against the employer of the person making such assignment or order unless such assignment or order is accepted in writing by said employer. No such assignment or order shall be valid when made by a married man, unless the written consent of his wife to the making thereof is attached thereto: *Provided*, That where a married man is living separate and apart from his wife for a period of five months prior to the making of said assignment or order then consent shall not be required.

Assignment of wages.

Consent of wife.

Proviso.

SEC. 8. This act shall not be held to apply to regularly licensed pawnbrokers nor to providence loan associations authorized to do business by chapter ninety-six of the laws of nineteen hundred and four, nor to persons doing business under chapter three hundred and sixty-eight of the laws of eighteen hundred and ninety-five, nor shall it apply to banks, bankers, trust companies, savings banks, building and loan associations or insurance companies, nor to any transaction with banks, bankers, trust companies, savings banks, building and loan associations or insurance companies, nor to any loan made upon real estate security.

Exemptions.

SEC. 9. The enforcement of this act shall be intrusted to the commissioner of banking and insurance, and he is hereby authorized and empowered to make rules and regulations necessary in his judgment for the conduct of such business and the enforcement of this act in addition hereto and not inconsistent herewith.

Enforcement of act.

Approved March 23, 1914.

CHAPTER 60.—*Employment of children—Age limit.*¹

SECTION 2. Section one of an act * * * [sec. 16, p. 3023, Comp. Stat., 1910] is hereby amended to read as follows:

[Section 16.] No child under the age of fourteen (14) years shall be employed, allowed or permitted to work in any newspaper plant, printery, factory, workshop, mill, commercial laundry, or place where printing or the manufacture of goods of any kind is carried on; any corporation, firm, individual, parent, parents or custodian of any child, who shall violate any of the provisions of this section, shall be liable to a penalty of fifty dollars for each offense.

Scope of law.

Approved March 26, 1914.

CHAPTER 121.—*Work in compressed air.*

SECTION 1. (1) The term "pressure," when used in this act, means gauge pressure in pounds per square inch.

Definitions.

(2) The term "employer," when used in this act, includes partnerships and corporations.

SEC. 2. Every tunnel, caisson, compartment or place to which this act applies shall be so constructed, equipped, arranged, operated and conducted as to provide such protection to the lives, health and safety of all persons employed therein as the nature of the employment will reasonably permit.

Provisions for health and safety.

SEC. 3. Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

Requirements.

(1) Provide and install gauges in each tunnel for showing the air pressure to which the persons so employed therein are subjected.

¹ See chapters 236 and 252.

Such gauges shall be accessible at all times during working hours to all employees in the tunnels;

(2) Provide and attach gauges to each caisson, for showing the air pressure to which the persons so employed therein are subjected, and employ a competent person, who may be the lock tender, to take charge of such gauges, and of the instruments required under subdivision three of this section. The person so employed shall not be permitted to work more than eight hours in any twenty-four hours;

(3) Provide and attach an air gauge and a timepiece to each air lock. Such gauge and timepiece shall be accessible to the lock tender at all times;

(4) Keep at least two air pipes or lines connected with each tunnel, caisson, compartment or place in which persons are so employed;

(5) Provide a suitable iron ladder for the entire length of every shaft used in connection with such work;

(6) Keep every passageway used in connection with such work clear and properly lighted;

(7) Provide sufficient electric lights for all lighting purposes and provide a wire for lighting the shaft, which wire shall be separated from the wire used for lighting the place where the employees are at work in compressed air; all electric wires shall be properly insulated;

(8) Provide, for the use of all persons so employed, dressing rooms which shall be kept open and accessible during working hours and during the intervals between working periods, and also a separate room for drying clothes. The dressing rooms shall contain benches and individual lockers, shower baths with hot and cold water, and sanitary water-closets, and shall be kept properly heated, lighted and ventilated;

Hospital lock.

(9) If the maximum air pressure in such work exceeds seventeen pounds, provide and maintain at least one double compartment hospital lock. Such lock shall be at least six feet high, inside measurement, and be suitably floored; it shall be equipped with inside and outside air gauges and timepieces, and a telephone with proper connections, and shall contain benches and proper surgical and medical equipment; it shall be properly heated, lighted and ventilated.

Position of caisson.

SEC. 4. No caisson in which persons are employed in compressed air shall, while work is in progress therein, be suspended or hung so that the bottom of the excavation is more than four feet below the cutting edge of the caisson.

Daily inspections.

SEC. 5. Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall cause all engines, boilers, steam pipes, steam gauges, drills, caissons, air pipes, air gauges, air locks, dynamos, electric wiring, signal apparatus, brakes, buckets, hoists, cables, chains, ropes, ladders, ways, tracks, sides, roofs, timbers, supports and all other equipment, apparatus and appliances used in connection with such work to be inspected at least once every working day by a competent person especially designated for that purpose, and if any defect in such equipment, apparatus or appliances is found, a report thereof in writing shall forthwith be made by the inspector to the employer, and the defect shall be immediately repaired.

SEC. 6. Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

Physicians.

(1) Employ one or more licensed physicians as medical officers who shall be present to render medical assistance at all necessary times at the place where such work is in progress and who shall perform such other duties as are imposed on them by this act;

Nurses.

(2) If the maximum air pressure in such work exceeds seventeen pounds, employ one or more registered nurses, or one or more competent persons, which persons shall be selected by the medical officer and be certified by him to be competent, by actual experience, to handle cases of compressed air illness. The nurses or persons so employed shall have charge of the hospital lock provided for in this act, and may also have other duties of a clerical nature, exclusive of timekeeping, such as will not require their presence elsewhere than at the hospital lock and such as they may leave at any time their service at the lock is necessary.

SEC. 7. No person known to be addicted to the excessive use of intoxicants shall be employed or permitted to work in compressed air. Intemperate employees.

SEC. 8. (1) No person shall be employed or permitted to work in compressed air until he has been examined by the medical officer and found to be physically qualified therefor; Physical examinations.

(2) No person who has not previously worked in compressed air shall, during the first twenty-four hours of his employment, be permitted to work therein longer than one working period, as provided in section ten, and he shall not be permitted to resume such work, if the air pressure exceeds fifteen pounds until he has been reexamined by the medical officer and found to be physically qualified therefor;

(3) No person who is employed in compressed air, but who has been absent therefrom for ten or more consecutive days, for any cause, shall be permitted to resume such work until he has been reexamined by the medical officer and found to be physically qualified therefor;

(4) No person who has been employed regularly in compressed air for three months shall be permitted to continue such work until he has been reexamined by the medical officer and found to be physically qualified therefor.

SEC. 9. The medical officer shall keep a record of all physical examinations made in accord with section eight, which record shall be kept at the place where the work is in progress and shall contain the name, age, address and full description of each person examined, the date on which each examination was made, and the physical condition, on that date, of the person examined, and the total time such person has worked in compressed air, including time in previous employments. The employer shall also be responsible for the observance of this section. Records.

SEC. 10. When the air pressure in any tunnel, caisson, compartment or place in which persons are employed exceeds normal, but does not exceed fifty pounds, the maximum number of hours which, in any twenty-four hours, a person may be employed or permitted to work or remain therein shall be as hereafter stated. In every case the maximum number of hours shall be divided into two working periods of equal length, and the minimum time interval which shall elapse between such working periods shall be as hereafter stated. Hours of service.

When the air pressure	Number of hours in 24.	Interval between working periods.
Exceeds normal but does not exceed 21 pounds.....	8	30 mins.
" 21 " 30 " 	6	1 hr.
" 30 " 35 " 	4	2 hrs.
" 35 " 40 " 	3	3 hrs.
" 40 " 45 " 	2	4 hrs.
" 45 " 50 " 	1½	5 hrs.

Except in cases of emergency, no person shall be employed or permitted to work or remain in any tunnel, caisson, compartment or place where air pressure exceeds fifty pounds.

SEC. 11. No person shall be permitted to pass from any tunnel, caisson, compartment or place where he has been employed in compressed air to atmosphere or normal pressure without passing through an intermediate lock or state of decompression. When the employee is passing from a tunnel to atmosphere of normal pressure, the rate of decompression shall be three pounds every two minutes, except when the air pressure in the tunnel exceeds thirty-six pounds, in which case the rate of decompression shall be one pound every minute. When the Decompression locks.

dangerous to the health of the employees who, while engaged in such work or process, are exposed to lead dusts or lead solutions.

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.

Provisions required.

(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 cleaned either by wet method or vacuum cleaner daily.

Ventilation, etc.

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 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, drying pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust collector to be placed in a separate room which no employee shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

(b) The employer shall provide a wash room or rooms for such employees which shall be separate from the workrooms, be kept clean and be equipped with:

Wash rooms, etc.

(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.

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 employer shall also furnish nail brushes 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 of said employees 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 five 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 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 department of labor of this State and also by the State board of health.

Dressing rooms. (c) The employer shall provide a dressing room or rooms which shall be separate from the workrooms, to be furnished with a double sanitary locker, or two single sanitary lockers for each such employee, and be kept clean.

Eating rooms. (d) The employer shall provide an eating room, or eating rooms for such employees, and such rooms shall be separate from the workrooms, be furnished with a sufficient number of tables and seats, and be kept clean. No such employee shall take or be allowed to take any food or drink of any kind into any workroom, nor shall any such employee remain or be allowed to remain in any workroom during the time allowed for his meals.

Drinking water. (e) The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of such employees.

Clothing. (f) The employer shall provide at least two pairs of overalls and two jumpers for each such employee, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

Respirators. (g) The employer shall provide and renew when necessary at least two reasonably effective respirators for each employee who, while engaged in any work or process which produces lead dusts, is exposed to such dusts: *Provided*, If at any time it is shown to the satisfaction of the commissioner of labor of the State of New Jersey, in the case of any manufacturer or process or any operation forming part thereof in the potteries that injury to health is adequately prevented by other appliances or any other condition than those prescribed by law, he may modify the whole or any part of the law so far as it applies to such pottery manufacture or process.

Duties 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 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 working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accordance with section three (c);

(d) Keep clean the respirators provided by the employer in accordance with section three (g), and use one at all times while engaged in any work or process which produces lead dusts and is exposed to such dusts.

Instructions to be posted. Sec. 5. The employer engaged in any of the processes mentioned in section two shall post in a conspicuous place in every workroom where any work or process included in section two is carried on, in every room where washing facilities are provided, 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 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 hereinabove stated. The notices required in this section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employee who may be exposed to

lead dusts, lead fumes or lead solutions, 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.

SEC. 6. The employer shall cause every employee, who, while engaged in any work or process included in section two, is exposed to lead dusts, lead fumes, or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination, and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examination shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefore [therefor], at the employer's expense, being made to each employee so examined.

Monthly examinations.

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

Records.

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the department of labor and one to the State board of health. The report shall be on or in conformity with blanks furnished by the State board of health, free of cost, to every employer included in section two, and shall state:

Reports.

- (a) Name, occupation and address of employee.
- (b) Name, business and address of employer.
- (c) Nature and probable extent of disease.

(d) Such other information as may be reasonably required by the State board of health.

The examining physician shall also, within the said forty-eight hours, report such examination and find[ing] to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes, or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician.

SEC. 8. The commissioner of labor shall enforce this act and prosecute all violations of the same. The said commissioner, the assistant commissioner, and the inspectors of the said department shall be allowed at all reasonable times to inspect any place of employment included in this act.

Enforcement.

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 of this act shall be liable to penalties of fifty dollars for the first offense, one hundred dollars for the second offense and three hundred dollars for the third and each subsequent offense. Every employee who violates or fails to comply with any provision of section four of this act, shall be liable to a penalty of ten dollars for the first offense and twenty-five dollars for the second and each subsequent offense. Every employer who, either personally or through an agent, violates or fails to comply with any provisions of sections five, six or seven of this act, relating to him, shall be liable to a penalty of fifty dollars for each offense, and every employee who violates or fails to comply with any provision of section six of this act, relating to him, shall be liable to a penalty of ten dollars for each offense.

Violations.

SEC. 10. Any and all penalties prescribed by any of the provisions of this act shall be recovered in an action of debt by and in the name of the commissioner of labor of the State of New Jersey. * * *

Actions.

- Employers. SEC. 12. In this act, unless the context otherwise requires, "employer" includes partnerships and corporations.
- Sections sever- SEC. 13. In case for any reason any section or any provision of this act able. shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.
- Act in effect. SEC. 14. This act shall take effect on the first day of October, one thousand nine hundred and fourteen, 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 fifteen.
 Subdivisions [subdivision] (a) of section three, on the first day of October, one thousand nine hundred and sixteen.
 Approved April 14, 1914.

CHAPTER 223.—*Employment of children—General provisions.*

- Definitions. SECTION 1. (a) "Supervisor of school exemption certificates," as used in this act, shall mean any superintendent of schools, supervising principal, principal or teacher of any school district who shall be designated by the board of education in that district to carry out the provisions of this act.
 (b) "Age and schooling certificate," as used in this act, shall mean a certificate granted by the supervisor of school exemption certificates, and such certificate, when granted, pursuant to this act, shall authorize the holder thereof to cease attending school when employed in some occupation lawful for children under sixteen years of age.
 (c) "Age and working certificate," as used in this act, shall mean a certificate granted by the supervisor of school exemption certificates, pursuant to section thirteen of this act, which certificate, when granted, shall not exempt the child from attendance at school, but shall allow such child to secure certain employment in the open air, which employment shall be lawful for children under fourteen years of age.
 (d) "Employer's certificate," as used in this act, shall mean a certificate setting forth the fact that a child has secured employment, as provided in section twelve of this act.
- School attend- SEC. 2. Every parent, guardian, or other person having custody and ance required. control of a child between the ages of seven and sixteen years, shall cause such child regularly to attend a day school in which at least reading, writing, spelling, English grammar, arithmetic and geography are taught in the English language by a competent teacher, or to receive equivalent instruction elsewhere than at school, unless such child is above the age of fourteen years, has been granted an age and schooling certificate, and is regularly and lawfully employed in some useful occupation or service. Such regular attendance shall be during all the days and hours that the public schools are in session in said school district, unless it shall be shown to the satisfaction of the board of education of said school district that the mental or bodily condition of the child is such as to prevent his or her attendance at school.
- Certificates. SEC. 3. Age and schooling certificates and age and working certificates may be granted by the supervisor of school exemption certificates in the school district in which the child resides, on the application in person of the parent, guardian or custodian of the child for whom such certificate is desired.
- Children not SEC. 4. Every child under the age of sixteen years who is not regularly employed. and lawfully employed in any useful occupation or service, shall not be exempt from attendance at school.
- Evidence. SEC. 5. For the purpose of this act, evidence that the child is at least fourteen years of age shall consist of one of the following proofs of age, and shall be required in the order herein designated, as follows:
 (a) A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, which certificate shall be prima facie evidence of the age of such child.

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

(c) In case the proofs required by paragraphs (a) or (b) can not be produced, such other documentary evidence of age as shall be satisfactory to the officer issuing the certificate (except the school record of the child or the affidavit of the parent, guardian, or other person having control of such child) may be accepted, duly attested, as proof of age, in the discretion of the officer issuing the certificate.

(d) In case no documentary proof of age can be produced the officer authorized to issue the certificate may receive and file an application for a physician's certificate signed by the parent, guardian or other person having control of the child for whom the application is made. Such application shall contain the name, alleged age, place and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall also contain a statement certifying that the person signing such application is unable to produce any of the documentary evidence specified in paragraphs (a), (b) or (c). Within sixty days after the date of the filing of such application a careful investigation shall be made as to the truth of the facts set forth in said application, and if no facts shall appear tending to discredit or contradict any material statement in the application, the officer authorized to issue the certificate may direct the child to appear, at a time and place to be designated by him, for physical examination without removal of clothing by a medical inspector employed by the board of education of the school district in which said child resides. In case said medical inspector shall certify in writing that he has examined said child, and that, in his opinion, such child is at least fourteen years of age, such officer shall, for the purpose of this act, accept the certificate of said medical inspector, as sufficient proof of the age of said child. The officer issuing the certificate shall require the evidence of age specified in paragraph (a) in preference to that specified in any subsequent paragraph, and shall not accept the evidence of age specified by any paragraph other than paragraph (a) unless there shall be filed in his office, in addition thereto, an affidavit of the parent, guardian, or other person having control of the child, showing that no evidence of age specified in any paragraph preceding that specified in the affidavit can be produced. Said affidavit shall also contain the age, date and place of birth, when and where baptized and present residence of the child.

Where no documentary proof.

SEC. 6. All oaths, affirmations and affidavits required to be made or taken in any proceeding had pursuant to this act in an application for an age and schooling certificate, or age and working certificate shall be taken by the supervisor of school exemption certificates and the said supervisor of school exemption certificates is hereby granted the power to administer oaths and take affidavits and affirmation in all such proceedings held pursuant to this act. Any person who shall swear or affirm falsely at any hearing or any proceeding taken pursuant to this act to an application for an age and schooling certificate or age and working certificate, or shall sign and swear or affirm to any affidavit containing a false statement to be used in any such proceeding, shall be guilty of committing perjury and, upon conviction thereof, shall be fined not exceeding one thousand dollars or imprisoned with or without hard labor as the court may direct for any time not to exceed three years, or both.

Who to administer oaths, etc.

Perjury.

SEC. 7. Before granting any age and schooling certificate or age and working certificate the child shall appear before a medical inspector employed by the board of education who shall examine said child and file with the supervisor of school exemption certificates a certificate signed by said medical inspector describing the physical condition of said child and certifying as to whether such child has the normal development of a child of its age and is of sufficiently sound health and physically able to be employed in any of the occupations in which a child between fourteen and sixteen years of age may legally be employed.

Medical certificate.

SEC. 8. No age and schooling certificate shall be issued until there shall have been filed, with the officer authorized to issue the same, satisfactory proof that the child for whom such certificate is requested

Proof as to school attendance.

has regularly attended a public school, or has received instruction equivalent to that provided in the public schools, for a period of not less than one hundred and thirty days during the twelve months next preceding the date of the application for such certificate, is able to read intelligently and write legibly simple sentences in the English language, has completed a course of study equivalent to five yearly grades in reading, writing, spelling, English language and geography, is familiar with the fundamental operations of arithmetic, up to and including simple fractions, and that such child is able to perform the work in which he or she may be lawfully employed.

School exemption certificate.

SEC. 9. Satisfactory proof on behalf of a child applying for an age and schooling certificate pursuant to the provisions of this act having been produced as to the age, physical condition and schooling of said child, it shall be lawful for the supervisor of school exemption certificates to issue in accordance with section three of this act an age and schooling certificate to said child, dated on the day it is issued and signed by the person issuing the same, which certificate shall state the color, name, sex, date and place of birth, residence, color of hair and eyes, height, weight, and any distinguishing facial marks of the child, and shall contain a statement that the proofs of age, education and physical condition required by this act have been filed with the officer issuing the certificate, and that the child named in the certificate has personally appeared before the medical inspector and been examined. Every such certificate shall be signed in the presence of the supervisor of school exemption certificates by the child in whose name it is issued, or other person having custody and control of such child.

Papers to be filed.

SEC. 10. Every supervisor of school exemption certificates issuing an age and schooling certificate or an age and working certificate shall send immediately to the department of labor at Trenton the original papers upon which said certificate was granted. Said department shall examine said papers and promptly return them to the supervisor of school exemption certificates, who shall file them in his office. Whenever there is reason to believe that an age and schooling certificate or an age and working certificate was improperly issued the commissioner of labor shall notify the commissioner of education and the board of education of the school district in which said certificate was issued. The board of education of said district may cancel any age and schooling certificate or any age and working certificate issued by it and shall cancel the same when directed so to do by the commissioner of education.

Cancellation.

Records.

SEC. 11. The supervisor of school exemption certificates shall keep a record of every such certificate issued by him giving all the facts contained in such certificate, and also a record of the name and address of every child to whom a certificate has been refused, together with the name or number of the school which such child should attend, and the reason for refusal.

Employers' certificates.

SEC. 12. The supervisor of school exemption certificates shall give to each child to whom an age and schooling certificate is issued a blank form of "employer's certificate" which shall be filled in by the person employing said child, setting forth the nature of the work the child is to do, the date the child starts work, and also the salary a week to be paid the child, which form, correctly filled out, shall within two days, be surrendered or returned by the person, firm or corporation employing said child to the supervisor of school exemption certificates of the district in which the child resides. The child, upon securing employment, shall surrender the age and schooling certificate to his employer who shall retain said certificate during the time said child is in his employ; said employer shall, within two days after the child is discharged or ceases to work for him, surrender or return the age and schooling certificate to the supervisor of school exemption certificates of the school district in which said child resides, who shall file the same in his office and keep said certificate until such time as the child shall again secure employment. If, however, said employer does not know or can not find the location of said child's residence, he shall surrender or deliver the age and schooling certificate to the supervisor of school exemption certificates for the district in which the business of the employer was located, and said supervisor of school exemption

certificates shall make inquiry and search for said child, and if he can not find where said child resides, he shall return the certificate to the supervisor of school exemption certificates who issued the same.

Whenever a child shall find other employment it shall apply to the supervisor of school exemption certificates of the school district in which said child lives for the return of the age and schooling certificate, together with a blank form of employer's certificate, and the employer shall retain and file in his office said age and schooling certificate, and fill in and return the employer's certificate as provided above. Any person, the members of any firm or the officers or agents of any corporation failing to comply with the provisions of this section of this act, shall be deemed and adjudged to be a disorderly person or persons, and upon conviction thereof, shall be fined not to exceed twenty-five dollars, or imprisoned in jail, not to exceed thirty days, or both.

Change of employment.

Whenever any age and schooling certificate or any age and working certificate shall have been canceled as provided in section ten of this act, the board of education canceling said certificate shall immediately notify the commissioner of education, the commissioner of labor and the person or corporation by whom the child is employed of its action, and said person or corporation shall immediately upon receiving said notice forward said certificate to the commissioner of education.

Notice of cancellation.

Sec. 13. Whenever a child between the age of ten and sixteen years desires to work in order to assist in supporting itself or the family, it shall be lawful for the parent, guardian or other person having the custody and control of said child between the ages of ten and sixteen years to file a petition with the supervisor of school exemption certificates of the school district in which the child resides, which petition shall set forth the fact that said child desires to secure employment in order to help support itself or family, together with evidence which shall comply with the provisions of this act as to the age of said child and the character of the work the child is to perform, which work shall only include selling newspapers, blacking shoes, running errands, and other light employments, not otherwise prohibited by law for children under sixteen. If upon investigation it shall be found that the facts set forth in the petition are true and that the work will not interfere with the child's standing in school, or with the child's health, it shall be lawful for the supervisor of school exemption certificates to grant to said child an age and working certificate, to work at such times as the public schools in the district shall not be in session, but not before six o'clock in the morning nor after seven o'clock at night. Any person, the members of any firm or the officers or agents of any corporation employing, permitting, or allowing a child to work, contrary to the provisions of this section, shall be deemed and adjudged to be a disorderly person or persons, and upon conviction thereof, shall be fined fifty dollars, or imprisoned not to exceed one year or both: *Provided*, That nothing contained in this section shall apply to any child employed in agricultural pursuits.

Children of dependent parents.

Sec. 14. Every child between the ages of seven and fourteen years, and every child between the ages of fourteen and sixteen years who is not lawfully employed in some useful occupation or service, who shall repeatedly be absent from school, or any child found away from school during school hours whose parent, guardian or other persons having charge and control of such child is unable to cause him to attend school, or any pupil who shall be incorrigible, actually vagrant, vicious or immoral in conduct, shall be deemed to be a juvenile disorderly person or a juvenile delinquent and shall be proceeded against as such.

Delinquents.

Sec. 15. Any parent, guardian or other person having custody and control of any child between the ages of seven and sixteen years who shall fail to comply with the provisions of section two of this act, or any parent, guardian or other person having custody and control of any child between the ages of seven and sixteen years, who shall fail to comply with any of the provisions of this act relating to his or her duties, shall be deemed to be a disorderly person, and upon conviction thereof, it shall be lawful for the magistrate or judge before whom such person is convicted to sentence such person to the workhouse, penitentiary or county jail of the county in which such person may be convicted,

Offenses of parents.

for a period not to exceed one year, or to impose a fine not to exceed fifty dollars, or both: *Provided, however,* That no justice of the peace shall have jurisdiction in any proceedings brought under the provisions of this act; * * *

Duty of parents. SEC. 16. It shall be the duty of the parent, guardian or other person having custody and control of any child to whom an age and schooling certificate has been issued to see that the child is either continuously employed or regularly attends school, and it shall be the duty of the supervisor of school exemption certificates of the district in which the child resides to take the proper proceedings, as provided in sections fourteen and fifteen of this act, to enforce the attendance at school of any child who fails to secure employment and also to secure and retain the age and schooling certificate for such child until such times as it shall secure lawful employment.

Attendance officers. SEC. 17. For the purpose of enforcing the provisions of this article the board of education of each school district shall appoint a suitable number of qualified persons to be designated as attendance officers, and shall fix their compensation. Said board shall make rules and regulations not inconsistent with the provisions of this article, for the government of said attendance officers, which rules and regulations must be approved by the commissioner of education.

Duties. SEC. 18. Every attendance officer who shall find any child between seven and fourteen years of age (or any child between fourteen and sixteen years of age, who is not lawfully employed in some useful occupation or service) away from home during school hours, who shall then be a truant from school, shall take such child and deliver him to the parent, guardian or other person having charge and control of such child, or to the teacher of the school which such child is lawfully required to attend. * * *

Certificates to be free. SEC. 19. No fees or expenses incurred in obtaining an age and schooling certificate or an age and working certificate shall be charged to or paid by any parent, guardian or other person having custody or control of any child for any services or proceedings had under this act.

Approved April 14, 1914.

CHAPTER 236.—*Employment of children—Age limit—Inspector.*¹

SECTION 2. Section one of the act to which this act is amendatory and supplemental [sec. 16, p. 3023, Comp. Stat. 1910] is hereby amended to read as follows:

Scope of law. SECTION 1. No child under the age of fourteen (14) years shall be employed, allowed or permitted to work in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on, or in any mine or quarry; any corporation, firm, individual, parent, parents or custodian of any child, who shall violate any of the provisions of this section, shall be liable to a penalty of fifty dollars for each offense.

Inspector of mines and quarries. SEC. 3. In addition to the inspectors provided by the act to which this act is an amendment and supplement, and its supplements and amendments, the commissioner of labor shall immediately appoint one additional inspector who shall have practical knowledge and skill in the work in and operation of mines and quarries, whose salary, powers and duties shall be the same as of the inspectors appointed under the acts in this section mentioned. Said inspector shall be appointed and shall hold his office and perform his duties subject to the provisions of the act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, and amendments thereof and supplements thereto.

Approved April 17, 1914.

¹ See chapters 60 and 252.

CHAPTER 244.—*Compensation of workmen for injuries.*

SECTION 1. Paragraph twelve of the act * * * [ch. 95, Acts of 1911], is hereby amended to read as follows:

Section 12. In case of death compensation shall be computed, but Compensation
for death. not distributed, on the following basis:

For one dependent, thirty-five per centum of wages.

For two dependents, forty per centum of wages.

For three dependents, forty-five per centum of wages.

For four dependents, fifty per centum of wages.

For five dependents, fifty-five per centum of wages.

For six or more dependents, sixty per centum of wages.

The term "dependents" shall apply to and include any or all of the following who are dependent upon the deceased at the time of accident or death, namely: Husband, wife, parents, step-parents, grandparents, children, stepchildren, grandchildren, posthumous child, illegitimate children, brothers, sisters, half brothers, half sisters. Legally adopted children shall, in every particular, be considered as natural children: *Provided, however,* That dependency shall be presumed as to a widow who was living with her husband at the time of his decease, and children under the age of eighteen years; stepchildren and illegitimate children shall be presumed to be dependent when they were part of the decedent's household at the time of his death. Every provision of this act applying to one class shall be equally applicable to the other. Should any dependent of a deceased employee die during the period covered by such weekly payments, or should the widow of a deceased employee remarry during such period, the right of such dependent or of such widow to compensation under this section shall cease.

Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one, according to the order of the judge of the court of common pleas, who shall, when applied to for that purpose, determine, upon the facts being presented to him, the proportion to be paid to or on behalf of each dependent according to the relative dependency. Payment on behalf of infants shall be made to the surviving parent, if any.

If death results from the accident whether there be dependents or not, expenses of last sickness and burial, the cost of burial however not to exceed one hundred dollars. Funeral, etc.,
expenses.

In computing compensation to orphans or other children, only those under eighteen years of age shall be included, and only during the period in which they are under that age, at which time payment on account of such child shall cease: *Provided, however,* That payments to such physically or mentally deficient children as are for such reason dependent shall continue during the full term of compensation payment. Orphans.

The compensation in case of death shall be subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week: *Provided,* That if at the time of the injury the employee receives wages of less than five dollars per week, then the compensation shall be the full amount of such wages per week. This compensation shall be paid during three hundred weeks. Weekly scale.

Compensation under this schedule shall not apply to alien dependents not residents of the United States. Aliens.

Approved April 17, 1914.

CHAPTER 252.—*Employment of children—Inspection of factories.*¹

SECTION 1. Section one [16] of said act [(secs. 16 to 25, p. 3023, et seq., Comp. Stat., 1910), shall] be amended to read as follows:

Section 1. [16] No child under the age of fourteen years shall be employed, allowed or permitted to work in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on. The officers or agents of any corporation, the members of any firm, or any Age limit.

¹ This and chapters 60 and 236 amend section 1 of the original act (sec. 16, p. 3023, Comp. Stat., 1910), and present an apparent conflict. The last two were approved on the same day, and all are reproduced as given in the authorized volume of acts of the session.

person, or any parent, parents or custodian of any child who shall violate any of the provisions of this section shall be deemed and adjudged to be a disorderly person or persons, and upon conviction thereof, shall be fined fifty dollars, or imprisoned in jail for not more than ninety days, or both: *Provided, however,* That any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm, or any person owning, operating and managing said business shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both.

Offenders dis-
orderly persons.

SEC. 2. Section three [18] of said act is hereby amended to read as follows:

Certificate re-
quired.

Sec. 3. [18] No corporation, firm, or person owning or operating a place or places coming under the provisions of this act shall employ, allow or permit any child under the age of sixteen years to work therein unless that child shall produce an age and schooling certificate, as provided and required by law. The officers and agents of any corporation, or the members of any firm or any person failing to comply with the provisions of this section shall be deemed and adjudged to be disorderly persons, and upon conviction thereof, be fined not to exceed twenty-five dollars, or committed to jail, not to exceed sixty days, or both.

SEC. 3. Section four [19] of said act is hereby amended to read as follows:

Evidence.

Sec. 4. [19] In any suit brought to recover a penalty for violation of section one of this act or in any criminal proceedings wherein the defendant is charged with violating any of the provisions of this act, a copy of the baptismal record, certified to be a true copy under the hand of the person having the custody of such records for the church or parish in which such child was baptized, shall be prima facie evidence of the child's age: *Provided, however,* That in case the age of the child is not set forth in the baptismal record, that there shall be other proof, showing the age of the child at the time he or she was baptized.

SEC. 4. Section seven [22] of said act is hereby amended to read as follows:

Employment
forbidden.

Sec. 7. [22] No minor under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions: Adjusting any belt to any machinery; sewing or lacing machine belts in any workshop or factory; oiling, wiping or cleaning machinery or assisting therein; operating or assisting in operating any of the following machines: Circular or band saws; wood choppers, wood jointers; planers; sandpaper or wood polishing machinery; wood turning or boring machinery; picker machines or machines used in picking wool, cotton, hair, fur, or any other material; carding machines; paper-lace machines, job or cylinder printing presses operated by power other than foot power; boring or drill presses; stamping machines used in sheet metal and tinware or in paper and leather manufacturing, or in washer and nut factories; metal or paper cutting machines; corner staying machines in paper box factories; corrugating rolls, such as are used in corrugated paper, roofing or wash-board factories; steam boilers, dough brakes or cracker machinery of any description; wire or iron straightening or drawing machinery; rolling mill machinery; power punches or shears; washing, grinding or mixing machinery; collender [calender] rolls and mixing rolls in paper and rubber manufacturing; laundering machinery; or in proximity to any hazardous or unguarded belting, machinery or gearing, which, in the judgment of the commissioner of labor is a menace to the safety of such minor. No minor under the age of sixteen years shall be employed, permitted or suffered to work in any capacity in, about, or in connection with any processes in which dangerous or poisonous acids are used; or the manufacture or packing of paints, colors, white or red lead; or in any process in which lead or its compounds are employed; or in soldering; or in occupations causing mineral, animal or vegetable dust in injurious quantities, including flint, clay, metal and talc dust; tobacco, rubber and cotton dust; silk, fur, wool and leather dust, or in the

manufacture or use of dangerous or poisonous dyes; or in the manufacture or preparation of compositions with dangerous or poisonous gases or fumes; or in the manufacture or use of compositions of dye in which the quantity thereof is injurious to health; or in any trade, process which shall offer such exposure to excessive heat, cold, muscular exertion or other physical risk as shall, in the judgment of the commissioner of labor, be harmful to the health and future working efficiency of such minor.

The officers or agents of any corporation, the members of any firm, or any person, or the parent, parents or custodian of any child who shall violate any of the provisions of this section, shall be deemed and adjudged to be disorderly persons, and upon conviction thereof, shall be fined not to exceed fifty dollars, or imprisoned in jail for not more than ninety days, or both: *Provided, however,* That any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm, or any person owning, operating and managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both.

Violations.

SEC. 5. Section eight [23] of said act is hereby amended to read as follows:

Sec. 8. [23] Any corporation, firm or person, owning, or operating a place coming under the provisions of this act and employing, allowing or permitting minors under the age of sixteen years to work therein, shall keep or cause to be kept in the main office of such place, in the town or city where such place is located, a register in which shall be recorded the names, places of residence and time of employment of all such minors and shall keep on file the age and schooling certificates issued to said minors as provided and required by law; such registers and age and schooling certificates shall be produced for inspection upon demand of the commissioner, assistant or any of the inspectors; all police officers, and officers and agents of any society incorporated under the laws of this State for the prevention of cruelty to children, and all attendance officers shall have the same right as inspectors to examine such registers and the age and schooling certificates; the officers or agents of any corporation, the members of any firm or any person failing to keep such register, or failing to keep on file the age and schooling certificates or refusing to permit the persons herein authorized to inspect the register of the certificates, shall be deemed to be disorderly persons, and upon conviction thereof, shall be fined not to exceed fifty dollars, or imprisoned not to exceed sixty days, or both.

Registers.

SEC. 6. Section nine [24] of said act is hereby amended to read as follows:

Sec. 9. [24] No minor under the age of sixteen years shall be employed, permitted or allowed to work in places coming under the provisions of this act, more than eight hours in a day or forty-eight hours in a week; nor shall any minor under the age of sixteen years be employed, permitted or allowed to work in any place or places coming under the provisions of this act after seven o'clock in the afternoon or before seven o'clock in the morning of any day; nor shall any child under the age of sixteen years be employed, permitted or allowed to work on the first day of the week, commonly known as Sunday, or any time during said day, the officers and agents of any corporation, or any firm or person permitting or allowing any violation of the provisions of this section shall be deemed and adjudged to be disorderly persons, and upon conviction thereof, shall be fined not to exceed fifty dollars, or imprisoned in jail for not more than ninety days, or both: *Provided, however,* That any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm, or any person owning, operating and managing said business shall be deemed guilty of keeping a disorderly house, and upon conviction thereof, shall be fined, not to exceed one thousand dollars, and shall be committed to jail, not to exceed three years, or both.

Hours of labor.

Nightwork.

Sunday labor.

Violations.

Approved April 17, 1914.

CHAPTER 253.—*Employment of children in mercantile establishments.*

	SECTION 1. Section one of said act [(ch. 136, Acts of 1911) shall] be amended to read as follows:
Age limit.	Section 1. No child under the age of fourteen years shall be employed, allowed or permitted to work in any mercantile establishment coming within the provisions of this act; the officers or agents of any corporation, or the members of any firm or any person who shall employ, allow or permit to work in any mercantile establishment any child under the age of fourteen years shall be deemed and adjudged to be disorderly persons, and, upon conviction thereof, shall be fined fifty dollars, or imprisoned in jail for not more than ninety days, or both: <i>Provided, however,</i> That any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm or any person owning, operating and managing said business shall be deemed to be guilty of keeping a disorderly house, and, upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both.
Violations.	
	SEC. 2. Section two of said act [shall] be amended to read as follows:
Certificates.	Sec. 2. No child under the age of sixteen years shall be employed, allowed or permitted to work in or in connection with any mercantile establishment unless such child shall produce an age and schooling certificate as provided and required by law, nor shall said child be employed more than eight hours in any one day or more than forty-eight hours in any one week, or before seven o'clock in the morning or after seven o'clock in the evening; nor shall any child under the age of sixteen years be employed, permitted or allowed to work on the first day of the week, commonly known as Sunday, or any time during said day; the officers or agents of any corporation, or the members of any firm or any person who shall violate any of the provisions of this section shall be deemed and adjudged to be disorderly persons, and, upon conviction thereof, shall be fined not to exceed fifty dollars, or imprisoned in jail for not more than ninety days, or both: <i>Provided, however,</i> That any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house; and the officers or agents of any corporation, the members of any firm or any person owning, operating and managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail not to exceed three years, or both.
Hours of labor.	
Nightwork.	
Sunday labor.	
Violations.	
	SEC. 3. Section three of said act [shall] be amended to read as follows:
Enforcement.	Sec. 3. It shall be the duty of the commissioner of labor, the assistant commissioner, the inspectors of the department of labor, the attendance officers or other person empowered by law to compel the attendance of children at school, and any police officer or other person designated by law to protect children from cruelty and neglect, and they shall have power to investigate and inspect all mercantile establishments coming under the intent and provisions of this act, in order to enforce the provisions of this act.
	SEC. 4. Section four of said act [shall] be amended to read as follows:
Registers.	Sec. 4. Any corporation, firm or person owning or operating a place or places coming under the provisions of this act, and employing, allowing or permitting children between the age of fourteen and sixteen years, to work therein, shall keep or cause to be kept in the main office of such place in the town or city in which such place is located, a register or record in which shall be recorded the name, place of residence and time of employments of such minors employed therein, and shall also keep on file the age and schooling certificate of every such child during the time it is employed in said mercantile establishment.
Violations.	The officers and agents of any corporation, or the members of any firm or any person failing to comply with the provisions of this section shall be deemed and adjudged to be disorderly persons, and, upon conviction thereof, shall be fined not to exceed fifty dollars, or imprisoned in jail for not more than ninety days, or both: <i>Provided,</i>

however, That any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm or any person owning, operating and managing said business, shall be deemed to be guilty of keeping a disorderly house, and, upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both.

SEC. 5. Section five of said act [shall] be amended to read as follows:

Sec. 5. No child under the age of sixteen years shall be employed in any mercantile establishment coming within the provisions of this act in any employment that is detrimental to health or is dangerous to life and limb of a child of that age, or that exposes him to excessive heat or cold, or that requires an excessive muscular exertion that is detrimental to the health and strength of a child of that age, or in the handling of any goods, wares or merchandise that are poisonous or that give off dust, fumes or gases, or in working around any heated metal, combination of metal or metals or their salts, that give off any dust, fumes or gases that are detrimental to the health, or on, in or around any scaffolding of any character whatsoever, or on, in and around any building that is under construction, or in any employment whatsoever which exposes him to conditions that will retard his growth or injure his health, or in any place that is damp or unhealthy, or that is injurious in any way to the health and strength of a child, or in any place where, on account of the light or the nature and character of the work the child's eyesight or hearing will be injured. The officers or agents of any corporation, the members of any firm or any person who shall employ any child, contrary to the provisions of this section of the act shall be deemed and adjudged to be disorderly persons, and, upon conviction thereof, shall be fined not to exceed fifty dollars, or imprisoned in jail for not more than ninety days, or both: *Provided, however*, That any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm or any person owning, operating and managing said business, shall be deemed to be guilty of keeping a disorderly house, and, upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both.

Dangerous employments.

SEC. 6. Section six of said act [shall] be amended to read as follows:

Sec. 6. The commissioner of labor, his assistant, or any inspector or attendance officer, or other person empowered by law to compel the attendance of children at school, or any police officer or any officer or agent for any duly incorporated society or association for the protection of children from cruelty and neglect, is hereby empowered to enter into and inspect at any reasonable time and without notice or request for permission all mercantile establishments coming under the provisions of this act and to demand of any parent, custodian or guardian proof of the age of a child, and such parent, parents, custodian or guardians shall, within five days after such demand is made, furnish to such officer proof of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing, signed by the commissioner, and shall not be reemployed until such proof of age shall have been furnished.

Entering establishments.

Approved April 17, 1914.

NEW YORK.

ACTS OF 1914.

CHAPTER 16.—*Workmen's compensation insurance—Premium rates.*

SECTION 1. Article one of chapter * * * twenty-eight of the Consolidated Laws, is hereby amended by adding at the end thereof a new section, to be section sixty-seven, to read as follows:

Section 67. Every insurance corporation or association, except the State insurance fund as administered by the State workmen's compensation commission, authorized to transact business in this State, which insures employers against liability for compensation under the workmen's compensation law, shall file with the superintendent of insurance its classification of risks and premiums relating thereto, and any subsequent proposed classification of risks and premiums, together with basis rates and schedules, if a system of schedule rating be in use, none of which shall take effect until the superintendent of insurance shall have approved the same as adequate for the risks to which they respectively apply. The superintendent of insurance may withdraw his approval of any premium rate or schedule made by any insurance corporation or association if, in his judgment, such premium rate or schedule is inadequate to provide the necessary reserves.

Became a law March 4, 1914.

CHAPTER 21.—*Employment of children—Street trades.*

SECTION 1. Chapter * * * thirty-one of the Consolidated Laws, is hereby amended by inserting therein a new section to be section one hundred and sixty-one-b, to read as follows:

Section 161-b. Upon obtaining a permit and badge as provided by this section, a male child over twelve years of age between the close of school and six-thirty o'clock in the afternoon and a male child over fourteen years of age between five-thirty and eight o'clock in the morning may be employed to carry and distribute newspapers on a newspaper route in a city or village, if no other work or employment be required or permitted to be done by any such child during that time. The badge or permit required by this section shall be issued to such child by the district superintendent or the board of education of the city or village and school district where such child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case such child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age prescribed by this section, 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 such principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next

Rates to be approved.

Newsboys.

Permit and badge.

friend, as the case may be, and describe the color of hair and eyes, the height and weight and any distinguishing facial mark of such child, and shall further state that the papers required by this 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 with the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city or village in distributing newspapers without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police or attendance officer.

Became a law March 5, 1914.

CHAPTER 41.—*Compensation of workmen for injuries.*

[This chapter reenacts with slight changes the law of 1913 (chapter 816), reproduced in Bulletin No. 126, this action being taken to avoid possible difficulties in the matter of constitutionality, since the enabling provision of the State constitution, though ratified, was not in effect at the date of the earlier enactment. Two of the changes were merely verbal corrections; the other occurs in section 60, and provides that the State workmen's compensation commission provided for by the act shall have not more than three of its five members of the same political party. Amendments of considerable importance were made by chapter 316, below.]

CHAPTER 164.—*Assignments of wages of municipal employees.*

SECTION 1. Chapter * * * twenty-four of the Consolidated Laws, is hereby amended by adding thereto a new section to be known as section eighty-six-a and to read as follows:

Approval of
head of office re-
quired.

Section 86-a. No assignment of, or power of attorney to collect or other instrument affecting, the whole or any part of his salary or earnings by an officer or employee of any municipal corporation, or subdivision thereof, unless approved in writing by the head of the department, board, body or office in which such officer or employee is employed, shall in any way operate to prevent the payment of such salary or earnings directly to such officer or employee. In the event of the payment of such salary or earnings directly to such officer or employee, notwithstanding the existence of an assignment of, or power of attorney to collect or other instrument affecting, the whole or part thereof, not approved by the head of the department, board, body or office in which such officer or employee is employed, no person shall have any cause of action therefor against such municipal corporation or subdivision thereof for the recovery of any moneys by virtue of such unapproved assignment, power of attorney to collect or other instrument.

Became a law April 6, 1914.

CHAPTER 181.—*Department of labor—Free public employment offices.*

SECTION 1. Section forty-two of chapter * * * thirty-one of the Consolidated Laws, * * * is hereby amended to read as follows:

Bureaus.

Section 42. The department of labor shall have five bureaus as follows: Inspection; statistics and information; employment; mediation and arbitration and industries and immigration. There shall be such other bureaus in the department of labor as the commissioner of labor may deem necessary.

SEC. 2. Such chapter is hereby amended by inserting therein after article five a new article to be article five-a, to read as follows:

Section 66. The bureau of employment shall be under the immediate charge of a director who shall have recognized executive and managerial ability, technical and scientific knowledge upon the subject of unemployment and administration of public employment offices and recognized capacity to direct investigations of unemployment and public and private agencies for remedying the same. The civil-service examination for the position of director shall be such as to test whether candidates have the above qualifications. As a part of such examination each candidate shall be required to submit a detailed plan of organization and administration of employment offices such as are contemplated by this article.

Director of bureau of employment.

Section 66-a. The commissioner of labor shall establish such public employment offices, and such branch offices, as may be necessary to carry out the purpose of this article.

Offices.

Section 66-b. The purpose of such offices shall be to bring together all kinds and classes of workmen in search of employment and employers seeking labor.

Purpose.

Section 66-c. Each office shall be in charge of a superintendent, who shall be subject to the supervision and direction of the director. Such other employees shall be provided as may be necessary for the proper administration of the affairs of the office.

Superintendents.

Section 66-d. The superintendent of every public employment office shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the commissioner of labor.

Duties.

Section 66-e. Each superintendent shall make to the director such periodic reports of applications for labor or employment and all other details of the work of each office, and the expenses of maintaining the same, as the commissioner of labor may require.

Reports.

Section 66-f. The commissioner of labor shall appoint for each public employment office an advisory committee, whose duty it shall be to give the superintendent advice and assistance in connection with the management of such employment office. The superintendent shall consult from time to time with the advisory committee attached to his office. Such advisory committee shall be composed of representative employers and employees with a chairman who shall be agreed upon by a majority of such employers and of such employees. Vacancies, however caused, shall be filled in the same manner as the original appointments. The advisory committees may appoint such subcommittees as they may deem advisable. At the request of a majority either of the employers or of the employees on advisory committees, the voting on any particular question shall be so conducted that there shall be an equality of voting power between the employers and the employees, notwithstanding the absence of any member. Except as above provided, every question shall be decided by a majority of the members present and voting on that question. The chairman shall have no vote on any question on which the equality of voting power has been claimed.

Advisory committees.

Section 66-g. An employer, or a representative of employers or employees may file at a public employment office a signed statement with regard to the existence of a strike or lockout affecting their trade. Such a statement shall be exhibited in the employment office, but not until it has been communicated to the employers affected, if filed by employees, or to the employees affected, if filed by employers. In case of a reply being received to such a statement, it shall also be exhibited in the employment office. If any employer affected by a statement notifies the public employment office of a vacancy or vacancies, the officer in charge shall advise any applicant for such vacancy or vacancies of the statements that have been made.

Notice of strikes, etc.

Section 66-h. No person shall suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through a public employment office, where the ground of refusal is that a strike or lockout exists which affects the work, or that the wages are lower than those current in the trade in that particular district or section where the employment is offered.

Refusing employment.

Section 66-i. The commissioner of labor may organize in any office separate departments with separate entrances for men, women and

Departments.

juveniles; these departments may be subdivided into a division for farm labor and such other divisions for different classes of work as may in his judgment be required.

Young persons. Section 66-j. Applicants for employment who are between the ages of fourteen and eighteen years shall register upon special forms provided by the commissioner of labor. Such applicants upon securing their employment certificates as required by law, may be permitted to register at a public or other recognized school and when forms containing such applications are transmitted to a public employment office they shall be treated as equivalent to personal registration. The superintendent of each public employment office shall cooperate with the school principals in endeavoring to secure suitable positions for children who are leaving the schools to begin work. To this end he shall transmit to the school principals a sufficient number of application forms to enable all pupils to register who desire to do so; and such principals shall acquaint the teachers and pupils with the purpose of the public employment office in placing juveniles. The advisory committee shall appoint special committees on juvenile employment which shall include employers, workmen, and persons possessing experience or knowledge of education, or of other conditions affecting juveniles. It shall be the duty of these special committees to give advice with regard to the management of the public employment offices to which they are attached in regard to juvenile applicants for employment. Such committees may take steps either by themselves or in cooperation with other bodies or persons to give information, advice and assistance to boys and girls and their parents with respect to the choice of employment and other matters bearing thereon.

Cooperation. Section 66-k. The commissioner of labor shall arrange for the cooperation of the offices created under this article in order to facilitate, when advisable, the transfer of applicants for work from places where there is an oversupply of labor to places where there is a demand. To this end he shall cause lists of vacancies furnished to the several offices, as herein provided, to be prepared and shall supply them to newspapers and other agencies for disseminating information, in his discretion, and to the superintendents of the public employment offices. The superintendents shall post these lists in conspicuous places, so that they may be open to public inspection.

Advertising. Section 66-l. The commissioner of labor shall have power to solicit business for the public employment offices established under this article by advertising in newspapers and in any other way that he may deem expedient, and to take any other steps that he may deem necessary to insure the success and efficiency of such offices: *Provided*, That the expenditure under this section for advertising shall not exceed five per centum of the total expenditure for the purposes of this article.

Fees forbidden. Section 66-m. No fees direct or indirect shall in any case be charged to or received from those seeking the benefits of this article.

Accepting fees. Section 66-n. Any superintendent or clerk, subordinate or appointee, appointed under this article, who shall accept directly or indirectly any fee, compensation or gratuity from anyone seeking employment or labor under this article, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in jail for a term not exceeding six months, or both, and shall thereafter be disqualified from holding any office or position in such bureau.

Bulletin. Section 66-o. The bureau of statistics and information of the department of labor shall publish a bulletin in which shall be made public all possible information with regard to the state of the labor market, including reports of the business of the various public employment offices.

Register. Section 66-p. For the purposes specified in the foregoing section every employment office or agency, other than those established under this article, shall keep a register of applicants for work and applicants for help in such form as may be required by the commissioner of labor in order to afford the same information as that supplied by State offices. Such register shall be subject to inspection by the commissioner of labor and information therefrom shall be furnished to him at such times and in such form as he may require.

Became a law April 7, 1914.

CHAPTER 182.—*Inspection and regulation of factories and workshops.*

SECTION 1. Subdivisions one and two of section seventy-nine-b of chapter * * * thirty-one of the Consolidated Laws, as added by chapter four hundred and sixty-one of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

Section 79-b. No factory shall be conducted in any building heretofore erected unless such building shall conform to the following requirements:

1. Every building over two stories in height shall be provided on each floor with at least two means of exit or escape from fire, remote from each other, one of which on every floor above the ground shall lead to or open on an interior stairway, which shall be inclosed as hereinafter provided, or to an exterior inclosed fireproof stairway. The other shall lead to such a stairway; or to a horizontal exit; or to an exterior screened stairway; or to fire escapes on the outside of the building in buildings of five stories or less in height except that such fire escapes shall not be accepted as required means of exit in such buildings or particular classes thereof where the industrial board finds that such fire escapes would not in its opinion furnish adequate and safe means of escape for the occupants in case of fire; or to outside fire escapes in buildings over five stories in height when, in the opinion of the industrial board the safety of the occupants of the building would not be endangered thereby. No point on any floor of such factory shall be more than one hundred feet distant from the entrance to one such means of exit. Whenever egress may be had from the roof to an adjoining or near-by structure, every stairway serving as a required means of exit shall be extended to the roof. All such stairways shall extend to the first story and lead to the street or to an unobstructed passageway leading to a street or road or to an open area affording safe passage to a street or road.

2. All interior stairways serving as required means of exit in buildings more than five stories in height and the landings, platforms and passageways connected therewith shall be inclosed on all sides by partitions of fire-resisting material extending continuously from the basement. Where the stairway extends to the top floor of the building such partitions shall extend to three feet above the roof. All openings in such partitions shall be provided with self-closing doors constructed of fire-resisting material except where such openings are in the exterior wall of the building. All such partitions and the doors provided for the openings therein shall be constructed in such manner as the industrial board may prescribe by its rules and regulations. The industrial board shall have power to adopt rules and regulations requiring the inclosure of stairways serving as required exits in buildings of five stories or less in height or in particular classes of such buildings wherever the board finds that because of the conditions existing in such buildings such requirement is necessary to secure the safety of the lives of the occupants thereof in case of fire. Whenever in the case of any existing buildings not over six stories in height, the industrial board shall find that the requirements of this and the last preceding subdivision relating to stairway inclosures can be dispensed with or modified without endangering the safety of persons employed in such buildings, the industrial board shall have power to adopt such rules and regulations, as may, in its opinion, meet the conditions existing in such buildings, which rules and regulations may make said requirements inapplicable or modify the same in such manner as it may find to be adapted to securing the safety of persons employed therein. The industrial board shall have power to adopt rules and regulations, permitting, under conditions therein prescribed, as a substitute for the stairway inclosures herein required the use of partitions heretofore constructed in such manner and of such fire-resisting material as have heretofore been approved by the local authorities exercising supervision over the construction and alteration of buildings. In such cases, however, every opening in the inclosing partitions shall be provided with fire doors.

SEC. 2. Subdivision five of section seventy-nine-b of such chapter is hereby amended to read as follows: [See chapter 366.]

Became a law April 7, 1914.

73734°—Bull. 166—15—12

Requirements.

Exits.

Stairways.

CHAPTER 183.—*Inspection and regulation of mercantile establishments.*

SECTION 1. Section one hundred and sixty-eight of chapter * * * thirty-one of the Consolidated Laws, * * * is hereby amended to read as follows:

Cleanliness.

Section 168. Every room in a mercantile establishment and the floor, walls, ceilings, windows and every other part thereof and all fixtures therein shall at all times be kept in a clean and sanitary condition. Floors shall, at all times, be maintained in a safe condition. Suitable receptacles shall be provided and used for the storage of waste and refuse; such receptacles shall be maintained in a sanitary condition.

SEC. 2. Such chapter is hereby further amended by adding thereto, after section one hundred and sixty-eight, six new sections, * * *

Care of buildings, etc.

Section 168-a. Every part of a building in which a mercantile establishment is located and of the premises thereof and the yards, courts, passages, areas or alleys connected with or belonging to the same, shall be kept free from any accumulation of dirt, filth, rubbish or garbage. The roof, passages, stairs, halls, basements, cellars, privies, water-closets, and all other parts of such building and the premises thereof shall at all times be kept in a clean, sanitary and safe condition. The entire building and premises shall be well drained and the plumbing, cess-pools and drains thereof at all times kept in proper repair and in a sanitary condition.

Drinking water.

Section 168-b. In every mercantile establishment there shall be provided at all times for the use of employees a sufficient supply of clean and pure drinking water. Such water shall be supplied through proper pipe connections with water mains through which is conveyed the water used for domestic purposes, or from a spring or well or body of pure water. If such drinking water be placed in receptacles in the mercantile establishment, such receptacles shall be properly covered to prevent contamination and shall be thoroughly cleaned at frequent intervals.

Wash rooms.

Section 168-c. In every mercantile establishment there shall be provided and maintained for the use of employees adequate and convenient wash rooms, or washing facilities. Such washing facilities shall consist of sinks or stationary basins provided with running water or with tanks holding an adequate supply of clean water and shall be separate for each sex wherever required by the rules of the industrial board. Every wash room shall be provided with adequate means of ventilation and heating and artificial illumination.

Dressing rooms.

Section 168-d. In every mercantile establishment where more than five women are employed a sufficient number of dressing rooms conveniently located shall be provided for their use. Each dressing room shall be properly ventilated by a window or by suitable ducts leading to the outer air and shall be inclosed by partitions or walls. Each dressing room shall be provided with adequate means for artificial illumination, suitable means for hanging clothes and a suitable number of seats and shall be properly heated and ventilated. Each dressing room shall be separated from any water-closet compartment by adequate partitions. Adequate floor space shall be provided in dressing rooms in proportion to the number of employees. Where more than ten women are employed such dressing room shall have a floor space of not less than sixty square feet and shall have at least one window opening to the outer air.

Water-closets.

Section 168-e. 1. There shall be provided for every mercantile establishment a sufficient number of suitable and convenient water-closets. All water-closets shall be maintained inside the mercantile establishment except where, in the opinion of the commissioner, it is impracticable to do so.

2. There shall be separate water-closet compartments or toilet rooms for females, to be used by them exclusively, and notice to that effect shall be clearly marked at the entrance of such compartments or rooms. The entrance to every water-closet shall be effectively screened by a partition or vestibule. Where water-closets for males and females are in adjoining compartments or toilet rooms, there shall be partitions of substantial construction between the compartments or rooms extend-

ing from the floor to the ceiling and such partitions shall be plastered or metal covered to a sufficient height. Whenever any water-closet compartments open directly into the workroom, exposing the interior, they shall be screened from view by a partition or a vestibule. The use of curtains for screening purposes is prohibited.

3. The use of any form of trough water-closet, latrine or school sink within any mercantile establishment is prohibited except such fixtures in existence on the first day of October, nineteen hundred and fourteen, having a common flushing system and approved by the industrial board in its rules. All such trough water-closets, latrine or school sinks shall, before the first day of October, nineteen hundred and fifteen, be completely removed and the place where they were located properly disinfected under the direction of the department.

4. Every water-closet installed before October first, nineteen hundred and fourteen, inside any mercantile establishment shall have a basin of enameled iron or earthenware, and shall be flushed from a separate water-supplied cistern or through a proper valve connected in such manner as to keep the water supply of the establishment free from contamination.

5. All woodwork inclosing water-closet fixtures shall be removed from the front of the closet and the space underneath the seat shall be left open. All water-closet compartments or toilet rooms constructed before October first, nineteen hundred and fourteen, shall have windows opening directly to the outer air or shall be otherwise properly ventilated to the outer air by suitable ducts, and shall be provided with means for artificial illumination.

6. All water-closets, urinals, water-closet compartments and toilet rooms hereafter installed in a mercantile establishment, including those provided to replace existing fixtures shall be properly constructed, installed, ventilated, lighted and maintained in accordance with such rules as may be adopted by the industrial board.

7. All water-closet compartments and toilet rooms, and the floors, walls, ceilings and surface thereof, and all fixtures therein, and all water-closets and urinals shall at all times be maintained in a clean and sanitary condition. The floor or other surface beneath and around the closet shall be maintained in good order and repair and all the woodwork shall be kept well painted with a light colored paint. The inclosure of each compartment and toilet room shall be kept free from obscene writing or marking. Where the water supply to water-closets or urinals is liable to freeze, the water-closet compartment shall be properly heated so as to prevent freezing, or the supply and flush pipes, cisterns and traps and valves shall be effectively covered with wool felt or hair felt, or other adequate covering.

Sec. 168-f. Every mercantile establishment shall be provided with proper and sufficient means of ventilation by natural or mechanical means or both, as may be necessary and there shall be maintained therein proper and sufficient ventilation and proper degrees of temperature and humidity at all times during working hours. The industrial board shall make rules for and fix standards of ventilation, temperature and humidity in mercantile establishments.

Ventilation.

Became a law April 7, 1914.

CHAPTER 316.—*Compensation of workmen for injuries.*

SECTION 1. Subdivision three of section three of chapter eight hundred and sixteen of the laws of nineteen hundred and thirteen, * * * constituting chapter sixty-seven of the Consolidated Laws, as reenacted by chapter forty-one of the laws of nineteen hundred and fourteen, is hereby amended to read as follows:

3. "Employer," except when otherwise expressly stated, means a person, partnership, association, corporation, and the legal representatives of a deceased employer, or the receiver or trustee of a person, partnership, association or corporation, employing workmen in hazardous employments including the State and a municipal corporation or other political subdivision thereof.

Employer.

State included.

SEC. 2. Sections eleven, sixteen and thirty of such chapter are hereby amended to read, respectively, as follows:

Remedy exclu-
sive.
Exception.

Section 11. The liability prescribed by the last preceding section shall be exclusive, except that if an employer fail to secure the payment of compensation for his injured employees and their dependents as provided in section fifty of this chapter, an injured employee, or his legal representative in case death results from the injury, may, at his option, elect to claim compensation under this chapter, or to maintain an action in the courts for damages on account of such injury; and in such an action it shall not be necessary to plead or prove freedom from contributory negligence nor may the defendant plead as a defense that the injury was caused by the negligence of a fellow servant nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

Compensation
for death.

Sec. 16. If the injury causes death, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:

1. Reasonable funeral expenses, not exceeding one hundred dollars;

2. If there be a surviving wife (or dependent husband) and no child of the deceased [deceased] under the age of eighteen years, to such wife (or dependent husband) thirty per centum of the average wages of the deceased during widowhood (or dependent widowerhood) with two years' compensation in one sum, upon remarriage; and if there be surviving child or children of the deceased under the age of eighteen years, the additional amount of ten per centum of such wages for each such child until the age of eighteen years; in case of the subsequent death of such surviving wife (or dependent husband) any surviving child of the deceased employee, at the time under eighteen years of age, shall have his compensation increased to fifteen per centum of such wages, and the same shall be payable until he shall reach the age of eighteen years: *Provided*, That the total amount payable shall in no case exceed sixty-six and two-thirds per centum of such wages.

3. If there be surviving child or children of the deceased under the age of eighteen years, but no surviving wife (or dependent husband) then for the support of each such child until of the age of eighteen years, fifteen per centum of the wages of the deceased: *Provided*, That the aggregate shall in no case exceed sixty-six and two-thirds per centum of such wages.

4. If the amount payable to surviving wife (or dependent husband) and to children under the age of eighteen years shall be less in the aggregate than sixty-six and two-thirds per centum of the average wages of the deceased, then for the support of grandchildren or brothers and sisters under the age of eighteen years, if dependent upon the deceased at the time of the accident, fifteen per centum of such wages for the support of each such person until the age of eighteen years; and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the accident, fifteen per centum of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed the difference between sixty-six and two-thirds per centum of such wages, and the amount payable as hereinbefore provided to surviving wife (or dependent husband) or for the support of surviving child or children.

Computing
wages.

Any excess of wages over one hundred dollars a month shall not be taken into account in computing compensation under this section. All questions of dependency shall be determined as of the time of the accident.

Independent
benefits.

Sec. 30. No benefits, savings or insurance of the injured employee, independent of the provisions of this chapter, shall be considered in determining the compensation or benefits to be paid under this chapter, except that, in case of the death of an employee of the State, a municipal corporation or any other political subdivision of the State, any benefit payable under a pension system which is not sustained in whole or in part by the contributions of the employee, may be applied toward the payment of the death benefit provided by this chapter.

Sec. 3. Subdivision three of section fifty of such chapter is hereby amended to read as follows:

3. By furnishing satisfactory proof to the commission of his financial ability to pay such compensation for himself, in which case the commission may, in its discretion, require the deposit with the commission of securities of the kind prescribed in section thirteen of the insurance law, in an amount to be determined by the commission, to secure his liability to pay the compensation provided in this chapter. Employer may assume responsibility.

If an employer fail to comply with this section, he shall be liable to a penalty [for every day] during which such failure continues of an amount equal to the pro rata premium which would have been payable for insurance in the State fund for such period of noncompliance to be recovered in an action brought by the commission.

The commission may, in its discretion, for good cause shown, remit any such penalty, provided the employer in default secure compensation as provided in this section.

Became a law April 14, 1914.

CHAPTER 318.—*Tuberculosis of employees—Reports.*

SECTION 1. Section three hundred and twenty of chapter * * * forty-five of the Consolidated Laws, * * * is hereby amended to read as follows:

Section 320. Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. * * * Disease infectious.

Any * * * employer * * * may report in writing the name and address of any person coming under his observation who appears to be suffering from tuberculosis to the health officer of the city, town or village in which such person is, and the health officer shall thereupon take such steps as may be prescribed by the sanitary code: *Provided*, The person making such report signs his own name and address thereon. Reports.

Became a law April 14, 1914.

CHAPTER 320.—*Benefit funds in mercantile establishments—Contributions by employees.*

SECTION 1. Article one of chapter * * * thirty-one of the Consolidated Laws, is hereby amended by adding thereto a new section, to be section twenty-four, to read as follows:

Section 24. A corporation engaged in the business of operating a mercantile establishment shall not by deduction from salary, compensation or wages, by direct payment or otherwise, compel any employee in such mercantile establishment to contribute to a benefit or insurance fund maintained or managed for the employees of such establishment by such corporation, or by any other corporation or person; and every contract or agreement whereby such contribution is exacted shall be absolutely void. A corporation which will violate this section shall be liable to a penalty of one hundred dollars, recoverable by the person aggrieved in any court of competent jurisdiction. A director, officer or agent of a corporation who compels any employee to make a contribution in violation of this section, or sign any contract or agreement to make such contribution, or imposes or requires such a contribution as a condition of entering into or continuing in the employment of a mercantile establishment, shall be guilty of a misdemeanor. Deductions from earnings forbidden.

Became a law April 14, 1914.

CHAPTER 331.—*Employment of women and children—Mercantile establishments.*

SECTION 1. Section one hundred and sixty-one of chapter * * * thirty-one of the Consolidated Laws, as amended * * * is hereby further amended to read as follows:

Section 161. 1. No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, telegraph office, restaurant, hotel, apartment house, theater or other place of amusement, bowling Hours of labor.

- alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the distribution or sale of articles more than six days or forty-eight hours in any one week, or more than eight hours in any one day, or before eight o'clock in the morning or after six o'clock in the evening of any day. The foregoing provision shall not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal law.
- Nightwork.**
- Female employees.** 2. No female employee over the age of sixteen years shall be required, permitted or suffered to work in or in connection with any mercantile establishment more than six days or fifty-four hours in any one week, or more than nine hours in any one day, unless for the purpose of making a shorter work day of some one day of the week; or before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upward between the eighteenth day of December and the following twenty-fourth day of December, both inclusive.
- Nightwork.**
- Week before Christmas.**
- Time for meals.** 3. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any establishment specified in subdivision one hereof, unless the commissioner of labor shall permit a shorter time. Such permit shall be kept conspicuously posted in the main entrance of the establishment, but it may be revoked at any time. Whenever any employee is employed or permitted to work after seven o'clock in the evening, such employee shall be allowed at least twenty minutes to obtain lunch or supper between five and seven o'clock in the evening.
- Became a law April 14, 1914.

CHAPTER 333.—*Mercantile inspector.*

- SECTION 1.** Section fifty-eight of chapter * * * thirty-one of the Consolidated Laws, as added by chapter one hundred and forty-five of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:
- Chief inspector.** Section 58. The division of mercantile inspection shall be under the immediate charge of the chief mercantile inspector, but subject to the direction and supervision of the commissioner of labor. The chief mercantile inspector shall be appointed and be at pleasure removed by the commissioner of labor, and shall receive an annual salary not to exceed four thousand dollars.
- Salary.**
- Became a law April 14, 1914.

CHAPTER 360.—*Wages as preferred claims.*

- SEC. 8.** Sections * * * twenty-seven of such chapter are hereby renumbered respectively sections * * * twenty-two and amended to read as follows:
- Wages for three months.** Section 22. In all distribution of assets under all assignments made in pursuance of this article, the wages or salaries actually owing to the employees of the assignor or assignors at the time of the execution of the assignment for services rendered within three months prior to the execution of the assignment, not exceeding three hundred dollars to each employee, shall be preferred before any other debt; and should the assets of the assignor or assignors not be sufficient to pay in full all the claims preferred, pursuant to this section, they shall be applied to the payment of the same pro rata to the amount of each such claim.
- Became a law April 15, 1914.

CHAPTER 366.—*Inspection and regulation of factories and workshops.*

- SECTION 1.** Subdivision one of section seventy-nine of chapter * * * thirty-one of the Consolidated Laws * * * is hereby amended to read as follows:
- Elevator, etc., shafts to be inclosed.** Section 79. 1. Every hoistway, hatchway or wellhole used for carrying passengers or employees, or for freight elevators, hoisting or other purpose, shall be protected on all sides at each floor including the basement, by substantial vertical inclosures. All openings in such

inclosures shall be provided with self-closing gates of suitable height, or with properly constructed sliding doors. In the case of elevators used for carrying passengers or employees, such inclosure shall be flush with the hatchway, and shall extend from floor to ceiling on every open side of the car, and on every other side shall be at least six feet high, and such inclosures shall be free from fixed obstructions on every open side of the car. In the case of freight elevators the inclosures shall be flush with the hoistway on every open side of the car. In place of the inclosures herein required for freight elevators, every hatchway used for freight elevator purposes may be provided with trapdoors so constructed as to form a substantial floor surface when closed and so arranged as to open and close by the action of the car in its passage both ascending and descending: *Provided*, That in addition to such trapdoors, the hatchway shall be adequately protected on all sides at all floors, including the basement, by a substantial railing or other vertical inclosure at least three feet in height.

SEC. 2. Subdivisions four and five of section seventy-nine-b of such chapter, as added by chapter four hundred and sixty-one of the laws of nineteen hundred and thirteen, are hereby amended to read, respectively, as follows:

4. All outside fire escapes shall be constructed of wrought iron or steel and shall be so designed, constructed and erected as to safely sustain on all platforms, balconies and stairways a live load of not less than ninety pounds per square foot with a factor of safety of four. Wherever practicable, a continuous-run or straight-run stairway shall be used. On every floor above the first there shall be balconies or landings embracing one or more easily accessible and unobstructed openings at each floor level, connected with each other and with the ground by means of a stairway constructed as hereinafter provided and well fastened and secured. All openings leading to outside fire escapes shall have an unobstructed width of at least two feet and an unobstructed height of at least six feet. Such openings shall extend to the floor level or within six inches thereof, shall be not more than seven inches above the floor of the fire-escape balcony, shall have metal frames or frames covered with metal and be provided with doors constructed of fireproof material and with wired glass where glass is used, except in cases where fire escapes are hereafter erected on buildings constructed prior to October first, nineteen hundred and thirteen, of five stories or under in height, in which cases the provisions of subdivision five as to the use of steps to connect with the fire escapes and as to the construction of openings leading to fire escapes shall apply. All windows opening upon the course of the fire escape shall be fireproof windows. The balconies shall have an unobstructed width of at least four feet throughout their length and shall have a landing not less than twenty-four inches square at the head of every stairway. There shall be a passageway between the stairway opening and the side of the building at least eighteen inches wide throughout except where the stairways reach and leave the balconies at the ends or where double-run stairways are used. The stairway opening of the balconies shall be of a size sufficient to provide clear headway and shall be guarded on the long side by an iron railing not less than three feet in height. Each balcony shall be surrounded by an iron railing not less than three feet in height, thoroughly and properly braced. The balconies shall be connected by stairways not less than twenty-two inches wide, placed at an incline of not more than forty-five degrees, with steps of not less than eight-inch tread and not over eight-inch rise and provided with a handrail not less than three feet in height. The treads of such stairways shall be so constructed as to sustain a live load of four hundred pounds per step with a factor of safety of four. There shall be a similar stairway from the top-floor balcony to the roof, except where the fire escape is erected on the front of the building. A similar stairway shall also be provided from the lowest balcony to a safe landing place beneath, which stairway shall remain down permanently or be arranged to swing up and down automatically by counterbalancing weights. When not erected on the front of the building, safe and unobstructed egress shall be provided from the foot of the fire escape by means of an open court or courts or a fireproof passageway having

Construction
of fire escapes.

an unobstructed width of at least three feet throughout leading to the street, or by means of an open area having communication with the street; such fireproof passageway shall be adequately lighted at all times and the lights shall be so arranged as to insure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

Existing fire escapes.

5. The provisions of subdivision four shall not apply where at the time this act takes effect there are outside fire escapes with balconies on each floor of the building connected with stairways placed at an angle of not more than sixty degrees: *Provided*, That such existing outside fire escapes have or shall be provided with the following:

A stairway leading from the top floor balcony to the roof, except where the fire escapes are erected on the front of the building; a stairway not less than twenty-two inches wide from the lowest balcony to a safe landing place beneath, which stairway remains down permanently or is arranged to swing up and down by counterbalancing weights; a safe and unobstructed exit to the street from the foot of such fire escapes as provided in subdivision four hereof; steps connecting the sill of every opening leading to the fire escapes with the floor wherever such sill is more than three feet above the floor level; and all openings leading to the fire escapes provided with windows having metal frames and sash or frames and sash covered with metal and with wired glass where glass is used, or with doors constructed in accordance with the requirements of subdivision four; and all windows opening upon the course of the fire escapes provided with fireproof windows.

Sec. 3. Subdivision seven of section seventy-nine-f of such chapter, as added by chapter four hundred and sixty-one of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

Fireproof windows.

7. Fireproof windows shall be windows constructed of metal frames and sash or frames and sash covered with metal and provided with wired glass and of the automatic, self-closing type.

Sec. 4. Subdivision one of section eighty-six of such chapter, as amended by chapter one hundred and ninety-six of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

Ventilation.

1. The person operating every factory shall provide, in each workroom thereof, proper and sufficient means of ventilation by natural or mechanical means, or both, as may be necessary, and shall maintain proper and sufficient ventilation and proper degrees of temperature and humidity in every workroom thereof at all times during working hours.

Temperature.

Sec. 5. Subdivision three of section eighty-eight of such chapter * * * is hereby amended to read as follows:

Dressing, etc. rooms.

3. Where females are employed the person operating the factory shall provide dressing or emergency rooms for their use; each such room shall have at least one window opening to the outer air and shall be inclosed by means of solid partitions or walls. In every factory in which more than ten women are employed there shall be provided one or more separate dressing rooms in such numbers as required by the rules and regulations of the industrial board and located in such place or places as required by such rules and regulations, having an adequate floor space in proportion to the number of employees, to be fixed by the rules and regulations of the industrial board, but the floor space of every such dressing room shall in no event be less than sixty square feet; each dressing room shall be separated from any water-closet compartment by adequate partitions and shall be provided with adequate means for artificial illumination; each dressing room shall be provided with suitable means for hanging clothes and with a suitable number of seats. All dressing rooms shall be inclosed by means of solid partitions or walls, and shall be constructed, heated, ventilated, lighted, and maintained in accordance with such rules and regulations as may be adopted by the industrial board with reference thereto.

Sec. 6. Subdivision four of section eighty-eight-a of such chapter, as added by chapter three hundred and forty of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

Water-closets.

4. Every existing water-closet and urinal inside any factory shall have a basin of enameled iron or earthenware, and shall be flushed from a separate water-supplied cistern or through a flushometer valve con-

nected in such manner as to keep the water supply of the factory free from contamination. All woodwork inclosing water-closet fixtures shall be removed from the front of the closet and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be maintained in good order and repair and all the woodwork shall be kept well painted with a light color paint. All existing water-closet compartments shall have windows or suitable ducts leading to the outer air and shall be otherwise ventilated in accordance with rules and regulations adopted for that purpose by the industrial board. Such compartments shall be provided with means for artificial illumination and the inclosure of each compartment shall be kept free from all obscene writing or marking.

Became a law April 14, 1914.

CHAPTER 388.—*Weekly day of rest—Exemptions.*¹

SECTION 1. Subdivision two of section eight-a of chapter * * * thirty-one of the Consolidated Laws, as added by chapter seven hundred and forty of the laws of nineteen hundred and thirteen [requiring a weekly day of rest], is hereby amended by adding at the end thereof and as a part thereof a new subdivision to read as follows:

(f) Employees in dairies, creameries, milk condensaries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice-cream manufacturing plants and milk bottling plants, where not more than seven persons are employed. Persons exempt.

Became a law April 16, 1914.

CHAPTER 396.—*Weekly day of rest—Exemptions.*²

SECTION 1. Subdivision two of section eight-a of chapter * * * thirty-one of the Consolidated Laws, as added by chapter seven hundred and forty of the laws of nineteen hundred and thirteen [requiring a weekly day of rest], is hereby amended to read as follows:

2. This section shall not apply to

(a) Janitors; Persons exempt.
 (b) Watchmen;
 (c) Employees whose duties include not more than three hours' work on Sunday in (1) setting sponges in bakeries; (2) caring for live animals; (3) maintaining fires; (4) necessary repairs to boilers or machinery;

(d) Superintendents or foremen in charge.

(e) Employees, if the commissioner of labor in his discretion approves, engaged in the work of any industrial or manufacturing process necessarily continuous, in which no employee is permitted to work more than eight hours in any calendar day.

Became a law, April 16, 1914.

CHAPTER 459.—*Inspection and regulation of factories, etc.—Fire drills—New York City.*

SECTION 2. The Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended by adding thereto a new section numbered seven hundred and seventy-five-a thereof to read as follows:

Section 775-a. The fire commissioner, in cases where provision is not otherwise made by law or ordinance, is empowered in his discretion to require and compel the regular and periodical performance of a fire drill, including instruction and practice in the use of means of exit, alarm systems and fire prevention or extinguishing methods and equipment, in all buildings, structures, inclosures, vessels, places and premises where numbers of persons work, live or congregate in the city of New York except tenement houses. Authority of fire commissioner.

Became a law April 20, 1914.

¹ See chapter 396.

² See chapter 388.

CHAPTER 466.—*American Museum of Safety.*

SECTION 1. The Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section, to be section two hundred and forty-four-a thereof, to read as follows:

Appropriation authorized.

Section 244-a. The board of estimate and apportionment shall have power in its discretion to annually include in its final estimate, such sum as it may deem proper, not exceeding fifty thousand dollars, for the keeping, preservation and exhibition of safety devices and means and methods of safety and sanitation in the building or any part thereof in the city of New York now or hereafter occupied by the American Museum of Safety, upon condition that the collection of safety devices and the means and methods of sanitation exhibited in said building occupied or to be occupied by the American Museum of Safety, shall be kept open and accessible to the public hereafter free of all charge throughout the year, five days in each week, one of which shall be Sunday afternoon, and also for two evenings in each week, within such hours and subject to such rules and regulations as may be determined by the trustees of said museum; and also that on the two days in each week during which said museum may remain closed to the general public it shall be open and accessible to students, schools and societies organized for the purpose of promoting means and methods of safety and sanitation within such hours and subject to such rules and regulations as may be determined by the trustees of said museum; and also that the trustees of said American Museum of Safety shall, between the months of October and July in each year, publish and distribute among such schools of the State of New York as may be designated by the commissioner of education and the commissioner of labor, manuals of safety and hygiene and reading lectures on accident prevention and industrial hygiene for instruction as to the ways and means of preventing accidents and as to industrial home and school hygiene.

Exhibit to be free.

Manuals of safety.

Became a law April 20, 1914.

CHAPTER 512.—*Inspection and regulation of factories, etc.*

SECTION 1. The paragraph defining a factory of section two of chapter * * * thirty-one of the Consolidated Laws, * * * is hereby amended to read as follows:

Definitions.

The term "factory," when used in this chapter, shall be construed to include any mill, workshop, or other manufacturing or business establishment and all buildings, sheds, structures or other places used for or in connection therewith, where one or more persons are employed at labor, except power houses, generating plants, barns, storage houses, sheds, and other structures owned or operated by a public-service corporation, other than construction or repair shops, subject to the jurisdiction of the public service commission under the public service commissions law. Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more contractors or other third persons.

Became a law April 23, 1914.

CHAPTER 514.—*Hours of labor, etc., of drug clerks.*

SECTION 1. Section two hundred and thirty-six of chapter * * * forty-five of the Consolidated Laws, as amended * * * is hereby further amended to read as follows:

Work time regulated.

Section 236. No apprentice or employee in any pharmacy or drug store shall be required or permitted to work more than seventy hours a week. Nothing in this section prohibits working six hours overtime any week

for the purpose of making a shorter succeeding week: *Provided, however*, That the aggregate number of hours in any such two weeks shall not exceed one hundred and thirty-two hours. The hours shall be so arranged that an employee shall be entitled to and shall receive at least one afternoon and evening off in each week and in addition thereto shall receive one full day off in two consecutive weeks. No proprietor of any pharmacy or drug store shall require any clerk to sleep in any room or apartment in or connected with such store that does not comply with the sanitary regulations of the local board of health. The provisions of this section alone regulate working hours and sleeping apartments in pharmacies or drug stores.

Days off.

Sleeping rooms.

Became a law April 23, 1914.

CHAPTER 518.—*Wage brokers—Assignment of wages.*

SECTION 1. In addition to the three deputies now authorized by law, the superintendent of banks shall appoint a fourth deputy, to be known as supervisor of personal loans. His salary shall be five thousand dollars per annum. Supervisor of personal loans.

SEC. 3. The supervisor, subject to the general direction and control of the superintendent, shall exercise the powers conferred and perform the duties imposed upon him by this act. He shall, from time to time, prescribe rules and regulations with regard to the conduct of the business of personal loan companies and personal loan brokers. He shall annually, on or before the first Wednesday of January, transmit to the superintendent a report to the legislature of his activities, with such recommendations and suggestions as he may deem necessary. Duties.

SEC. 4. Three or more persons, two of whom shall be citizens of the United States, and at least one of whom shall be a citizen of the State of New York, may form a corporation to be known as a "personal loan company." Such persons shall subscribe, acknowledge and submit to the supervisor at his office an organization certificate in duplicate, which shall specifically state: Loan companies.

1. The name of the corporation which shall include the words "personal loan company";

2. The place where its business is to be transacted;

3. The amount of its capital stock, which shall not be less than ten thousand dollars, if the place where its business is to be transacted is in a city of the first or second class, nor less than five thousand dollars if the place where its business is to be transacted is in a city of the third class or a village or town;

4. The number of shares into which its capital stock is to be divided;

5. The full name, residence and post-office address of the incorporators and the number of shares subscribed for by each;

6. The term of its corporate existence, which may be perpetual;

7. The number of directors of the corporation, which shall not be less than three, and the names and post-office addresses of the directors until its first annual meeting.

SEC. 5. A person or persons desiring to transact business as personal loan broker shall make, sign, acknowledge and file in the office of the supervisor a certificate which shall state: Brokers.

1. The full name, residence and post-office address of such person, or of each member of a partnership or incorporated association;

2. The State of which each person named in the certificate is a citizen;

3. The amount of permanent capital which such person, partnership or unincorporated association will deposit in cash and keep permanently invested in such business, which shall not be less than ten thousand dollars, if such business is to be transacted in a city of the first or second class, nor less than five thousand dollars if such business is to be transacted in a city of the third class, or a village or town;

4. The particular city, town or village in which such business is to be transacted and the location by street and number of the office or place of business therein.

SEC. 6. A person who is not a resident of this State, or a partnership or unincorporated association, at least one member of which is not a resident of the State, shall not receive an authorization to transact Resident agents,

business under this act unless such person, partnership or association shall file with the supervisor of personal loans, in a form approved by him, a designation of a resident agent within the State, upon whom all legal process may be served, in any proceeding arising under the provisions of this act, with the same effect as if served upon such person, partnership or incorporated association. Every such designation shall state the full name of the private and office or business address of the agent.

When business may commence.

SEC. 9. When the supervisor shall have approved the organization certificate of a personal loan company, its corporate existence shall begin, and it shall have power to elect officers and transact such business as relates to its organization. It shall transact no other business until

1. Not less than one-fifth of its capital stock, and not less in any event than the minimum amount of capital stock required by section four of this act shall have been fully paid in in cash, and an affidavit stating that it has been so paid, subscribed and sworn to by the two principal officers shall have been filed in the clerk's office of the county in which its place of business is located, and a certified copy thereof filed in the office of the supervisor;

2. The bond submitted by it to the supervisor as required by this act shall have been approved by him;

3. The supervisor shall have duly issued to it the authorization certificate specified in this act.

Bonds.

SEC. 10. Every personal loan company and personal loan broker shall file with the supervisor a bond executed by a surety company authorized to transact business in this State, and in an amount equal to one-tenth of the capital stock of such company, or one-tenth the permanent capital of such broker, not less in any case than three thousand dollars, conditioned upon the faithful observance by such company or broker of the provisions of law and of this act and of the regulations made hereunder. Such bond shall be approved by the supervisor, and by its terms continue in full force for two years after such company or broker has ceased to transact business in this State, unless sooner released by the supervisor. Any person claiming to be injured by a violation of this act by a personal loan company or broker may, with the written consent of the supervisor, maintain an action upon the bond of such company or broker.

Certificate.

SEC. 11. If the supervisor be satisfied from examination and investigation made by him that a company or personal loan broker whose certificate he has approved and filed has complied with all the conditions precedent to commencing business imposed by this act, he shall, within sixty days after the filing of such certificate for examination, but in no case after the expiration of such period, issue under his hand and official seal in triplicate, an authorization certificate, stating that the company or personal loan broker named in such certificate has complied with the provisions of this act, and is authorized to transact the business specified in such certificate.

Certificate to be posted.

SEC. 12. Every authorization certificate shall be kept posted at all times in a prominent place in the office of the personal loan company or broker.

Revocation.

SEC. 13. If the supervisor be satisfied that a personal loan company or personal loan broker to which he shall have issued an authorization certificate is violating any of the provisions of this act, or any of the regulations made hereunder, or is conducting its business in an unauthorized or unsafe manner, or is in an unsound or unsafe condition to transact its business, the supervisor may, over his official signature and seal of office, notify the holder thereof that the same is revoked. Such notice shall be executed in triplicate, and the supervisor shall forthwith transmit one copy to the holder of such certificate, file one in his office, and file the third in the office of the clerk of the county in which such authorization certificate shall have been filed. The supervisor may, in his discretion, publish a copy of such notice, with such other facts as he may deem proper, for six successive days in the paper published at Albany in which public notices of the State are required to be published.

SEC. 14. Every personal loan company shall have the powers conferred by the general corporation law and the business corporations law, including the powers to make loans in its discretion at the legal rate of interest, and every such company and every personal loan broker, subject to the limitations contained in this act, may, when authorized by the supervisor,

Powers of loan company, etc.

1. Act as a pawnbroker without being required to obtain a license or file a bond other than the authorization certificate and bond required by this act;

2. Make small loans to necessitous borrowers upon any of the following securities:

(a) Mortgages upon personal property without the actual delivery of the property,

(b) Notes of the borrower indorsed or guaranteed by another person,

(c) An assignment or order for the payment of salary or wages by the borrower or another person subject to the provisions of this act.

3. Charge interest upon loans made in accordance with the provisions of subdivisions one and two of this section, subject to the conditions and limitations of this act.

SEC. 15. Every personal loan company and personal loan broker shall be subject to the following restrictions upon the making of loans and on charges for interest and services in connection therewith:

1. No loan made under subdivisions one and two of section fourteen of this act shall exceed two hundred dollars, nor shall any person owe such company or loan broker more than two hundred dollars for principal at any one time;

Amount of loan.

2. Interest on loans made as a pawnbroker shall not exceed three per centum per month, and no charge of any kind shall be made by such company or broker when acting as a pawnbroker;

Interest.

3. Interest on loans made as provided in subdivision two of section fourteen of this act shall not be charged at a rate to exceed two per centum per month;

4. Interest shall not be charged or collected in advance and shall be computed only on unpaid balances;

5. For a loan exceeding fifty dollars there may be made, except in case of loan made as pawnbroker, a charge of not more than two dollars for examination or investigation of the property mortgaged or investigation of the character and circumstances of the borrower, indorser or surety, and for all other expenses including the drawing and filing of necessary papers. If the loan be fifty dollars or less such charge shall not be more than one dollar. No such charge shall be made on any loan or renewal thereof oftener than once in each period of twelve months.

Charges.

6. No such charge shall be imposed upon any one borrower for any new or additional loan made within three months after any such charge has been imposed.

7. No charge whatsoever shall be made unless or until a loan shall have been made as a result of an examination.

8. No charge shall be made for the collection of debts except the legal costs in actions to enforce the security or upon the entry of judgment.

SEC. 16. Every personal loan company and personal loan broker shall:

Regulations.

1. Upon repayment of the loan in full, mark indelibly in the presence of the borrower every paper signed by him with the word "paid" or "canceled" and discharge any mortgages, restore any pledges, return any notes, and cancel any assignments given by the borrower as security.

2. Furnish the borrower at the time the loan is made a statement in the English language showing in clear and distinct terms the amount of the loan, the date of the loan, the security of the loan, the person to whom the loan is made, the name of the lender and the amount and rate of interest charged. Upon such statement there shall be printed in English a copy of section fifteen of this act;

3. Give to the borrower a plain and complete receipt for all payments made on account of the loan at the time such payments are made, and shall not take any confession of judgment, any power of attorney or any instrument that does not state the actual amount of the loan in question, the time for which it is made and the rate of interest, or any instrument in which blanks are left to be filled after execution;

4. Take every mortgage, note, assignment, agreement or contract in connection with such business in the name of the company or in the name of the individual broker, with the addition in the case of such individual of the descriptive words "personal loan broker."

Assignments of wages.

SEC. 17. An assignment or order for the payment of future salary or wages given as security for a loan shall be valid for a period not exceeding one year from the making of such assignment or order, and a sum not exceeding ten per centum of the borrower's salary or wages shall be collectible therefrom under such an assignment or order at the time of each payment of salary or wages, if the amount of the loan shall not have been paid. Such assignment or order shall not be subject to the provisions of section forty-two of the personal property law. If such assignment or order be made by a married man or woman living at the time the assignment or order is made, or at any time within five months prior thereto, with the wife or husband, as the case may be, the assignment or order shall be accompanied by the written assent of the wife or the husband of the assignor or the assignment or order shall be invalid.

Offices.

SEC. 18. A personal loan company or personal loan broker shall not
1. Transact or solicit business under any other name or at any other office or place than that designated in the authorization certificate issued to such company or broker, except as provided in section nineteen of this act.

2. Maintain an office or place of business in the same room in which any other business is transacted or in a room connected with or opening into a room in which any other business is conducted.

Branch offices.

SEC. 19. A personal loan broker shall not establish any branch office or offices. A personal loan company located and doing business in a city of the first or second class may open and occupy one or more branch offices, upon obtaining the approval of the supervisor by certificate filed in his office and in the office of the county clerk of the county in which the certificate of authorization of such company is filed. Every such company shall have a capital of ten thousand dollars for every branch office established, in addition to the capital required by this act.

Stock dividends.

SEC. 20. Every personal loan company may pay a dividend on its capital stock, subject to the following conditions and limitations:

1. In determining net profits no more than a reasonable deduction shall be made for expenses, including salaries;

2. The total dividends declared in any one year shall not amount to more than twelve per centum of the capital;

3. If the net profits amount to more than twelve per centum of its capital, such personal loan company shall comply with any order of the supervisor reducing the rates of interest or charges which may be made by it.

Profits.

SEC. 21. A personal loan broker shall not in any year pay or take out of his business profits amounting to more than twelve per centum of the capital invested in the business: *Provided*, That a reasonable deduction may be made for expenses and salaries, including his own services. The supervisor, upon ascertaining that any such broker has during the previous calendar year, made a net profit amounting to more than twelve per centum of his capital, shall have authority, after ten days' notice to such broker, to make an order reducing the interest and charges which such broker may lawfully make to such an extent as will, in his judgment, yield a net annual profit of not more than twelve per centum of the capital.

SEC. 23. The supervisor shall, either personally or by examiners of the banking department, examine every personal loan company and broker at least once each year, and oftener if deemed necessary or expedient. * * *

Became a law April 18, 1914.

OHIO.

ACTS OF SPECIAL SESSION, 1914.

Employment of children—School attendance.

(Page 129.)

SECTION 1. Section 7766 of the General Code [shall] be amended to read as follows:

Section 7766. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, or, in case of vacancy in the office of superintendent, by the clerk of the board of education, upon satisfactory proof that such child, if a male, is over fifteen years of age or, if a female, is over sixteen years of age and that such child has been examined and passed a satisfactory sixth-grade test, if a male, a seventh-grade test, if a female, in the studies enumerated in section seventy-seven hundred and sixty-two: *Provided*, That residents of other States who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service, and that the employment contemplated by the child is not prohibited by any law regulating the employment of such children. Every such age and schooling certificate shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. Certificates.

In order to ascertain whether applicants for such certificates have satisfactorily completed the studies herein prescribed as a condition for the issuance of said certificates the board of education of each city school district may appoint a juvenile examiner who shall receive such compensation as may be fixed by the board of education. No such child residing in a city shall be granted such certificate unless such juvenile examiner shall have previously certified that he has examined such child and that he has passed to his satisfaction the grade test as provided by this section: *Provided further*, That if a child in the opinion of said juvenile examiner is below the normal in mental development so that he can not with due industry pass such test, and if the school record shows that such child is below the normal in development, such fact may be certified to by said examiner, and the superintendent or person authorized by him may at his discretion grant such child such age and schooling certificate: *Provided*, That if said examiner is satisfied that the standard of any school is sufficiently high, he may accept the records thereof as showing that such child has passed such test without further examination. Examiners.

The age and schooling certificate must be formulated by the superintendent of public instruction, and furnished in blank by the clerk of the board of education. It shall show the date of its issue. A record giving all the facts contained on every certificate issued shall be kept on file in the office issuing the same, and also a record of the names and addresses of the children to whom certificates have been refused, together with the names of the schools which such children should attend and the reasons for refusal. Forms.

The superintendent of schools or other persons authorized to issue employment certificates shall transmit between the first and tenth days of each month, to the office of the industrial commission, upon blanks to be furnished by it, a list of the names of the children to whom certificates have been issued, returned or refused. Such lists shall give the name and address of the prospective employer and the nature of the occupation the child intends to engage in. List.

Any child between fifteen and sixteen years of age, who shall cease to work for any cause whatever, shall report the fact and cause at once to the superintendent of schools; or to a person authorized by him or, Ceasing work.

in case there is a vacancy in the office of superintendent, to the clerk of the board of education; said child shall be required to return to school within two weeks, provided other employment is not secured within such time: *Provided*, That should a child in the opinion of the superintendent or person acting in his stead, lose his employment by reason of persistent, willful misconduct or continuous inconstancy, he may be placed in school until the close of the current school year.

Evidence.

The superintendent of schools or the person authorized by him to issue age and schooling certificates, shall not issue such certificates until he has received, examined, approved and filed the following papers duly executed:

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, also the written agreement to return to the superintendent of schools or to the person authorized by him to issue such certificates, the age and schooling certificate of the child within two days from the date of the child's withdrawal or dismissal from the service of the person, partnership, or corporation, giving the reason for such withdrawal or dismissal.

(2) The school record of such child, properly filled out and signed by the principal or other person in charge of the school which such child last attended, giving the name, age, address, standing in studies enumerated in section seven thousand seven hundred and sixty-two, and the number of weeks attendance in school during the school year previous to applying for such school record, and general conduct.

(3) As evidence of age (a) a passport or duly attested transcript of a passport, filed with the register [registrar] of passports or other officer charged with the duty of registering passports at the several ports of entry to the United States; or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child; or (b) a duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of the child. (c) In case none of the above proofs of age can be produced, other documentary evidence of age which shall appear to be satisfactory to the officer issuing the certificate (aside from the school record of such child or the affidavit of parent, guardian or custodian), may be accepted in lieu thereof. In such case a school census or enumeration record, duly attested, may be used as proof of age in the discretion of the officer issuing the certificate. (d) In case no documentary proof of age of any kind can be procured, the officer issuing the certificate may receive and file an application signed by the parent, guardian or custodian of the child for a physician's certificate. Such application shall contain the name, alleged age, place and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall contain a statement certifying that the parent, guardian or custodian signing such application is unable to produce any of the documentary proofs of age specified in the preceding subdivisions of this section. If the superintendent or officer authorized by him to issue such certificate, is satisfied that a reasonable effort to procure such documentary proof has been made, the certificate of the school physician, or, if there be none, of a physician employed for the purpose by the board of education that such physician has made a physical examination of such child and is satisfied that he is more than fifteen years of age, if a male or that she is more than sixteen years of age, if a female, shall be accepted as sufficient proof of the age of such child for the purpose of this act.

Medical certificate.

(4) A certificate from the school physician or if there should be none, of the board of health, and if there be no board of health, within the school district in question, from a licensed physician appointed by the board of education showing that the child is physically fit to be employed in any of the occupations permitted by law for a child between fifteen and sixteen years of age: *Provided*, That if the records of the school physician show such child to have been previously sound in health, no further physician's certificate need be required, but the officer authorized to issue such certificate may at his discretion require such physician's certificate in any case, as a condition to the issuing of an age and schooling certificate.

The superintendent or person authorized by him may issue special vacation certificates to boys under sixteen years of age and girls under eighteen years of age, which shall entitle the holders thereof to be employed during vacation in occupations not forbidden by law to such children even though such child may not have completed the sixth grade, but provided he has complied with all the other requirements for obtaining the certificate hereinbefore described.

Approved February 17, 1914.

Mine regulations—Shooting coal.

(Page 161.)

SECTION 1. Section 976 of the General Code [shall] be supplemented by the enactment of supplemental sections 976-1, 976-2 and 976-3 to read as follows:

Section 976-1. Whoever being engaged in the operation of a coal mine causes or permits any solid shooting to be done therein without having first obtained a permit to do so from the industrial commission of Ohio shall be fined in a sum not exceeding one hundred dollars. Permit re-
quired.

Sec. 976-2. A permit to do solid shooting may be issued by the industrial commission of Ohio in the case of any mine when application shall be made therefor by the owner, lessee or person engaged in the operation thereof and by a majority of the miners employed therein and when such industrial commission shall be satisfied that such method of blasting is necessary for the just and reasonably profitable operation of such mine. Such permit may be revoked at any time by said commission after sixty days' notice in writing to such owner, lessee or person operating such mine. Any person in interest who is dissatisfied with any order of said industrial commission made under the power conferred upon it by this section, may commence an action to set aside, vacate or amend such order in the same manner and for the same reason as other orders of such commission may be set aside, vacated or amended. Issue of permit.

Sec. 976-3. Each section of this act is hereby declared to be an independent section and the holding of any section to be void or ineffective for any cause shall not be deemed to affect any other section thereof. Sections sever-
able.

Approved February 17, 1914.

Mine regulations—Provisions for accidents.

(Page 164.)

SECTION 1. Section 934 of the General Code [shall] be amended to read as follows:

Section 934. The owner, lessee or agent of a mine at, in, or around which, more than ten persons are employed, shall furnish for each thirty-five men so employed a properly constructed stretcher, a woolen blanket, a waterproof blanket, a sufficient quantity of bandages and linen and such other necessary requisites for use in case of accident as may from time to time be prescribed by the industrial commission of Ohio. At mines generating fire damp so as to be detected by a safety lamp, a sufficient quantity of olive or linseed oil shall be kept for use in emergencies. It shall be the duty of each mine foreman to keep in a safe and dry place in the territory over which he has charge such stretchers, woolen and waterproof blankets and other supplies. He shall care for the same and keep them in dry and sanitary condition always ready for use. First-aid sup-
plies.

Approved February 17, 1914.

Mine regulations—Weighing coal.

(Page 181.)

SECTION 978-1. Every miner and every loader of coal in any mine in this State who under the terms of his employment is to be paid for mining or loading such coal on the basis of the ton or other weight shall be paid for such mining or loading according to the total weight of all Payment for all
coal.

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- such coal contained within the car (hereinafter referred to as mine car) in which the same shall have been removed out of the mine: *Provided*, The contents of such car when so removed shall contain no greater percentage of slate, sulphur, rock, dirt, or other impurity than that ascertained and determined by the industrial commission of Ohio as hereinafter enacted.
- Tare.** SEC. 978-2. Said industrial commission shall ascertain and determine the percentage of slate, sulphur, rock, dirt, or other impurity unavoidable in the proper mining or loading of the contents of mine cars of coal in the several operating mines within this State.
- Duty of industrial commission.** SEC. 978-3. It shall be the duty of such miner or loader of coal and his employer to agree upon and fix, for stipulated periods, the percentage of fine coal commonly known as nut, pea, dust and slack allowable in the output of the mine wherein such miner or loader is employed. At any time when there shall not be in effect such agreed and fixed percentage of fine coal allowable in the output of any mine said industrial commission shall forthwith upon request of such miner or loader or his employer, fix such allowable percentage of fine coal, which percentage so fixed by said industrial commission shall continue in force until otherwise agreed and fixed by such miner or loader and his employer. Whenever said industrial commission shall find that the total output of such fine coal at any mine for a period of one month during which such mine shall have been operating while the percentage of fine coal so fixed by said industrial commission has been in force, exceeds the percentage so fixed by it, said industrial commission shall at once make, enter and cause to be enforced, such order or orders relative to the production of coal at such mine, as will result in reducing the percentage of such fine coal, to the amount so fixed by said industrial commission.
- Agreements.** SEC. 978-4. Said industrial commission shall, as to all coal mines in this State, which have not been in operation heretofore, perform the duties imposed upon it by the provisions hereof.
- New mines.** SEC. 978-5. Said industrial commission shall have full power from time to time, to change, upon investigation, any percentage by it ascertained and determined, or fixed, as provided in the preceding sections hereof.
- Revision.** SEC. 978-6. It shall be unlawful for the employer of a miner or loader of the contents of any car of coal to pass any part of such contents over a screen or other device, for the purpose of ascertaining or calculating the amount to be paid such miner or loader for mining or loading such contents, whereby the total weight of such contents shall be reduced or diminished. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined for each separate offense not less than three hundred dollars nor more than six hundred dollars.
- Screening.** SEC. 978-7. A miner or loader of the contents of a mine car, containing a greater percentage of slate, sulphur, rock, dirt or other impurity, than that ascertained and determined by said industrial commission, as hereinabove provided, shall be guilty of a misdemeanor and upon conviction shall be punished as follows: For the first offense within a period of three days he shall be fined fifty cents; for a second offense within such period of three days he shall be fined one dollar; and for the third offense within such period of three days he shall be fined not less than two dollars nor more than four dollars: *Provided*, That nothing contained in this section shall affect the right of a miner or loader and his employer to agree upon deductions by the system known as docking, on account of such slate, sulphur, rock, dirt or other impurity.
- Offenses of miners, etc.**

Approved February 17, 1914.

Compensation of workmen for injuries.

(Page 193.)

SECTION 1. Section 29 [sec. 1465-76] of an act * * * [Workmen's compensation act, p. 72, Acts of 1913, shall] be amended to read as follows:

[The amendment consists in adding to the section in question the following sentence:]

The term "willful act," as employed in this section, shall be construed to mean an act done knowingly and purposely with the direct object of injuring another.

Willful act.

Approved February 17, 1914.

Employment of children—School attendance.

(Page 225.)

SECTION 1. Sections * * * 7771 * * * [shall] be amended * * * to read as follows:

Section 7771. * * * The truant officer shall keep on file the name, address and record of all children between the ages of fifteen and sixteen to whom age and schooling certificates have been granted who desire employment, and manufacturers, employers or other persons requiring help of legal age shall have access to such files. The truant officer shall cooperate with the industrial commission in enforcing the conditions and requirements of the child labor laws of Ohio, furnishing upon request such data as he has collected in his reports of children from eight to sixteen years of age and also concerning employers, to the industrial commission and to the superintendent of public instruction. * * *

List of certified children.

Became a law without the signature of the governor, March 9, 1914.

PHILIPPINE ISLANDS.

ACTS OF 1913-14.

Act No. 2300—Kidnaping to service—Peonage.

SECTION 1. Nothing provided in the existing legislation shall be understood or construed as directly or indirectly permitting slavery, involuntary servitude, and peonage in the Philippine Islands. Subject to the modifications provided in the next following section, the provisions of law prohibiting and punishing slavery, involuntary servitude, and peonage contained in any laws, orders, ordinances, decrees, instructions, or regulations promulgated during Spanish government and applicable to the Philippine Islands are hereby confirmed and ratified.

Peonage, etc., not permitted.

SEC. 2. The provisions of sections two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy, and two hundred and seventy-one of the Act of the Congress of the United States approved on March fourth, nineteen hundred and nine, entitled "An act to codify, revise, and amend the penal laws of the United States," are hereby adopted, with the necessary modifications, as if they had been enacted by the Philippine Legislature, to be in force within the territory subject to the jurisdiction of said legislature, so that said sections, as modified, shall read as follows:

Penal laws of United States adopted.

(a) 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 person 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 ten thousand pesos, or imprisoned not more than five years, or both.

Kidnaping, etc.

(b) 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 ten thousand pesos, or imprisoned not more than five years, or both.

Peonage.

(c) 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 law.

(d) Whoever shall knowingly and willfully bring into the Philippine Islands, 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 ten thousand pesos and imprisoned not more than five years.

Bringing in kidnaped persons, etc.

SEC. 3. It shall be the duty of the provincial governor of every province organized under act numbered eighty-three of the Philippine Commission to obtain information and take all measures that in his judgment may be proper to forestall and thereafter to prevent any violations of this act, and in case such violations have been committed, to order immediate prosecution. It shall also be the duty of the provincial governor to order, where necessary, the institution of habeas corpus proceedings, and he may apply to the provincial fiscal, and in his default to the proper court, for the designation of a lawyer to protect the rights of the person or persons for whose benefit the habeas corpus proceedings shall have been brought, and no fees shall be charged for such services and the costs shall in every case be de officio.

Enforcement.

Enacted November 28, 1914.

ACT No. 2385.—*Bureau of labor.*

- SECTION 1. Subsection (d) of section two of act numbered eighteen hundred and sixty-eight is hereby amended to read as follows:
- Purposes. “(d) To secure the settlement of differences between employer and laborer and between master and servant and to avert strikes and lock-outs, acting as arbitrator between the parties interested, summoning them to appear before it, and advising and bringing about, after hearing their respective allegations and evidence, such arrangement as these may, in his judgment, show to be just and fair.”
- Arbitration, etc.
- Sec. 2. Section three of said act numbered eighteen hundred and sixty-eight is hereby amended to read as follows:
- Powers of director. “Section 3. The director and assistant director of the bureau of labor shall have power to issue subpoenas and subpoenas duces tecum within the territory of the Philippine Islands: *Provided, however,* That a person shall not be compelled to appear if summoned to appear in a municipality other than the one in which the subpoena is issued. They shall be empowered, further, to receive and take affidavits and the testimony of witnesses and experts when they deem it necessary for the proper compliance with the obligations mentioned in section two of act numbered eighteen hundred and sixty-eight.
- “The appearance or testimony of an absent or contumacious witness may be secured by petition to the municipal court, justice of the peace court, or court of first instance.
- “Any person voluntarily or maliciously swearing or testifying falsely on any material point in an investigation conducted in accordance with this act by the director or assistant director of labor shall be liable to the penalty provided by existing law for perjury.
- “Any person obstructing or resisting the director of labor or his deputies in the performance of their duties prescribed by law shall, upon conviction, be punished by imprisonment for not more than six months or by a fine of not more than three hundred pesos, or both, in the discretion of the court.”
- Sec. 3. Section four of said act numbered eighteen hundred and sixty-eight is hereby amended by adding at the end thereof the following:
- Attorney of bureau of labor. “The bureau of labor shall also have an attorney, who shall be known as ‘attorney of the bureau of labor’ and shall receive compensation at the rate of three thousand six hundred pesos per annum. Said attorney shall assist the director or assistant director of labor in all legal questions by them submitted to him, and shall bring suit gratuitously, in the proper courts, for laborers or servants when he shall deem this proper after the failure of the endeavors to bring about a friendly settlement made by the director or assistant director of labor in the performance of the duties imposed and the exercise of the powers conferred upon them by subsection (d) of section two of act numbered eighteen hundred and sixty-eight. Actions instituted under this section shall be exempt from legal fees, and it shall be the duty of the clerk of the court of first instance or justice of the peace before whom the cases mentioned in this section are brought, to register the same and take the proper action on them free of cost, including sheriff’s fees: *Provided, however,* That the attorney of the bureau of labor shall not bring suit under this act unless the plaintiff shall have previously secured a certificate of indigency from the proper court.”
- Costs. SEC. 4. The sentences of the courts trying cases filed under this act shall provide, in case of judgment in favor of the plaintiff, for the payment by the defendant of the sum of twenty-five pesos as costs of the attorney of the bureau of labor, which sum shall be collected in the same manner as the other costs of the court and shall be covered by the clerk of the court or justice of the peace concerned into the insular treasury and credited to the general funds.

Enacted February 28, 1914.

PORTO RICO.

ACTS OF 1914.

**Act No. 24.—Closing time in industrial and mercantile establishments—
Sunday labor.**

SECTION 1. Section 553 of the Penal Code [sec. 6004, Rev. St.] as amended August 9, 1913, is hereby amended so as to read as follows:

Section 553. All day Sunday; from 12 m. on legal holidays; from 10 p. m. every Saturday; from 7 p. m. every working day; and from 10 p. m. on December 24th and 31st and January 5th of each year, commercial and industrial establishments shall remain closed to the public and suspend all work for employees one hour after closing, except the following:

Establishments to be closed, when.

I. Sugar and alcohol factories, coffee-cleaning mills, pharmacies and book stores.

Exceptions.

II. Public markets, printeries, garages and bakeries.

III. Cafés, restaurants, hotels, inns, eating houses, places where meals are expended, confectionary and pastry stores.

IV. Casinos, billiard rooms, ice depots, meat stands, milk stalls, and stands where refreshments, sweets, manufactured tobacco, matches and periodicals only are sold.

V. Slaughterhouses, dairies, livery stables, piers or docks and undertaking establishments.

VI. Public and quasi public utilities and works of emergency necessary to prevent danger or considerable financial loss.

VII. 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.

Sec. 2. Section 554 of the Penal Code [sec. 6005, Rev. St.] is hereby reenacted in the following form:

Sec. 554. The municipal council of any municipality may permit by means of an ordinance any or all the commercial and industrial establishments the close of which is ordered by section 553, to remain open on Sundays: *Provided*, That said regulations shall in no case authorize the establishments mentioned therein to remain open after 12 m. on Sundays.

Powers of municipalities.

Sec. 3. Any violation of this act shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment in jail for a maximum term of thirty days.

Violations.

Approved March 28, 1914.

JOINT RES. No. 10.—Commission on housing.

Whereas, a conflict at present exists on account of the cost of dwellings occupied by the laboring classes of San Juan and its barrios;

Grounds of action.

Whereas, the financial condition under which said classes labor becomes more difficult each day because of the financial condition of the country;

Whereas, it is the duty of the legislative assembly to take such action as will tend to decide this matter without prejudice to the interests of the proprietors, but protecting the laborers so far as concerns their necessities of life;

Now, therefore, be it enacted by the Legislative Assembly of Porto Rico:

SECTION 1. A commission is hereby designated, to be composed of two members of the executive council appointed by the president thereof; two members of the house of delegates appointed by the

Commission to be appointed.

Duties.

speaker and one engineer or architect from the department of the interior, who shall serve without extra compensation, and who shall be designated by said four commissioners, which commission, after due investigation, shall report to the legislative assembly in regard to such means as it may deem convenient for the purpose of solving the conflict which is the subject of this resolution.

Approved March 12, 1914.

RHODE ISLAND.

ACTS OF 1914.

CHAPTER 1078.—Commission on immigration.

SECTION 1. The governor is hereby empowered to appoint a commission on immigration, which shall consist of five members who shall serve without compensation, and which shall make full inquiry, examination and investigation of the status and general condition of immigrants and aliens within the State, including their way of living, distribution, occupation, educational opportunities and business opportunities and facilities, and also their relation to the industrial, social and economic condition of all the people of the State. The investigations of the commission shall be made with a view to obtaining information for the enactment of such laws as will bring non-English speaking foreigners, resident and transient, into sympathetic relation with American institutions and customs. For this purpose, said commission is hereby authorized to send for persons and papers, administer oaths and to examine witnesses and papers respecting all matters pertaining to this subject: *Provided*, That the State of Rhode Island shall not be subject to any expense in carrying out the foregoing purposes. Said commission shall make a full and final report to the governor, including such recommendations for legislation as in its judgment may seem proper, on or before January 15, 1915.

Commission to be appointed.

Duties.

Report.

Approved May 6, 1914.

SOUTH CAROLINA.

ACTS OF 1914.

ACT No. 253.—*Protection of employees on street railways.*

SECTION 1. Section 3949 of the Code of Laws of South Carolina, 1912, [shall] be amended * * * so that said section, when amended, shall read as follows:

Section 3949. Electric railway companies shall affix to their cars or coaches inclosed vestibules of wood iron or glass, and maintain side doors on vestibules 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 ($\frac{1}{4}$) thereof to go to the person bringing suit to enforce the law, and the remaining three-fourths ($\frac{3}{4}$) for the benefit of the State.

Vestibules required.

Approved the 28th day of February, A. D. 1914.

ACT No. 262.—*Hours of labor of women—Mercantile establishments.*

SECTION 1. Section 430, Criminal Code, 1912, is hereby amended * * * so that said section, when so amended, shall read as follows:

Section 430. The hours of labor of women 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 females shall not be allowed 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, or inspectors, or duly authorized agents of the commissioner. Any employer or employers of female labor in mercantile establishments who shall violate the provisions of this act 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.

Sixty hours per week.

Nightwork.

Approved the 28th day of February, A. D. 1914.

ACT No. 314.—*Payment of wages in scrip.*

SECTION 1. Section 3813, volume 1, Code of Laws, 1912, is hereby amended so as to read as follows:

Section 3813. It shall not be lawful for any corporation, person or firm in this State engaged in the manufacture of cotton goods 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 two weeks 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, memoran-

Scrip, etc., to be redeemable.

dum, 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 two weeks then said corporation, person or firm shall not be required to redeem such token or evidence of indebtedness in cash 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.

Approved 26th day of February, A. D. 1914.

ACT No. 393.—*Labor organizations—Relief societies.*

Associations authorized. SECTION 1. * * * Local labor organizations with a national or international charter, may form mutual associations, incorporated or unincorporated, for the purpose of aiding their members or their beneficiaries in times of sickness and death by levying equitable assessments for the payment of sick relief or death benefits, upon compliance with the terms of this act.

Not for profit. SEC. 2. Such association[s] shall have no paid agents for the soliciting of business of members, and shall be conducted without profit. They shall file an annual report with the insurance commissioner, who shall issue to them a certificate showing that they have complied with the law of this State.

No fees to be paid. SEC. 3. Such associations shall pay no license fee and shall be subject only to such examination by the insurance commissioner as will enable him to determine that such associations have complied with the insurance laws of the State. Nothing in this act shall be construed to prevent such associations as are now operating in this State from continuing to operate on their present plans.

Approved the 26th day of February, A. D. 1914.

ACT No. 399.—*Payment of wages—Railroad shop employees.*

Semi-monthly pay day. SECTION 1. All railroad corporations doing business in this State shall pay their employees engaged in work in their shops semi-monthly: *Provided*, That nothing contained in this act shall apply to railroads owning, leasing or operating less than 35 miles in South Carolina.

Violations. SEC. 2. Any railroad corporation violating the provisions of section 1 shall, upon conviction in any court of competent jurisdiction, be liable to a fine of not more than one hundred (\$100) dollars, or less than twenty-five (\$25) dollars.

Approved the 27th day of February, A. D. 1914.

ACT No. 401.—*Railroads—Warning boards to be erected.*

Boards required, when. SECTION 1. Every company, lessee, manager or receiver owning or operating a railroad in this State is hereby required to provide and maintain and place warning boards one mile from all stations, drawbridges and where railroads cross at grade; the boards to have letters of sufficient size to be clearly seen from the engine and to describe the place of danger, said boards to be put not more than eight feet from the side of the track.

Time limit. SEC. 2. Each person, partnership, company or receiver who is affected by this law shall, within one year, equip all of their lines or branches in this State in accordance with this act.

Failure to comply. SEC. 3. Any railroad company, receiver or lessee thereof doing business within this State which shall fail to comply with the provisions of this act, after ten days' notice thereof in writing, shall be subject to a fine of \$5 per day for every day thereafter that such failure shall continue, and any such railroad, receiver or lessee failing to re-erect such warning board, in case any such board for any cause be down or removed, after ten days' notice in writing, shall be subject to the penalty herein provided of \$5 per day for each day that such railroad, receiver or lessee shall fail to so re-erect such warning boards. This

penalty shall be recoverable by any person of this State in any court of competent jurisdiction, one-half to go to the party bringing the action and one-half to go into the county treasury in which such action may be brought, to be used for ordinary county purposes.

Approved the 19th day of February, A. D. 1914.

Act No. 403.—*Railroads—Shelters for employees at division points.*

SECTION 1. All railway companies having railroad shops in this State at division points, where cars are regularly taken out of trains for repairs or construction work, or where other railroad equipment is regularly made, repaired or constructed, are hereby, required to furnish or construct a building or shed in said shops or yards, with a suitable and sufficient roof over the repair and construction track or tracks so as to provide that all men or employees employed in the construction and repair of locomotives, cars, trucks or other railroad equipment, excepting slight or minor repairs or when done in an emergency, shall be under shelter and protected during snows, rains, sleet, hot sunshine, and other inclement weather: *Provided*, The railroad commission shall have the power to direct the points at which sheds shall be erected, and the character of the sheds: *Provided, further*, That such order shall only be made after a hearing, of which public notice shall have been given.

Shelters to be erected.

SEC. 2. Any railroad found guilty of violating the provisions of this act shall be subject to a fine of fifty (\$50) dollars per day for every day of such violation.

Violations.

SEC. 3. * * * The provisions of this act shall not apply to railroads twenty miles or less in length.

Exemption.

Approved the 26th day of February, A. D. 1914.

VIRGINIA.

ACTS OF 1914.

CHAPTER 16.—*Inspection and regulation of factories, etc.*

SECTION 1. Proper and substantial handrails shall be provided on all stairways in factories, shops and manufacturing establishments. Where females are employed the stairs shall be properly screened at the sides and bottom. All doors leading in or to any such factory, shop, or manufacturing establishment shall be so constructed as to open outwardly and shall not be locked, bolted or fastened during working hours: *Provided*, That nothing contained in this section shall apply to any factory, shop or manufacturing establishment where not more than twenty-five persons are employed: *And provided further*, In the discretion of the commissioner of labor, after sufficient means of egress is provided, the owner may erect additional sliding doors: *Provided*, The owner of a factory, shop or manufacturing establishment, equipped with sliding doors, properly adjusted and easily opened, need not convert the same into doors that open outwardly if there be another door, or doors, on the first floor opening outwardly, affording sufficient means of egress for people visiting or working in said building, the sufficiency of egress to be determined by the commissioner of labor, subject to the right of appeal as hereinafter provided.

SEC. 2. The owner or person in charge of a factory, shop, or manufacturing establishment where machinery is used shall provide, in the discretion of the commissioner of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, elevators, saws, planers, cogs, gearing, belting, shafting, set screws, shapers and corner machines shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats, or elevators while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, notice thereof shall be given to the owner or manager in charge of such operation and unless such machinery is repaired or made safe within ten days after such notice the use thereof may be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When in the opinion of the commissioner of labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted; and in cities of the first class, if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways, near the stairs upon the entrance floor and upon the other floors on every workday in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights to be independent of the motive power of such factory.

From any ruling or order made by the commissioner of labor under this act, there shall be an appeal as of right by any party in interest to the circuit or corporation court in which such building is located: *Provided*, Such appeal be taken within five days after such ruling or order is made.

SEC. 3. For failure to comply with any of the provisions of this act, the person or corporation offending, shall be subject to a fine of not less than five nor more than ten dollars, and each day's failure to comply shall be considered a separate offense.

Approved February 27, 1914.

Stairways.

Doors to open outward; not to be locked.

Provisions.

Belt shifters.

Guards.

Lighting.

Appeals.

Violations.

CHAPTER 87.—*Railroads—Caboose cars.*

An act * * * [(ch. 278, Acts of 1910) shall] be amended and reenacted as follows:

Caboose cars required.

Section 1. It shall be unlawful for any railroad company, corporation, firm, individual, receiver or trustee, operating a standard-gauge railroad as a common carrier in the State of Virginia, to run or permit to be run over its tracks, except in yard limits and in transfer service a train of one or more cars, other than a passenger train, without having attached thereto a caboose car, except in cases of emergency occurring on the road which will not permit a compliance of this act: *And provided further*, That the provisions of this act shall not apply to light engines.

Construction, etc.

Sec. 2. Said caboose car shall not be less than twenty-one feet in length, exclusive of platforms at each end, which shall not be less than two feet in width and shall be constructed with a door in each end and with six windows in the body of the car, and shall be equipped with two four-wheel trucks and an emergency brake valve in the body of the car within reach of the cupola, and shall have a cupola with eight windows, and shall be of a constructive strength, of a sixty thousand pound capacity freight car, except where pusher engines are used, when it shall be of a resistance strength equal to that of a hundred thousand pound capacity freight car.

Changes to be made.

Sec. 3. Whenever any caboose car now in use upon any such railroad in Virginia shall after this act goes into effect be brought into the shops of any such railroad for general repairs, it shall be unlawful to again put the same into the service of such railroad, within this State unless it be equipped as provided in section two of this act.

Rate of change.

Sec. 4. Such railroad company, corporation, firm, individual and receiver, or trustee, operating standard-gauge railroad in the State of Virginia as a common carrier, shall each year from and after the first day of July, nineteen hundred and fourteen, equip for service, in accordance with the provisions of this act at least ten per cent of the number of caboose cars in use on its railroad in this State on the said first day of July, nineteen hundred and fourteen, that are not so equipped, but the State corporation commission is hereby authorized to grant to any such railroad company, corporation, firm, individual, receiver or trustee, operating a standard-gauge railroad as a common carrier in the State of Virginia, upon a full hearing and for good cause shown, a reasonable extension of time within which to comply with the provisions of this act.

Violations.

Sec. 5. Any such railroad company, corporation, firm, individual, receiver or trustee operating a standard-gauge railroad in the State of Virginia as a common carrier violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined one hundred dollars (\$100) for each offense.

Exemptions.

Sec. 6. *Provided*, That the provisions of this act shall not apply to any such railroad company, corporation, firm, individual, receiver or trustee operating a standard-gauge railroad in the State of Virginia, as a common carrier, which railroad may now or hereafter have neither of its terminals in this State; nor to any standard-gauge railroad operated as a common carrier which is not more than thirty miles in length.

Enforcement.

Sec. 7. Prosecutions under this act shall be made by the Commonwealth attorney in any court of competent jurisdiction in any county or municipal corporation, in or through which such railroad may have run the train thus improperly equipped.

Approved March 13, 1914.

CHAPTER 89.—*Railroads—Headlights on locomotives.*

Headlights required.

Standard.

SECTION 1. It shall be the duty of every railroad corporation, or receiver or lessee thereof, operating any standard-gauge line of railroad, as a common carrier, in this State, to equip and maintain in all locomotive engines used in the transportation of trains over said railroads with electric headlights or other headlights of not less than five hundred candlepower, with the aid of a reflector: *Provided*, That only one-third of said locomotives not now equipped shall be required to be so

equipped or used within six months after the passage of this act: *And provided further*, That the remainder to be equipped within twelve months after the passage of this act. In case of unavoidable accident to any such headlight between terminals, such train may proceed to its next terminal without violating this act.

SEC. 2. Any railroad company, corporation, or the receiver or lessees thereof, operating a standard-gauge railroad in this State violating the provisions of this act, shall be guilty of a misdemeanor and fined not less than twenty-five dollars nor more than one hundred dollars for each offense, and the use of any locomotive engine without the light provided for in section one of this act shall constitute a separate offense for every day or part of 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.

Violations.

SEC. 3. The provisions of this act shall not apply to any railroad whose main line is not over thirty miles in length.

Exemption.

Approved March 13, 1914.

CHAPTER 132.—*Accident prevention—Instruction of children.*

SECTION 1. It shall be the duty of each teacher in the public schools of the Commonwealth to devote not less than thirty minutes in each month of the school session for the purpose of instructing the pupils therein as to ways and means of proper observation so as to prevent accidents.

Duty of teachers.

SEC. 2. The superintendent of public instruction shall forthwith prepare, publish and distribute proper information, arranged in chapters or lessons for the guidance of teachers in carrying out the provisions of this act.

Lessons to be furnished.

Approved March 17, 1914.

CHAPTER 157.—*Bonds of employees of common carriers.*

SECTION 1. If any common carrier authorized to do business in this State shall employ any person in any position of trust in this State, and shall apply to any surety company for security for the faithful performance of duty by such employee, or for any form of fidelity insurance, and such surety company shall refuse to become responsible for such employee, or, having become responsible for such employee, shall thereafter cancel such responsibility, such surety company shall furnish to such employee a statement in writing of the reasons therefor, which statement shall be sent by registered mail to such place as he shall designate, addressed to such employee, promptly on his demand therefor in writing sent by registered mail to the head office of such surety company, addressed to such surety company or any officer thereof; and, unless such common carrier shall have other reasons for refusing to employ such employee than the fact of said refusal of such surety company to so become or continue responsible for such employee, such common carrier shall, on request of such employee, accept as security for the fidelity of such employee, a bond or obligation in the same form or substantially in the same form as that under which such surety refused to become or continue responsible for such employee, when duly executed and acknowledged by any other solvent surety company authorized to execute such bond or obligation in this State or a personal bond with satisfactory surety and furnished to such common carrier by such employee without cost or expense to such common carrier: *Provided, however*, That such surety company shall not be required to disclose the sources of its information regarding such employee, and that all communications, written or verbal, between such surety company or any officer or representative thereof and such common carrier or any officer or representative thereof or such employee or any person, firm or corporation mentioned in any statement made by such employee to such surety company shall be deemed privileged com-

Refusing or canceling bond.

Statement of reasons.

Bond of other insurer.

Sources confidential.

Communications privileged.

munications: *And further provided*, That no action or legal proceeding for libel or slander shall lie against such surety company or such common carrier by reason thereof.

Violations.

SEC. 2. Any surety company or any common carrier which shall, by its officers or representatives, violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

Approved March 20, 1914.

CHAPTER 158.—*Hours of labor of women and children.*

SECTION 1. An act * * * [sec. 3657b, Code of 1904, shall] be amended and reenacted so as to read as follows:

Ten-hour day.

1. No female and no child under fourteen years of age shall work as an operative in any factory, workshop, laundry, mercantile, or in any manufacturing establishment in this State more than ten hours in any one day of twenty-four hours. All contracts made or to be made for the employment of any female or of any child under fourteen years of age, as an operative in any factory, workshop, laundry, 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.

[2.] Any person having the authority to contract for the employment of persons as operatives in any factory, workshop, laundry, 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, laundry, 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 dollars: *Provided*, That nothing contained in sections one and two of this act shall apply to mercantile establishments in towns of less than two thousand inhabitants or to country stores.

Places selling
intoxicants.

3. No male under twenty-one years of age and no female shall be employed in any capacity in any place, except in hotels, where intoxicating liquors are manufactured, bought, sold, packed, or shipped, except mercantile establishments in the country. Any person having authority to contract for the employment of persons in any place except in hotels where intoxicating liquors are manufactured, bought, sold, packed, or shipped, who shall engage or contract with, any male under twenty-one years of age, or any female, to work in any capacity in any place except in hotels where intoxicating liquors are manufactured, bought, sold, packed, or shipped, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than twenty dollars: *Provided, however*, That nothing in this act shall be construed to apply to females whose full time is employed as a bookkeeper, stenographer, cashier, or office assistant, nor shall the provisions of this act apply to canning factories and fish packing establishments located in the country sections.

Approved March 20, 1914.

CHAPTER 286.—*Inspection and regulation of factories, etc.*

Sanitation, etc.

SECTION 1. Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment, or office, in which two or more children, under eighteen years of age, or women, are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided with a sufficient number of water-closets, earth closets or privies, and reasonable access shall be afforded thereto; and whenever one or more males and one or more females are employed together, a sufficient number of separate water-closets, earth closets or privies shall be provided for the use of each sex, and plainly designated; and no person shall be allowed to use a closet or privy which is provided for persons of the other sex: *Provided*, In buildings used exclusively for offices the provisions of this section shall not apply, if separate toilets are within convenient access in the buildings wherein the offices are located.

Toilets.

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.

Duty of owners,
etc.

SEC. 3. If it appears to the commissioner of labor that any act, neglect or fault in relation to any drain, water-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.

Other remedies.

SEC. 4. A criminal prosecution shall not be instituted against a person for the violation of the provisions of section 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 provisions of said section has been sent by mail or has been 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.

Notice to be
given.

[SEC. 5.] The application of this law to stores and office buildings in cities of five thousand inhabitants or less and in towns of five thousand inhabitants or less shall be left to the discretion of the commissioner of labor.

SEC. 6. 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.

Violations.

Approved March 25, 1914.

CHAPTER 321.—Bureau of labor and industrial statistics—Commissioner.

SECTION 1. [Sub]section four of * * * [sec. 1790c, Code of 1914, shall] be amended and reenacted and an independent [sub]section number seven be added so as to read as follows:

4. The commissioner shall have power to take and preserve testimony, examine witnesses under oath, and administer the same, and to that end may, under proper restrictions, enter any public institution of the 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

Powers.

Refusing infor-
mation.

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.

Chief factory inspector. 7. The commissioner of labor shall have general supervision and control of the said bureau and shall be designated in connection therewith as the "chief factory inspector." He shall secure the enforcement of all laws now in force, or which may hereafter be enacted, relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions in this State, and perform such other duties as are now, or which may be hereafter prescribed by law to be performed by the factory inspector. He shall have power to appoint an assistant chief factory inspector and such other deputy factory inspectors as may be necessary. The duties of the assistant chief factory inspector and of the deputy factory inspector shall be the same as those which are now, or which may be hereafter imposed by law upon the commissioner of labor and his deputies who serve as factory inspectors. Said chief factory inspector, assistant chief factory inspector, and deputy factory inspectors, shall visit and inspect at all reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops, and commercial institutions in this State, where goods, wares, or merchandise are manufactured, purchased, or sold, at wholesale or retail. And the chief factory inspector shall report in writing to the governor on the fifteenth day of September, annually, the results of his inspections and investigations, together with such other information and recommendations as he may deem proper. It shall be the duty of said inspectors to enforce the provisions of this act, and perform such other duties as are now, or which may hereafter be prescribed by law, and to prosecute all violations of law relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions in this State before any justice of the peace, or any court of competent jurisdiction in this State. And it shall be the duty of the Commonwealth's attorney of the proper county, or city, upon the request of the chief factory inspector, or his assistant or deputy, to prosecute any violations of law which it is made the duty of the said factory inspector to enforce.

Approved March 27, 1914.

CHAPTER 333.—*Inspection and regulation of factories—Foundries.*

Ventilation. SECTION 1. Every person, firm or corporation employing men to work in any foundry or molding shop, shall provide in each workroom thereof, proper and sufficient means of ventilation, if excessive heat or if steam, gases, vapors, dust, or other impurities that may be injurious to health, be generated in the course of the manufacturing process carried on therein, the said room must be ventilated in such a manner as to disperse the said steam, gases, vapors, dust or other impurities, and render them harmless. Such person, firm or corporation shall provide such ventilation within thirty days after being notified by the commissioner of labor, or other proper officer so to do, and upon refusal or failure so to do shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined ten dollars for each day after the expiration of the said thirty days, until such proper ventilation is provided.

Approved March 27, 1914.

CHAPTER 339.—*Employment of children—General provisions.*

Age limit. SECTION 1. Chapter three hundred and one of the acts of nineteen hundred and eight, * * * [shall] be amended and reenacted so as to read as follows:

Section 1. No child under the age of fourteen years shall be employed, permitted or suffered to work in any factory, workshop, mine, mercantile establishment, laundry, bakery, brick or lumber yard, or during school hours or after seven post meridian in the distribution, transmission, or sale of merchandise.

Sec. 2. No child under the age of sixteen years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section one (1) for more than six days in any one week; (2) nor more than ten hours in any one day; (3) nor before the hour of seven o'clock in the morning nor after the hour of nine o'clock in the evening.

Working time.

Nightwork.

Sec. 3. No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section one unless the person, firm or corporation employing such child procures and keeps on file and accessible to any inspector of factories, or other authorized inspector or officer charged with the enforcement of this act, the employment certificate as hereinafter provided, issued to said child; and keeps two complete lists of the names, together with the ages of all children under sixteen years of age employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed. On termination of the employment of a child whose employment certificate is on file, such certificate shall be returned by the employer within two days to the official who issued the same with a statement of the reasons for the termination of said employment.

Employment certificates.

Files.

Such employment certificate shall be issued only by a notary public, in the city, town or village in which the child is to be employed, upon the application in person of the parent or guardian or custodian of the child desiring such employment. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed evidence of age showing that the child is fourteen years old or upwards, which shall consist of one of the following proofs of age, and shall be required in the order herein designated as follows:

Issue of certificates.

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

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

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

(d) In case no documentary proof of age of any kind can be produced, the officer issuing the certificate may receive and file an affidavit signed by the parent or guardian or custodian of the child which shall contain the name, alleged age, place, and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall contain a statement certifying that the parent, guardian or custodian signing such application is unable to produce any of the documentary proofs of age specified in the preceding subdivisions of this section.

Sec. 4. In cities having a population of five thousand or more, according to the census of nineteen hundred and ten, no child under the age of fourteen years shall be employed, permitted or suffered to work as messenger for a telegraph, telephone or messenger company, in the distribution, transmission or delivery of goods or messages, and no child under eighteen years of age shall be so employed, permitted or suffered to work between the hours of ten o'clock in the evening and five o'clock in the morning.

Messenger service.

Sec. 5. No boy under ten years of age and no girl under sixteen years of age shall, in any city in this State of five thousand population or more, distribute, sell, expose, or offer for sale, newspapers, magazines, or other periodicals in any street or public place.

News boys and girls.

Sec. 6. 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 laundry, with which he is connected, or any

Violations.

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.

Working for parents. for But nothing in this act shall prevent a parent from working his or her child in any factory, workshop, mercantile establishment or laundry, or other place owned or operated by said parent, nor apply to persons employed in factories engaged exclusively in packing fruits and vegetables between July first and November first of each year.

Evidence of guilt. of 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: *Provided, further,* That nothing contained in this act shall apply to mercantile establishments in towns of less than two thousand inhabitants or in country districts: *Provided, however,* That upon petition of the parent, guardian, or other person interested in such child to the circuit or corporation court the court may for good cause shown entered of record release any child, between the ages of twelve and fourteen years, or the parent or guardian of such child from the operation of this act.

Exemptions.

Approved March 27, 1914.

WISCONSIN.

ORDERS OF THE INDUSTRIAL COMMISSION, 1914.

Elevators.

(Amended orders.)

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 fifteen feet, a speed governor must be provided. Safety devices must be tested for efficiency at least once each month. For elevators having a car speed of 100 feet or less per minute, the minimum speed at which the governor must act must be 150 feet per minute. For elevators having a car speed of over 100 feet and up to and including 250 feet per minute, the governor must be set to operate when the speed of the car exceeds by 50 per cent the regular speed. On elevators having a car speed of over 250 feet per minute the governor must be set to operate when the speed of the car exceeds by 40 per cent the regular speed. Such speed governors and safety devices must be put to a practical running test, with full load on platform, on every new installation, and a report of such test must be made by the owner of the elevator to the industrial commission.

Stopping devices, etc.

Speed.

On catching devices, to which speed governors are hereafter attached, the dogs or clamps of such catching devices must be attached to the underside 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 under the direction of the industrial commission.

Test.

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.

ORDER 404. Ample light must be provided for all elevator cars and landings.

Light.

All passenger and freight elevators and power-driven dumb waiters must be equipped with a signal system, which is so arranged that it can be operated without reaching into the hatchway.

Signals.

ORDER 405. All projections in elevator shafts such as floors, beams, sills and bolts, unless guarded against by the car inclosures, 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. On new installations, the toe guards must be made of smooth metal not less than $\frac{1}{8}$ inch in thickness.

Guards in shafts.

ORDER 406. [Amendment provides that screens will not be required on old installations of hand-power elevators when the gates at the landings are brought down flush with the floor.]

Screens.

ORDER 407. [Amendment prohibits any elevator to have more than one compartment.]

Compartments.

ORDER 409. The maximum safe-working load for all hoisting and counterweight cables must be not more than $\frac{1}{2}$ of the breaking load, as given in the schedule of the cable manufacturer. Wherever steel cables are installed a metal sign must be placed in a conspicuous position in the car to read as follows: This elevator is equipped with steel cables and when these cables are renewed steel cables must be used.

Load.

- Two cables. ORDER 412. All elevators requiring hoisting cables must be equipped with not less than two hoisting cables. On old installations a single hoisting cable will be permitted if the factor of safety is 10.
- Fastenings. ORDER 418. Where practicable, on elevators hereafter installed, each hoisting and counterweight cable shall be independently fastened at its terminal to the crosshead of the car frame or counterweight frame, respectively.
- Where adjustable draw bars or equalizers are required, the manufacturer's standard construction of such drawbars and equalizers for the given condition of installation and type of apparatus shall be submitted to the industrial commission for approval and only such approved construction shall be used in similar cases.
- In no case, however, on elevators hereafter installed shall more than one cable be fastened into the same clevis or secured to a single threaded drawbar.
- Counterweights. ORDER 422. [Amendment requires counterweights of elevators already installed to be bolted or strapped together to keep the individual weights in position.]
- Runways. ORDER 430. [Amendment requires the runways of only those cars whose travel exceeds thirty-five feet to be inclosed ten feet down from the top of the way, instead of all cars.]
- Buffers. ORDER 434. [Amendment provides that oil buffers may be attached to the bottom of the car instead of to a foundation in the pit, which is, however, to be preferred.]
- Maintenance. ORDER 437. [Amendment requires maintenance in good repair.]
- Screens. ORDER 438. [Amendment adds the following:]
On hand-power elevators hereafter installed when the top of the car is not equipped with a screen, a screen or floor must be placed under the overhead machinery, and cover the entire area under the frame. The floor or screen must be so constructed as to provide safe access for inspection and must be of sufficient strength to sustain a center load of 200 pounds. If a screen is used the mesh of same must not be greater than 1 inch. On old installations of hand-power elevators, when the car is not equipped with a screen over the top, a floor or screen as above specified under the overhead machinery must be provided when there is room.
- Drive. ORDER 442. [Amendment forbids the use of chain or belt drives on passenger elevators hereafter installed.]
- Sheave guards. ORDER 446. [Amendment requires a guard to prevent the cables from leaving the sheave if cables are not in tension around sheaves.]
- Brakes and switches. 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.
- Such elevators must also be equipped with limit switches placed in the hatchway and so constructed that should the car travel beyond the normal limits at top or bottom, of the shaft, the current will be automatically cut off from the motor, the brake will be applied and the car will be brought to a gradual stop.
- Switches and fuses connected with electric elevators must be placed in metal cabinets and near the machine.
- When wires carrying current for light or power for the operation of the elevator are run inside the hatchway, they must be in conduit.
- Notice of changes. ORDER 450. [Amendment requires notice of material alterations or new installations to be sent to the industrial commission.]
- Cut-offs. ORDER 452. All power-driven elevators, where the cables wind around a drum (except sidewalk lifts), must be equipped with an efficient device which will automatically shut off the power in case the cables become slack.
- Window guards. ORDER 454. All outside windows in elevator shafts shall be protected by guards of metal, covering the entire area of such windows. Such guards shall consist of metal bars not less than $\frac{1}{2}$ inch in diameter, and spaced not more than 3 inches on centers, or may be made of wire screen of wire not less than $\frac{1}{4}$ inch in diameter, with mesh not more than 3 inches in diameter.

Protection of employees on buildings.

ORDER 3500. All lumber for scaffolds must be pine or equal. The span of commercial 2-inch scaffold planks must not be greater than 8 feet between supports (except as below). One-inch boards (not less than 10 inches wide) may be used for spans not greater than 4 feet. Every scaffold plank or board which does not project at least one foot beyond the support, must be nailed to the support or must have a cleat or drop bolt at the end to prevent slipping. Two-inch scaffold planks must not cantilever more than 2 feet, and all such cantilevered planks must be securely anchored. Every scaffold must be securely braced.

Material for scaffolds.

In the case of scaffolds for painting, paper hanging and similar light work (but not for mason work, plastering or other work involving heavy materials) the span of 2-inch planks may exceed 8 feet if selected planks are used which have been tested with a load at least three times as great as the greatest loads which the planks are to carry.

ORDER 3501. A substantial railing not less than 34 inches high must be provided on all open sides of:

Railing.

(1) All swinging scaffolds (except riveters' scaffolds).

(2) All masons' and plasterers' scaffolds which are more than 10 feet above the ground or floor (including a rail across all window openings which extend more than 5 feet above the scaffold).

(3) All carpenters' scaffolds used for wrecking or similar work.

(4) Every scaffold adjoining a floor opening must have a railing on the side next the opening.

ORDER 3502. The following scaffolds must be solid, that is, must cover the entire room or a section thereof, with planks not more than 2 inches apart:

Solid scaffolds.

(1) All scaffolds over moving machinery or where any similar dangerous condition exists.

(2) Plasterers' scaffolds (for ceiling work) if the scaffold is more than 12 feet above the floor.

ORDER 3503. All openings in floors, whether such floors are temporary or permanent, must be enclosed with substantial temporary railings not less than 34 inches high. Such railings must be constructed by the contractor who constructs the temporary or permanent floor, and must be constructed as soon as the floor around the opening is put in place; and must be left in place until the building is completed. Every scaffold adjoining a floor opening must have a railing on the side next to the opening.

Railings at openings.

ORDER 3504. No contractor or employer shall permit workmen to work on any floor of a building unless all openings in such floor are protected by substantial railings.

Railings required.

ORDER 3505. If any runway or scaffold is built across any floor opening, the entire opening must be completely planked over, unless all open sides of such runway or scaffold are protected with a solid enclosure at least three feet high.

Alternative provisions.

ORDER 3506. Temporary ladders at an angle of not more than 75 degrees with the horizontal, must be provided from floor to floor on all buildings. On buildings of more than three stories, double ladders must be provided. All such double ladders must be furnished by the contractor who erects the structure and must be left in place until the building is completed or until the permanent stairways are ready for use. At least one stringer of every such single ladder, and at least two stringers of every such double ladder, must be extended at least 3 feet above the floor.

Ladders.

ORDER 3507. Temporary ladders at an angle of not more than 75 degrees with the horizontal must be provided on all stacks, isolated towers, etc., except where conditions will not permit. Where the use of a vertical ladder is unavoidable, a back support must be provided.

Same subject.

ORDER 3508. Bell, whistle or electric signals must be provided for platform elevators, concrete hoists, etc., and in all other cases wherever practicable.

Signals for hoists, etc.

ORDER 3509. If two or more elevators are located in the same shaft, and one elevator is put into temporary service before the others are completed, then the elevator in use (together with its counterweights) must be separated from the other elevators by a continuous partition. This

Two elevators in shaft.

- partition must either be solid or consist of a screen of not less than No. 10 wire (Washburn & Moen gauge) with not more than one inch openings.
- Protection for engineers. ORDER 3510. Every hoisting engine, air compressor, concrete mixer, or other machine used in building construction, must be properly covered over to protect the engineer from all falling material, unless the horizontal distance from such machine to the nearest point where work is being done is at least one-half the vertical height of such point above the machine.
- Engines to be housed. ORDER 3511. All hoisting machines, irrespective of the motive power, must be housed in from December 1 to March 1, and at all other times when the temperature is below freezing.
- Temporary floors. ORDER 3512. Temporary floors shall consist of not less than sound commercial 2-inch lumber, with spans not greater than 8 feet. If beams are more than 8 feet apart, temporary intermediate joists must be provided of sufficient strength to carry a live load of 50 pounds per square foot, with a factor of safety of 2.
- Working floors. Planks must extend at least one foot past the support, or must be nailed or otherwise securely fastened to prevent slipping. Planks must have no unsupported projection greater than one foot.
- Lower floors. ORDER 3513. The working floor must be completely planked over, leaving such openings as are reasonably necessary for hoisting material.
- Work on other floors. ORDER 3514. The floor one or two stories below the working floor must be completely planked over (except openings for hoisting) and must have a toe-board at least 10 inches high, at all outside edges.
- Who to furnish floors. ORDER 3515. If riveting or detail work is being done on any floor below those already mentioned, then the floor one or two stories below such work must be planked over, as in order 3514.
- Rate of construction. ORDER 3516. The temporary floors required in orders 3513 to 3515 must be furnished and laid by the steel contractor.
- Same subject. ORDER 3517. The permanent floor construction must be kept up within four stories of the lowest temporary floor; or if this is not done the contractor for such permanent floor construction must provide a floor not more than four stories above the floor where he is working; but if the steel work has been completed and all loose material and other movable objects have been removed, then such floor will not be required.
- Piling cement, etc. ORDER 3518. On all buildings of mill or ordinary construction which do not have steel columns and beams, the wood floor or one layer thereof must be completed not more than two stories below the highest masons' scaffold.
- ORDER 3519. Where sacks of cement or similar material are piled more than 4 feet 6 inches high, the faces of the pile (except where supported by walls or otherwise) must be stepped so as to form an angle of not more than 60 degrees with the horizontal; or the sacks must be piled in horizontal layers. The same conditions must be maintained when the cement is being removed or used.

Inspection, etc., of steam boilers.

[Orders prescribing technical details of construction, materials, and tests are omitted.]

- Pressure. ORDER 4000. No boiler shall be operated at a pressure in excess of the safe working pressure allowed by the annual inspection certificate, which pressure is to be ascertained by means of these orders.
- Appliances. Steam boilers shall be equipped with such appliances as will insure safety of operation as hereinafter ordered.
- Boilers on which the pressure is fifteen (15) pounds or less and boilers of less than ten (10) horsepower which are exempt from inspection, shall be fitted with such appliances to insure safety as hereinafter prescribed.
- A boiler in this State at the time these orders take effect, which does not conform to the hereinafter orders, may be installed after a thorough internal and external inspection and hydrostatic pressure test if necessary.
- No person shall remove or tamper with any safety appliance prescribed by the hereinafter orders, and no person shall in any manner

load the safety valve to greater pressure than that allowed by the certificate of inspection.

In all cases boilers shall be so placed as to give ample room between any ceiling, wall or partition to connect and operate any valves or pipes or other fittings or connections used in such steam boilers.

Placing.

Whoever owns, uses or causes to be used a boiler subject to inspection, unless the same is under the periodically guaranteed inspection of an insurance company conforming to these orders, shall report to the industrial commission, on Jan. 1st of each year, the location of such boilers.

The owner or user of a boiler subject to inspection, unless the same is under the periodically guaranteed inspection of an insurance company conforming to these orders, shall immediately notify the industrial commission in case a defect affecting the safety of the boiler is discovered.

ORDER 4001. A fee of \$5 will be charged for each internal inspection, and \$2 for each external inspection, of a steam boiler when made by the Industrial Commission of Wisconsin.

Fees.

ORDER 4002. All steam boilers operated in the State of Wisconsin, except those exempt by order 4003 shall be subject to inspection internally and externally each year, except that an interval of fourteen months may be allowed when necessary.

Inspections.

The owner or user of a boiler herein required to be inspected, shall, after fourteen days' notice, prepare the boiler for internal or external inspection or hydrostatic pressure test if necessary. To prepare a boiler for internal inspection the water shall be drawn and the boiler thoroughly washed. All manhole and handhole covers and wash-out plugs shall be removed and the furnace and combustion chamber thoroughly cleaned.

ORDER 4003. The following boilers are exempt from inspection by the Industrial Commission of Wisconsin:

Exemptions.

1. Boilers under the jurisdiction of the United States. 2. Boilers of railroad locomotives. 3. Boilers on steam fire engines. 4. Boilers used exclusively for agricultural purposes. 5. Boilers of ten (10) horsepower or less. 6. Boilers on which the pressure does not exceed fifteen (15) pounds per square inch.

ORDER 4004. All boilers subject to periodic inspection of insurance companies authorized to insure boilers in this State, are exempt from annual inspection by this commission on the following conditions:

Insurance inspections.

The insurance companies' regulations shall conform with the hereinafter orders.

The companies' inspectors who inspect boilers operated in this State shall hold certificates of competency.

Reports of all inspections shall conform to the requirements of this commission.

A copy of all reports shall be forwarded to this commission within fourteen days after the inspection is made.

Insurance companies whose inspectors hold certificates of competency shall report to this commission the name of the owner or operator, and the location of every boiler on which insurance has been refused, canceled or discontinued, giving the reasons therefor.

ORDER 4005. Railroads and others having boilers subject to inspection may have their boilers exempt from inspection by this commission on the following conditions:

Exemption obtained, how.

The boilers shall be installed, equipped with the fittings necessary to safety, operated and inspected in accordance with the hereinafter orders.

The boilers shall be subject to regular annual internal and external inspections, by an inspector in the employ of the company whose chief and principal duties shall be the inspection of steam boilers.

Reports of all inspections shall conform to the requirements of, and a copy of the reports shall be forwarded to this commission within fourteen days after the inspections.

ORDER 4006. An annual inspection certificate shall be issued by the industrial commission in the name of the owner or operator of each boiler operated, after a thorough internal and external inspection, to

Certificates.

ascertain if the boiler is in a safe operating condition, with the fittings necessary to safety, and properly set up in accordance with the hereinafter orders.

The annual inspection certificate shall be kept on file in the engine or boiler room and at all times be made available when called for by a deputy of this commission or an inspector holding a certificate of competency.

The annual inspection certificate shall state the allowable steam pressure at which the boiler may be operated for one year after inspection and no boiler shall be operated with a steam pressure in excess of that allowed and stated in the certificate of inspection.

The annual certificate of inspection shall not be issued on a boiler not found to be in a safe working condition, not provided with the fittings necessary to safety, or with fittings not properly set up, as provided in the hereinafter orders.

A boiler on which the certificate of inspection is withdrawn or withheld on account of being in an unsafe operating condition, shall not be operated until altered to conform to the hereinafter orders.

No certificate or report of inspection by an inspector holding a certificate of competency shall relieve the owner or operator of a steam boiler, of the duty to use care himself in inspection, operation and repair of said boiler, or of any liability for damages for his failure to inspect, operate or repair said boiler safely.

Deputies.

ORDER 4007. Deputies of the industrial commission may be appointed, after passing such examinations as an advisory examining board shall prescribe, and they shall receive certificates of competency. Such deputies may be inspectors of insurance companies or others who are found upon examination to be competent.

A certificate granted to an employee of an insurance or other company shall be annulled on ceasing employment, but may be renewed without examination. A certificate may be revoked at any time, subject to a hearing by the commission if demanded by the deputy or the company employing him.

Deputies holding certificates shall comply with the hereinafter orders, and copies of reports on inspections shall be forwarded to the commission within fourteen days after the inspection.

Boilers not standard.

ORDER 4008. Boilers installed before September 1, 1915, which do not conform with the hereinafter orders may be operated after a thorough internal and external inspection, and a hydrostatic pressure test if necessary. The pressure allowed on such boilers shall be ascertained by the orders in Part II of this book, and a certificate of inspection shall be issued stating the pressure allowed on said boiler.

Boilers installed after September 1, 1915 shall be inspected before installed, and no boiler shall be installed after this date which does not conform with the hereinafter orders.

Numbering.

ORDER 4009. The owner or operator if [of] a steam boiler shall number each boiler in some convenient and permanent manner.

Boilers installed after September 1, 1915, shall be stamped by the builder with a serial number and his name in accordance with the hereinafter orders.

Boilers installed after September 1, 1915, shall conform with these orders, be inspected before installed and stamped by an inspector holding a certificate of competency.

Special types.

ORDER 4010. Builders of special types of boilers subject to inspection but not covered by the hereinafter orders shall forward to the industrial commission blue prints and specifications of the type.

Board of boiler rules.

ORDER 4011. An advisory board of boiler rules appointed by the industrial commission without compensation, may hold hearings and gather such information as will assist in the formation of recommendations to the commission that will insure safety in the installation and operation of steam boilers.

Safety valves.

ORDER 4123. Each boiler shall have one (1) or more safety valves.

Fusible plugs.

ORDER 4134. Every boiler shall have at least one fusible plug as described in this order.

a. The plug shall be a brass bushing filled with pure tin. The least diameter of the fusible metal shall not be less than one-half ($\frac{1}{2}$) inch, except on boilers where the steam pressure exceeds one hundred and

fifty (150) pounds, where the least diameter of the fusible metal may be reduced to five-sixteenths ($\frac{5}{16}$) of an inch. This plug shall be located in the shell or drum, on a line with the lowest permissible water level, and in the direct path of the products of combustion, as near the primary combustion chamber as possible.

b. Where a plug as described in (a) is impracticable, an acceptable design of a low water alarm, containing a fusible plug made of a composition which will be fused by contact with steam, may be used. A design of this character shall be connected to a pipe passing through the shell or drum, and having the inner end open but in no case projecting below the lowest permissible water level.

ORDER 4135. Each boiler shall have a steam gage connected to the steam space of the boiler by a syphon, or equivalent device, sufficiently large to fill the gage tube with water, and in such manner that the steam gage can not be shut off from the boiler except by a cock with T or lever handle, which shall be placed on the pipe near the steam gage. Steam gage.

ORDER 4138. Each boiler shall have at least one (1) water glass, the lowest visible part of which shall be above the lowest safe water line. Water glass.

ORDER 4139. Each boiler shall have two (2) or more gage cocks, located within the range of the visible length of water glass, when the maximum pressure allowed does not exceed twenty-five (25) pounds per square inch, except when such boiler has two (2) water glasses, located not less than three (3) feet apart, on the same horizontal line. Gauge cocks.

ORDER 4140. Each boiler shall have three (3) or more gage cocks, located within range of the visible length of water glass, when the maximum pressure allowed exceeds twenty-five (25) pounds per square inch, except when such boiler has two (2) water glasses, located not less than three (3) feet apart, on the same horizontal line. Same.

ORDER 4141. Each boiler shall have a bottom blow-off pipe, fitted with a valve or cock, in direct connection with the lowest water space practicable. All fittings between boiler and blow-off valve exposed to the products of combustion shall be of steel or semi-steel; all other fittings and piping where pressures exceed 125 pounds shall be extra heavy. Blow-off.

ORDER 4142. Each boiler shall have a feed pipe fitted with a check valve, and also a stop valve or stop cock between the check valve and the boiler, the feed water to discharge below the lowest safe water line. Means must be provided for feeding a boiler with water against the maximum pressure allowed on the boiler. Feed pipe.

ORDER 4143. Each steam outlet from a boiler (except safety valve connections) shall be fitted with a stop valve. Stop valve.

ORDER 4144. When a stop valve is so located that water can accumulate, ample drains shall be provided. Location.

ORDER 4145. When a damper regulator is used, the boiler pressure pipe shall be fitted with a valve or cock, and shall be connected to the steam space of the boiler, through loop or syphon when rubber diaphragms are used. Pressure valve.

ORDER 4146. The main return pipe to a heating boiler (Gravity return system) shall have a check valve, and also a stop valve between the check valve and the boiler. Check valve, etc.

ORDER 4273. An elliptical manhole opening shall not be less than eleven by fifteen (11 x 15) inches in size. Manholes.

A circular manhole opening shall not be less than fifteen (15) inches in diameter.

A variation of one-half ($\frac{1}{2}$) inch in the above dimensions will be allowed.

Inspection and regulation of factories, etc.

ORDER 5000. This code shall apply to all new buildings and additions (except those exempted in Order 5006) for which contracts have not been let before October 15, 1914. Application.

ORDER 5001. This code shall apply to all alterations which affect the structural strength, fire hazard, exits, lighting or sanitary condition of any building (except those exempted in order 5006) for which contracts have not been let before October 15, 1914. This does not include ordinary repairs necessary for the maintenance of any building. Alterations.

- Change of use.** ORDER 5002. This code shall apply as far as possible to all buildings which are to be devoted to a new use for which the requirements of this code are in any way more stringent than the requirements covering the previous use of the building.
- Obstructions.** ORDER 5003. All provisions of this code relating to the obstruction of aisles, corridors, passageways, doors, fire escapes, stairways, and other means of egress shall apply to existing buildings as well as to new buildings.
- Fire escapes, etc.** ORDER 5004. The specifications for fire escapes, fire ladders, and standpipes, contained in Orders 5121-5135, shall apply to all fire escapes hereafter constructed on existing buildings as well as on new buildings.
- New installations, etc.** ORDER 5005. Every new installation, and every repair exceeding 50 per cent, of any roof covering, toilet room, boiler, furnace, or stove, chimney or smoke pipe, motion-picture machine or booth, shall comply with the corresponding requirements of this code.
- Exemptions.** ORDER 5006. This code does not apply to the following buildings:
- (1) Private residences, and outbuildings in connection therewith, such as barns, garages, etc.
 - (2) Flat buildings used as the residence of two families only, provided not more than six persons are accommodated who are not members of the family.
 - (3) Buildings used for agricultural purposes which are not within the corporate limits of a city or village.
 - (4) Temporary buildings or sheds used for construction purposes only.
- Exterior stairways.** ORDER 5115. An exterior enclosed stairway shall be an enclosed stairway which is entirely cut off from the building and which is reached by means of open balconies or platforms. The entire stair enclosure, stairway balconies and balcony railings shall be made of incombustible material throughout. The wall separating the stairway from the building shall not be pierced by any door, window, or other opening. In a fireproof building this wall should be built as prescribed for a standard fireproof enclosure (Order 5109) but without glass; in a non-fireproof building this wall shall be built as prescribed for an outside wall (Orders 5304-5311). The doors leading from the building to the balconies and from the balconies to the stairway shall be standard fire doors, and all openings within 10 feet of any balcony shall be protected with standard fire windows or standard fire doors. Each balcony shall be covered at the top and shall be open on at least one side, with a railing on all open sides not less than 3 feet high. See Orders 5117-5119.
- Interior stairways.** ORDER 5116. An interior enclosed stairway shall be completely enclosed with a standard fireproof enclosure (Order 5109); except that in buildings of not more than three stories, such stairways may be enclosed with semifireproof partitions (Order 5112). In any case, such enclosure shall include at each floor level a portion of such floor which shall be at least as wide as the stairway; and such enclosure shall also include the passageway (if any) leading from the stairway to an outside door; so as to afford uninterrupted passage from the uppermost floor to such outside door, without leaving the enclosure. If windows are placed in such enclosure (excepting in the outside wall), such windows shall be fixed.
- Width of stairways.** ORDER 5117. Every required stairway, whether enclosed or not, shall be at least 3 feet 8 inches wide, of which not more than 4 inches on each side may be occupied by a handrail. Every platform shall be at least as wide as the stairway, measuring at right angles to the direction of travel. Every straight-run platform shall measure at least 3 feet in the direction of travel. Wherever a door opens onto a stairway, a platform shall be provided extending the full width of the door.
- The width of any stairway shall be the clear distance between walls or stringers, of which not more than 4 inches on each side may be occupied by a handrail.
- Handrails.** ORDER 5118. All stairways and steps of more than three risers shall have at least one handrail. Stairways and steps 5 feet or more in width, or open on both sides, shall have a handrail on each side. Stairways more than 8 feet wide shall be divided by center rails into widths not more than 8 feet nor less than 3 feet 8 inches. Center rails shall have upper newel post at least 5 feet 6 inches high, or rail may be turned down to the floor in a manner to prevent hindrance. Rails shall

be not less than 2 feet 6 inches vertically above nose of treads or 3 feet above platform.

ORDER 5119. All stairways and steps used by the public or by more than 20 persons, shall have a uniform rise of not more than $7\frac{1}{2}$ inches and a uniform tread of not less than $9\frac{1}{4}$ inches, measuring from tread to tread, and from riser to riser; no winders shall be used; there shall not be more than 18 risers between platforms or between floor and platform, or not more than 22 risers from floor to floor with no platform; in stairs used by the public (theaters, public assembly halls, retail stores, schools, hotels, and similar buildings) there shall not be less than 3 risers between platforms or between floor and platform. Stairways or steps not used by the public or by more than 20 persons, shall have a uniform rise of not more than 8 inches and a uniform tread of not less than 9 inches; if winders are used, the tread shall be at least 7 inches wide at a point 1 foot from the narrow end.

Treads and risers.

ORDER 5120. A horizontal exit shall be an opening through a standard fireproof partition (Order 5109) or wall which separates two buildings or two divisions of a building; or an exterior balcony or bridge not less than 3 feet 8 inches wide, connecting two buildings or two divisions of a building. Every such opening shall be protected by a standard fire door on each side of the wall, and the door on one side shall be self-closing; the opening shall not exceed 48 square feet in area.

Exits.

Every such balcony or bridge, together with its railings and its supporting brackets or beams, shall be constructed the same as specified for fire escapes, (Orders 5123-5125, 5128) except that the floor may be solid if the balcony or bridge is covered by an incombustible roof. The floor shall not have a slope of more than one foot in five. All doors and windows which open onto the balcony or bridge, or which are within ten feet of the same, shall be standard fire doors or standard fire windows; but if such doors and windows are in walls which are in the same plane, then this requirement shall apply only to those doors and windows which are within 5 feet of the dividing wall.

The floor on each side of a horizontal exit shall contain at least 3 square feet of unobstructed floor space per person, for all persons accommodated on both sides of such exit; and shall contain at least one stairway, which shall be enclosed if the building is more than two stories high.

ORDER 5121. Every fire escape shall be so located as to lead directly to a street, alley, or open court connected with a street.

Fire escapes.

Every fire escape shall be placed against a blank wall if possible. If such location is not possible, then every wall opening which is less than 6 feet distant from any riser of the fire escape shall be protected by a standard fire door or standard fire window, except in the top story.

ORDER 5122. Every fire escape shall be accessible from a public passageway through a standard exit door (Order 5132), except that a door to an "A" fire escape may be not less than 2 feet 6 inches wide; and except as follows:

Exits.

For "A" fire escapes on existing buildings the doorsill may be not more than 8 inches above the inside floor level, or may be higher if a stair leads from the floor to the sill; or two windows may take the place of such door if approved by the industrial commission. The sills of such windows shall be not more than 18 inches above the fire escape platform and shall be not more than 2 feet above the inside floor level, unless a stair shall lead from the floor to the sill. Every such window shall have the lower sash hinged so as to swing out, or hung to raise, so as to provide a clear opening not less than 2 feet 6 inches wide nor less than 2 feet 10 inches high. Hinged sash shall have hardware the same as prescribed for doors (Order 5132). Sliding sash shall have at least one bar sash lift.

ORDER 5123. No other material than wrought iron or soft or medium steel shall be used for any part of a fire escape, except for weights, separators, and ornaments. Each part of every fire escape (except counterweights for balanced stairways) shall be designed and constructed to carry a live load of 100 pounds per square foot of horizontal area over the entire fire escape. Each part of every fire escape shall be designed and constructed in accordance with the requirements on

Materials.

structural design (Order 5316), except that the unit stresses therein specified shall be reduced by one-fourth. The minimum sections and sizes specified below, shall be increased whenever necessary so that under full load the allowable unit stresses will not be exceeded.

Platforms.

ORDER 5124. Each platform of an "A" standard fire escape shall be at least 28 inches wide; each platform of a "B" standard fire escape shall be at least 3 feet 4 inches wide. Such widths shall be the clear distance between stringers, measuring at the narrowest point. Each platform shall extend [extend] at least 4 inches beyond the jambs of exit openings. The above minimum widths and lengths shall be increased, wherever necessary, so that no exit door or window will, when open, block any part of the required width of the fire escape.

Every platform shall consist of either

(1) Flat bars on edge, not less than $1 \times \frac{1}{4}$ inch; but not less than $1\frac{1}{4} \times \frac{1}{4}$ inch where bolts and separators are used; bars shall be not more than $1\frac{1}{4}$ inches center to center.

(2) $\frac{3}{4}$ -inch or $\frac{5}{8}$ -inch square bars with sharp edge up, not more than $1\frac{1}{2}$ inches center to center.

(3) $\frac{5}{8}$ -inch round bars, not more than $1\frac{1}{2}$ inches center to center.

The platform frame shall consist of not less than $2 \times \frac{3}{8}$ inch flat bars on edge or equivalent, provided the brackets are not more than 4 feet apart. If brackets are more than 4 feet apart, the frame shall be correspondingly stronger and stiffer. Every platform wider than 30 inches, if made of square or round bars, shall have a third frame bar through the center; if made of flat bars, the platform shall have separators and bolts through the center.

There shall be a platform at each story above the first and intermediate platforms if floors are more than 18 feet apart vertically.

Platforms shall not be more than 8 inches below the doorsill, or not more than 18 inches below the sill of exit windows; see Order 5122.

Brackets.

ORDER 5125. Brackets for a 28-inch or 30-inch platform, when spaced not more than 4 feet apart, shall be made of not less than $\frac{3}{8}$ -inch square bars or $1\frac{1}{2} \times 1\frac{1}{2} \times \frac{1}{4}$ inch angles; such bars or angles shall be larger if the platform is wider or if the brackets are farther apart. Each bracket shall be fastened at the top, to the wall, by a through bolt (at least $\frac{3}{8}$ -inch diameter), nut, and washer (at least 4-inch diameter). The slope of the lower bracket bar shall be not less than 30 degrees with the horizontal. The lower bar shall have a washer or shoulder to give sufficient bearing against the wall.

The strength of the wall to which brackets are to be attached shall be carefully considered in determining the spacing, shape, and inside connection of brackets, so that under full load the wall will not be unduly strained.

Stairways.

ORDER 5126. Each stairway of an "A" standard fire escape shall be at least 24 inches wide between stringers; such stairway shall have a uniform rise of not more than 8 inches, and a uniform run of not less than 8 inches.

Each stairway of a "B" standard fire escape shall be at least 3 feet 4 inches wide between stringers; such stairway shall have a uniform rise of not more than 8 inches, and a uniform run of not less than 9 inches.

Stairway stringers shall consist of either

(1) A 5-inch channel or larger.

(2) Two angles $2 \times 2 \times \frac{1}{4}$ inch or larger.

(3) Two flat bars $2 \times \frac{3}{8}$ inch or larger.

(4) One flat bar $6 \times \frac{1}{4}$ inch or larger.

If two angles or two flat bars are used, they shall be properly tied together by lattice bars, vertical as well as horizontal. If flat bars are used, every stairway of more than 10 risers shall have lateral bracing. The connection of stringers to platform, at top and bottom, shall be at least equal in strength to the stringers and shall safely carry the full live and dead loads. If stringers are carried by intermediate brackets, the stringers shall have a horizontal bearing on the brackets and shall be properly and securely connected thereto.

Treads shall consist of either flat or square bars, (not round), of the size and spacing specified for platforms. An "A" standard tread shall consist of at least six such bars. A "B" standard tread shall consist

of at least seven such bars. A "B" standard tread made of flat bars shall have separators and bolt through the center. A "B" standard tread made of square bars shall be trussed.

ORDER 5127. A balanced stairway shall be provided for every fire escape which does not reach to the ground, excepting "A" standard fire escapes which have a platform at least 3 feet long, not more than 10 feet about [above] the ground. The balanced stairway shall conform to the requirements for other stairways except that the stringers and the top rail may be lighter if they are properly trussed. The counterbalancing device shall be attached to both sides of the stairway equally, or a special attachment shall be used to prevent warping or twisting. The counterbalancing device shall operate gradually and easily as the live load is applied. Balanced stairways.

ORDER 5128. Railings shall be provided on all open sides of platforms and stairways, and on both sides of balanced stairways. Railings shall be at least 3 feet high, measuring vertically from floor of platform or from nose of step. Railings.

Every railing shall have posts, not more than 5 feet apart, made of not less than $1\frac{1}{2}$ x $1\frac{1}{2}$ x $\frac{1}{4}$ inch angles or tees, or $1\frac{1}{2}$ -inch pipe; top rail not less than $1\frac{1}{2}$ x $1\frac{1}{2}$ x $\frac{1}{4}$ inch angle or equivalent; center rail not less than $1\frac{1}{2}$ x $\frac{1}{2}$ flat bar or equivalent. All connections shall be such as to make the railing stiff; two bolts ($\frac{3}{8}$ inch or larger) shall be used at the foot of each post wherever possible, or at least one $\frac{1}{2}$ -inch bolt shall be used. Railings shall be continuous. No projections on the inside of the railing shall be permitted. Where a railing returns to the wall, it shall be fastened thereto with a through bolt (at least $\frac{3}{8}$ diameter), nut, and washer; or (in reinforced concrete) with an approved insert; or the railing shall be made equally secure with a diagonal brace extending at least 3 feet horizontally and 3 feet vertically.

All outside railings which are more than 60 feet above grade shall be at least 6 feet high, measuring vertically from floor of platform or from nose of step. Such railings shall be of special design approved by the industrial commission, having not less than four longitudinal rails, and vertical lattice bars not more than eight inches apart, and proper stiffening braces or brackets.

ORDER 5129. Every standard fire escape shall be provided with a standard fire ladder (Order 5134) leading from the upper platform to the roof, unless the fire escape stairway leads to the roof. Fire ladders.

ORDER 5130. Sliding or chute fire escapes may be used, upon the approval of the industrial commission, in place of standard "A" or "B" fire escapes. Every sliding fire escape shall be provided with a standard fire ladder extending from 5 feet above grade, to 4 feet above the roof coping, and securely fastened to the platforms of the sliding fire escape. Chutes.

ORDER 5131. An outside stairway with solid platforms and treads may serve as a fire escape if it is covered by a roof. Such stairways shall be built of incombustible material and be protected as specified in order 5121, except as otherwise provided. Outside stairways.

ORDER 5132. Every door which serves as a required exit from a public passageway or stairway, or which forms a horizontal exit, shall be a standard exit door. Exit doors.

Every standard exit door shall swing outward or toward the natural means of egress (except as below and as in Orders 5406, 5712). It shall be level with the floor (except for "A" fire escapes on existing buildings). It shall be so hung that, when open, it will not block any part of the required width of any other doorway, passageway, stairway, or fire escape. No revolving door, (unless collapsible) and no sliding door, (except where it opens onto a stairway enclosure, or serves as a horizontal exit) shall be considered as a standard exit door.

A standard exit door shall have such fastenings or hardware that it can be opened from the inside without using a key, by pushing against a single bar or plate, or turning a single knob or handle; it shall not be locked, barred, or bolted at any time while the building is occupied.

A standard exit doorway shall not be less than 6 feet 4 inches high by 3 feet 4 inches wide, except where especially provided (Orders 5512, 5607, 5712). No such doorway or group of doorways shall be more than

6 inches narrower than the required width of the stairway or passage way leading thereto.

Over every emergency exit door, and over every exit door where other doors or openings may cause confusion, a sign shall be placed bearing the word "Exit" or "Out" in plain letters not less than 5 inches high. Red lights shall be provided over all such exits which are liable to be used at night.

Exits. ORDER 5133. Every exit mentioned in Orders 5115-5132 shall lead to a street, alley or open court connected with a street. All such exits, and all passageways leading to and from the same, shall be kept unobstructed at all times.

Areas. ORDER 5202. The maximum undivided floor area in any building more than one story in height shall be as follows:

Fireproof construction.....	18,000 square feet
Mill construction.....	10,000 square feet
Ordinary construction.....	7,500 square feet
Frame buildings.....	5,000 square feet

The areas in the foregoing table may be increased as follows:

In two-story buildings, by 50 per cent.

In buildings equipped with an approved automatic sprinkler system, by 30 per cent.

In buildings fronting on at least three streets, or two streets and an alley, by 20 per cent.

Every such increase shall be computed on the original maximum area. The increases are cumulative.

Where a dividing wall is required in any building, such wall shall be of solid incombustible fire resisting material of the same thickness as required for enclosing walls (Orders 5304-5310); and shall be continuous from the foundation to the roof, in a fireproof building, or to 3 feet above the roof in a nonfireproof building. Each opening in a division wall shall have a standard fire door on each side of the wall.

Windows. ORDER 5203. Every room in which one or more persons live, sleep, or are employed, (except storage rooms or other rooms where the nature of the occupancy will not permit) shall be lighted by a window or windows opening directly upon a street or alley or upon a court on the same lot with the building. The windows shall be so constructed and distributed as to afford proper light and ventilation. Every building more than 40 feet deep (measuring at right angles to the windows) shall have windows on at least two sides.

Oil lamps. ORDER 5224. Oil lamps shall not be used when gas or electricity is available, except in private apartments.

Gas and oil lights shall be placed at least 6 feet above the floor level, at least one foot from any combustible partition or wall, and at least 3 feet below any combustible ceiling unless properly protected by a metal hood. Every such light shall be rigidly supported. In aisles and public passageways, every such light shall be protected by an incombustible guard unless the light is at least 6 feet 6 inches above the floor.

Every gas supply main shall have a service cock outside of the building, so placed and maintained that it can be shut off at any time without entering the building.

Electrical work. ORDER 5225. All electrical work shall conform to the "1913 National Electrical Code" (on file at the office of the industrial commission) except where the same conflicts with any order of the industrial commission.

Scope of classification. ORDER 5400. Under this classification are included all factories and workshops (including all places where manual labor is employed), office buildings, telegraph and telephone offices, mercantile establishments where commodities are bought or sold, restaurants, warehouses, railroad stations, and exhibition buildings.

Exits. ORDER 5401. At least one-half of the exits hereinafter required in building[s] of more than one story, shall be exterior or interior enclosed stairways (Orders 5115-5119), except that in two-story buildings such stairways need not be enclosed. The remaining exits shall be either such stairways, or horizontal exits (Order 5120); or fire escapes (Orders

5121-5131) may be used as exits from floors which are not more than 60 feet above grade, and also from floors which are not more than 90 feet above grade in the case of fireproof office buildings or fireproof buildings where such floors are used for storage only. Every fire escape which accommodates more than 50 persons on any floor above the second shall be a "B" fire escape. Every building which accommodates more than 50 persons above the second floor shall have at least two exits other than fire escapes, excepting fireproof office buildings and other fireproof buildings whose contents are entirely or almost entirely incombustible, providing such building does not exceed 7,000 square feet in floor area at the third floor.

One stairway may serve as an exit for two divisions of a building providing each section has a door opening directly into the stairway enclosure [enclosure]: *Provided*, Each division shall have at least two means of reaching the ground, either directly or indirectly.

The basement shall have at least one exit leading directly to the outside.

ORDER 5402. The number and location of exits shall be such that each part of every building will be not more than 75 feet distant from an exit, measuring along public passageways and aisles; but such distances may be increased to 100 feet in the following buildings, providing no hazardous condition exists therein: Distance between exits.

- (1) Fireproof buildings whose contents are entirely or almost entirely incombustible;
- (2) Fireproof office buildings;
- (3) Fireproof storage warehouses with fireproof individual compartments;
- (4) Fireproof or mill constructed buildings having an approved automatic sprinkler system, provided the contents are not especially inflammable.

Exits shall be so located as to afford the best possible egress.

ORDER 5403. Each story of every building or division of a building shall have at least two exits placed as far apart as practicable, with the following exemptions: Number of exits.

- (1) First and second story rooms used only for storage and not more than 2,000 sq. ft. in area;
- (2) A two-story office and mercantile building not larger than 2,000 sq. ft. in ground area: *Provided*, The second floor is used only for offices and is not more than 16 feet above the grade, and there is no special hazard in the first floor or basement; and the stairway leads directly to the outside, is enclosed with fireproof or semifireproof partitions, has no connection with the basement, and is not over or near any boiler or furnace unless separated therefrom by fireproof construction.
- (3) In any two-story building of this classification, not greater than 2,000 square feet in area at the second floor, one inside stairway and one outside covered wooden stairway will be considered to comply with this order. (This forms an exception to Order 5131, where outside stairways are required to be incombustible.)

ORDER 5404. In a building not provided with horizontal exits, the total width of stairways shall be not less than the following: Width of stairways.

In ordinary or frame buildings, 60 inches per 100 persons.
In fireproof and mill buildings:

	Fireproof sprinklered.	Fireproof not sprinklered.	Mill sprinklered.	Mill not sprinklered.	
.....	30	50	40	60	in. per 100 persons on 2d floor.
Plus ...	15	25	20	30	in. per 100 persons on 3d floor.
Plus ...	12	20	16	24	in. per 100 persons on 4th floor.
Plus ...	9	15	12	18	in. per 100 persons on 5th floor.
Plus ...	6	10	8	12	in. per 100 persons on 6th floor.
Plus ...	3	5	4	6	in. per 100 persons on 7th floor.
Plus ...	0	0	0	0	in. per 100 persons on 8th floor and
	but in no case shall such total width be less than above.				
	30	50	40	60	in. per 100 persons on any one floor.

Standard fire escapes (Orders 5121-5131) may be substituted for stairways to the extent of not more than one-third of the required total width, subject to the provisions of Order 5401.

If horizontal exits (Order 5120), are provided for any floor, the number of persons accommodated on such floor may be increased at the rate of 100 persons for each 40 inches width of such exits: *Provided*, Such increase shall not exceed 100 per cent of the number of persons accommodated by the stairways.

- Doors.** ORDER 5406. Every door which serves as an exit from a room accommodating more than ten persons (as well as doors which are exits from public passageways or stairways) shall be a standard exit door as defined in Order 5132; except that such exit door need not swing outward if it accommodates less than 25 persons and is not located at the foot of a stairway, and is not more than four risers above the outside grade.
- Passageways.** ORDER 5407. Every public passageway or aisle leading to or from a stairway, fire escape, or exit door, shall conform in width to the rule for width of stairways. (Order 5404). The required width shall be kept clear and unobstructed at all times. Where loose chairs or seats would be liable to cause confusion or obstruction, such chairs or seats must be fastened.
- Access to roof.** ORDER 5408. Every building or section of a building two stories or more in height shall have a permanent means of access to the roof from the inside. The opening shall be not less than 20 by 30 inches and there shall be a permanent ladder or stairway leading thereto.
- Guards at floor openings.** ORDER 5409. Every opening through any floor shall be guarded by a substantial enclosure or rail at least 3 feet high. Floor openings in buildings of more than two stories, unless enclosed with standard fireproof enclosures shall be protected by standard fire doors, except that two stories may be connected by openings without fire doors if their combined floor area does not exceed the permissible floor area according to Order 5202.
- Lights.** ORDER 5410. All passageways and stairs when used at night shall have lights at the head and foot of each flight of stairs, and at the intersections of all corridors and passageways. Where "B" fire escapes are required, such fire escapes shall be lighted whenever the stairways are required to be lighted. For red exit lights see Order 5132.
- All gas jets or gas lights in factories or workshops where combustible material is used, shall be properly inclosed by globes or wire cages, or otherwise properly guarded.
- Alarms.** ORDER 5413. A proper alarm or gongs, which can be operated from any floor and can be heard throughout the building, shall be provided in every building of more than two stories, except the following (provided no hazardous condition exists therein): (1) fireproof buildings whose contents are (entirely or almost entirely) incombustible; (2) fireproof office buildings; (3) three-story nonfireproof office buildings; (4) fireproof storage warehouses with fireproof individual compartments. Every alarm system shall be tested at least once each week.
- Load.** ORDER 5414. In every factory, workshop, warehouse, or other building where material is piled, notices of a permanent character shall be painted or otherwise prominently displayed, stating the live load (pounds per square foot) which the floor is designed to carry. Such notices shall be in plain letters at least 8 inches high and shall be placed in full view, on each floor, near each stairway and elevator.
- Number of persons.** ORDER 5415. In all buildings of this classification where 50 or more persons are accommodated on any floor above the second, notices shall be prominently displayed stating the minimum number of persons on each floor for whom stairways and other exits have been provided according to Orders 5401-5405. The size and location of such notices shall be the same as required for floor load notices.

RULES OF THE INDUSTRIAL COMMISSION, 1914.

Employment offices.

- Data required.** RULE 1. All employment agents whether charging fees for their services or not shall file with the industrial commission a statement giving the following information:

Name of Agency. Located at. In the City of. Name of Owner. If engaged in other business, state nature of same. If a partnership, names of members. If a Corporation, names of President, Secretary, Treasurer.

RULE 2. No employment agent, whether licensed or unlicensed shall send or cause to be sent any help or person to any place of bad repute, house of ill fame or other place resorted to for the purpose of prostitution or gambling, the character of which might be ascertained by the employment agent on reasonable inquiry. No employment agent shall knowingly permit any prostitute, gambler, intoxicated person, procurer or other bad character to enter or remain in the office or place of business of such employment agent.

Acts forbidden.

RULE 3. No employment agent shall locate his place of business in a saloon, or in connection with any premises where intoxicating liquors are sold; and the office or place of business of no employment agent shall be located in rooms where boarders are kept or where meals are served or persons sleep.

Location.

RULE 4. All employment agents shall keep a register or record in a form approved by the industrial commission, of all accepted applications for employment and for help, of all persons referred to employers, whether they were hired or not, and if a fee has been paid the amount of such fee.

Registers.

RULE 5. On the last day of every month every employment agent shall send to the industrial commission at Madison a report, in such form as the commission may prescribe, giving the number of applications for employment and for help and the number of positions filled during that month by industries and occupations.

Reports.

RULE 6. 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 * * * (section 2394-83). Every employment agent who sends an applicant for employment to apply for the same outside of the city in which the employment office is located shall have a written order from the employer, giving his name and address, the number and the kind of workers wanted, the probable duration of the employment, the rate of wages, whether a strike is on at the place where the men are wanted, and what the price of board and lodging is if these are furnished by the employer or if he deducts the cost of these from the wages: *Provided, however,* That an employment agent may send applicants out of town in response to a telephone order if the employer promises to confirm the order in writing within two days.

Orders required.

RULE 7. Every employment agent who sends any applicant for employment to apply for a position at any place outside of the city or town in which the office of the employment agent is located shall give to such applicant a card or letter stating the name and address of the person to whom the applicant is referred, the kind of work supposed to be obtainable, the name of the applicant for the position, the probable duration of employment, the rate of wages to be paid by the employer, the price of board and lodging if these are to be deducted from the earnings, the cost of transportation to the employment and by whom it is to be paid, and any other deductions that are to be made from the earnings. In case of a strike or lockout the card or letter shall also state this fact.

Sending applicants out of town.

Nothing contained herein shall prevent any employment agent from referring an applicant for employment to a place of possible employment by means of the telephone, and without any card or letter, in any case where prompt action is necessary: *Provided,* That in every such case the information that is required to be stated in such card or letter shall be communicated in writing to such applicant as soon as is reasonably possible.

RULE 8. Whenever any employment agent induces a person to come to a city from a distance on the promise of a position, or whenever any employment agent sends a person to a distant place outside of the city where his office is located, if the applicant fails to secure employment through no fault of his own, the employment agent shall pay all the necessary expenses incurred by such person: *Provided, however,* That the employment agent shall not be liable for these expenses if he has informed the applicant in writing that the applicant travels at his own risk.

Expenses to be paid.

- Advertisements.** **RULE 9.** No employment agent and no employee or agent of any employment agent shall publish or circulate or cause to be published or circulated any false or misleading advertisement, notice or statement in any newspaper or other publication, or by means of cards or circulars; or make any false statement or representation in connection with the business of such employment agent to any person seeking employment or to any employer seeking help, or make any false entry or statement in any record or in any receipt or other document used in the business of such employment agent; or pay, rebate, or remit to any employer or agent of any employer any part of a fee or any sum or valuable consideration of any kind in connection with the employment of any employee.
- Inducing discharge.** **RULE 10.** No employment agent shall persuade, induce, or procure, or attempt to persuade, induce or procure any employer or agent of any employer to discharge any employee; or persuade or induce any employee to break a contract with his employer.
- Law to be posted.** **RULE 11.** Every employment agent shall keep posted in a conspicuous place in every room of his office printed copies of the law regulating employment agents, together with any rules and regulations for the government of such agents issued by the industrial commission in pursuance of the law.
- Licenses.** **RULE 12.** The industrial commission will upon application, license suitable persons to operate as employment agents and charge fees for their services. Applications for such license must be in writing and must contain the name and address of the applicant, the street and number of the building in which the office of the employment agent is to be located, the name of the person who is to have the general management of the office, the name under which the business is to be carried on, whether or not the applicant is pecuniarily interested in any other business or businesses, the nature of the same and where they are carried on. Said application must also state that the applicant is the only person pecuniarily interested in the business to be carried on under the license and shall be signed by the applicant and sworn to before a justice of the peace or a notary public. If the applicant is a corporation the application shall also state the names and addresses of the officers and shall be signed and sworn to by the president, secretary, and treasurer thereof. If the applicant is a partnership the names and addresses of all the partners shall be given and the application shall be signed by all of them. If a license to place women employees exclusively is desired the application shall so state.
- Applications.**
- Investigation.** **RULE 13.** Upon the filing of an application as provided above, the industrial commission will cause an investigation to be made as to the character of the applicant or applicants, of the person who is to have general management of the business, and as to the location of the place of business. The application will be rejected if it is found that any of the persons named in the application is not of good moral character, or that any of said persons has previously been a licensed employment agent, or manager or employee of the same and whose license has been revoked or refused, or that the employment office is to be located upon premises on which intoxicating liquors are sold, or if there is any false statement in the application, or if there is any good and sufficient reason for rejecting said application within the meaning and purpose of sections 2394-82 to 2394-95 of the statutes.
- Period of license.** **RULE 14.** Every license will continue to be in force until the 30th day of June next ensuing the date thereof, unless sooner revoked for cause by the industrial commission, and will be renewed annually upon the payment of the proper license fee and the filing of a new bond, unless the industrial commission shall refuse to issue a license for any of the reasons given in these rules.
- Violations.** **RULE 15.** When the industrial commission shall find that the licensee or his agent has violated any of the provisions of sections 2394-82 to 2394-95 of the statutes, or has violated any lawful rules and orders of the commission issued under the authority of these sections, or has acted dishonestly in connection with his business, or has improperly attempted to conduct his business in such a manner as to cause frequent vacancies in employment for the purpose of increasing the number of fees earned by him, or that any other good and sufficient reason exists

within the meaning of the sections of the statutes above referred to, the commission will revoke said license, or refuse to grant a new license to the licensee upon the termination thereof. A written notice will be given to such a licensee specifying the charges against him and he will be afforded an opportunity, if he requests, to disprove or explain the charges.

RULE 16. No license issued by the industrial commission can be transferred or made to inure to the benefit of any person other than the licensee. (Section 2394-86). Licensed employment agents, however, will be permitted to admit partners to the business or new officers of the corporation under the following conditions. No licensee shall permit any person not mentioned in the application for the license to become connected with the business, either as a partner, or as general manager, or as president or treasurer of a licensed corporation, unless the written consent of the industrial commission shall first be obtained. Such consent may be withheld for any reason for which an original application might have been rejected if the person in question had been mentioned therein. Transfer of license.

RULE 17. No licensee shall open, conduct or maintain an office at any other place than that specified in the license without first obtaining the written consent of the industrial commission. Such consent may be withheld for any reason for which an original application might have been rejected if such place had been mentioned therein. Change of location.

RULE 18. Every licensed employment agent shall post his license and keep in a conspicuous place in every room of his office copies of chapter 663, Laws of 1913, together with all rules and orders of the industrial commission issued in pursuance thereof; and further shall post on his outside door or window a sign with his name and the fact that he is a licensed employment agent thereon. All stationary [stationery] and advertising matter, shall likewise contain the name of the employment agent and a statement that he is licensed. License to be posted.

RULE 19. Every licensed employment agent shall post in a conspicuous place in every room of his office copies of the schedule of rates or fees required to be filed with the industrial commission in accordance with section 2394-92 of the statutes. This schedule must show the fees to be charged both to employers and to employees for all kinds of employment as to which the licensee proposes to act as employment agent. It must show also to what extent, if at all, such fees for each kind of employment are to vary with the rate of wages received by the employee or with the duration of the employment obtained. If different fees are to be charged for male and female employees, the rates for each sex shall be clearly stated. The schedules so posted may be changed at any time provided that a copy of such changes is filed with the industrial commission before such changes are posted or acted upon. Rates to be posted.

RULE 20. (a) No employment agent shall charge a registration fee without permission from the industrial commission. (Section 2394-92). This rule shall not apply to licensees who act as employment agents only with reference to teachers and other employees of educational institutions, and with reference to trained nurses. Who may charge fees.

(b) All other licensed employment agents may charge a fee to any employer, who applies for an employee or employees for each employee applied for, at or after the time of such application; but no fee shall be collected from any employee who applies to a licensed agent for employment until said employee actually enters upon the duties of the employment secured through the agency of the licensee, or at the time when an applicant for employment is sent to apply for work to an employer or at or after the time when an applicant for employment is engaged by an employer at the office of the licensee.

RULE 21. Every employment agent who uses a written contract in his business shall file with the industrial commission the form of contract into which the licensee proposes to enter with persons applying to him for employment, for the written approval of the industrial commission and shall not act as employment agent for any person seeking employment except in accordance with the terms of such approved form of contract. If the industrial commission shall find that such contract is unfair, or oppressive, the commission may direct certain Filing contracts.

changes to be made and upon failure of the licensee to comply with such an order within thirty days of its issuance, the commission may revoke the license of the employment agent. The contract may be changed from time to time, but no such change shall be acted upon until a new copy showing such changes has been filed with the industrial commission.

Receipts.

RULE 22. (a) Every licensed employment agent shall give to every person from whom a fee is received for service rendered or assistance given by such licensee a receipt stating the name of the person paying the fee, the amount of the fee, the date of the payment and for what it is paid; and if the employment agent shall furnish transportation for any employee to his place of employment, the amount, if any, collected from such employee to cover the expense of such transportation shall be stated in such receipt, separate from the amount of the fee.

(b) Upon every receipt so given shall be printed a statement that complaints against the employment agent may be made to the Industrial Commission of Wisconsin at Madison.

Fee to be refunded.

RULE 23. If an employee shall not obtain employment at the place to which he is sent by a licensee to apply for the same, or after being engaged by an employer shall not be permitted by said employer to go to work, the whole amount of the fee paid by said employee, shall be refunded; but if an employee so engaged shall fail without a legal excuse to enter upon the duties of such employment, or shall be lawfully excluded therefrom by reason of his own fault or misconduct, he shall forfeit the fee paid by him.

Forfeiture of fee.

RULE 24. If an applicant for employment is referred to an employer to apply for the same and he fails to report to such employer without giving reasonable notice to the employment agent he shall forfeit the whole amount of the fee; but if an applicant fails to appear at a railroad station or other designated meeting place from which he is to be sent to an employer the employment agent need not refund the fee, but he shall get another position for the applicant.

Temporary employment.

RULE 25. If an employment agent has different charges for temporary and for permanent positions, when an employee is hired for a permanent position and pays a fee accordingly he shall, if the work in question lasts less than seven weeks, be refunded so much of his fee as to leave in the hands of the employment agent no more than the scheduled fee for temporary positions.

Securing other position.

RULE 26. If an employment agent refers an employee to an employer for a definite position and the applicant fails to secure that position, but instead gets another from the same employer, the employment agent shall be entitled to the fee that he would charge for the position secured if the applicant had been referred to it in the first place.

Information from other source.

RULE 27. If an employee is first referred to a position by an employment agent and later receives information about the same position from another source the employment agent shall be entitled to his regular fee for the position.

WYOMING.
CONSTITUTION.

ARTICLE 10.—*Liability of employers for injuries to employees—Workmen's compensation.*

SECTION 4 (as amended, 1914). 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.

As to all extrahazardous employments the legislature shall provide by law for the accumulation and maintenance of a fund or funds out of which shall be paid compensation as may be fixed by law according to proper classifications to each person injured in such employment or to the dependent families of such as die as the result of such injuries, except in case of injuries due solely to the culpable negligence of the injured employee. Such fund or funds shall be accumulated, paid into the State treasury and maintained in such manner as may be provided by law. The right of each employee to compensation from such fund shall be in lieu of and shall take the place of any and all rights of action against any employer contributing as required by law to such fund in favor of any person or persons by reason of any such injuries or death. Compensation fund.

Amendment adopted Nov. 3, 1914.

UNITED STATES.

ACTS OF 1914—63D CONGRESS, SECOND SESSION.

Antitrust laws—Labor organizations exempt.

(Public No. 161.)

SECTION 1 * * *

Under the Department of Justice * * * [the following is appropriated]: For the enforcement of antitrust laws, including not exceeding \$15,000 for salaries of necessary employees at the seat of government, \$300,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: * * *

Enforcement of law.

Exemption.

Approved August 1, 1914.

Antitrust laws—Labor organizations exempt—Injunctions—Picketing—Strike benefits.

(Public No. 212.)

SECTION 6. The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

Exemptions.

SEC. 19. Every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained, and shall be binding only upon the parties to the suit, their officers, agents, servants, employees, and attorneys, or those in active concert or participating with them, and who shall, by personal service or otherwise, have received actual notice of the same.

Injunctions to be specific.

SEC. 20. No restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

Restrictions on issue.

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or

Strikes.

Picketing.

Boycotting.

to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

Approved October 15, 1914.

CANAL ZONE.

EXECUTIVE ORDER.

Compensation to workmen for injuries.

By virtue of the authority vested in me by section 5 of the Panama Canal act, approved August 24, 1912, directing the President to "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," I hereby establish the following order:

Basis of order.

SECTION 1. The United States or the Panama Railroad Company shall pay compensation as hereinafter specified for personal injuries to their respective employees occurring on and after April 1, 1914, while such employees are directly engaged in actual work in connection with the construction, maintenance, operation or sanitation of the Panama 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 Panama Canal, whether such injuries result in death or not: *Provided, however,* That no compensation shall be paid to any employee for any injury occurring to himself, nor shall any compensation be paid to his legal representatives or other person in the event of his death, if such injury or death occurred to him as the result of an intention upon his part to cause such injury to himself or to cause his own death; and no compensation shall be paid to any employee who is injured as the result of an intention upon his part to cause injury or death to another person, nor shall any compensation be paid to his legal representatives or to any other person in the event of his death, as the result of an intention upon his part to cause injury or death to another person: *And provided further,* That no compensation shall be paid to any employee for any injury to himself which was brought about by reason of his own intoxication; and similarly, no compensation shall be paid to the legal representatives or to any other person for or on account of the death of any employee when such death was brought about by reason of the intoxication of such employee.

Who to receive compensation.

SEC. 2. Except as provided in this order, the United States and the Panama Railroad Company shall not be liable for personal injury to or the death of an employee for which compensation is provided in section 1 hereof.

System exclusive.

SEC. 3. No compensation shall be paid for a period of disability unless such period shall cover seven full consecutive days following the day of the inception of such disability. For any part of the day on which disability on account of injury begins and for the first four days of disability following, no compensation shall be paid at any time except as provided in sections 9 and 10.

Waiting time.

SEC. 4. If the injury results in permanent total disability, compensation shall be paid to the employee, except as provided in section 16, for a period of eight years. For the first three months of such period, following the fourth entire day of disability, the monthly compensation shall equal 75 per cent of his monthly pay, and for the remainder of the period 50 per cent of his monthly pay.

Compensation for permanent disability.

The following cases shall be included among those held to result in permanent total disability, to wit:

- The total and irrecoverable loss of sight in both eyes;
- The loss of both feet at or above the ankle;
- The loss of one hand and one foot;

The loss of both hands at or above the wrist;
 Paralysis of the legs, arms, feet or hands, or an arm and a leg;
 Injury resulting in incurable imbecility or insanity.

Temporary dis-
 ability. Sec. 5. If the injury results in temporary disability, compensation shall be paid to the employee, except as provided in section 16, until the end of the period for which compensation is payable as fixed below, unless such employee in the opinion of the governor of the Panama Canal is sooner able to resume work. For the first three months of such period, following the fourth entire day of disability, the monthly compensation shall equal 75 per cent of his monthly pay, and for the remainder of such period, 50 per cent of his monthly pay.

For the fracture of the skull, both tables, thirteen months;
 For the fracture of the thigh, twelve months;
 For the fracture of the arm between the elbow and shoulder, twelve months;

For the fracture of the pelvis, ten months;
 For the fracture of the leg, eight months;
 For the fracture of the patella, eight months;
 For the fracture of the forearm between the wrist and elbow, six months;

For the fracture of two or more ribs, four months;

For the fracture of the foot, five months;

For the fracture of the clavicle, three months;

For the fracture of the lower jaw, three months;

For the fracture of two or more toes, two months;

For the fracture of two or more fingers, two months;

In all other cases of injury resulting in temporary disability, or in the event of two or more injuries listed above, the governor shall fix the period for which compensation shall be paid, basing his decision on the relation that the injury or injuries received bears to those given above.

If before the expiration of the period for which compensation is payable, the governor of the Panama Canal determines that the employee is capable of performing any class of work, and it is desired to continue such employee in the service, there shall be paid to the employee until the end of the period, or during such temporary partial disability, a monthly compensation equal to seventy-five per cent of the difference between the monthly rate of compensation received by him at time of injury and the wages per month of the particular class of work which the governor determines the employee capable of performing.

Partial disabili-
 ty. Sec. 6. If the injury results in permanent partial disability, compensation shall be paid to the employee, except as provided in section 16, until the end of the period for which compensation is payable, as fixed below. For the first three months of such period, following the fourth entire day of disability, the monthly compensation shall equal 75 per cent of his monthly pay, and for the remainder of the period, 50 per cent of his monthly pay.

(A) If the injury is included in the following list the period for which the compensation is payable as stated for such injuries may be increased by the governor of the Panama Canal at his discretion by not to exceed fifty per cent of the period specified, having regard to the nature of the employee's trade or qualifications for work:

For the loss by separation of one arm, at or above the elbow joint or permanent or complete loss of the use of one arm, forty months;

For the loss by separation of one hand at or above the wrist joint, or the permanent and complete loss of the use of one hand, thirty-two months;

For the loss by separation of one leg at or above the knee joint, or the permanent or complete loss of the use of one leg, thirty-six months;

For the loss by separation of one foot at or above the ankle joint, or the permanent or complete loss of the use of one foot, twenty-four months;

For the permanent and complete loss of hearing in both ears, forty months;

For the permanent and complete loss of hearing in one ear, eighteen months;

For the permanent and complete loss of the sight of one eye, sixteen months;

(B) If the injury is included in the following list, the period shall be that stated for such injury:

For the loss by separation of a thumb, ten months;

For the loss by separation of a first finger, seven months; a second finger, five months; a third finger, four months; a fourth finger, three months;

The loss of one phalanx of a thumb or two phalanges of a finger shall be considered equal to the loss of one-half a thumb or finger, and compensation for one-half of the above period shall be payable;

The loss of more than one phalanx of a thumb and more than two phalanges of a finger shall be considered as the loss of an entire thumb or finger:

For the loss by separation of a great toe, compensation for eight months, and any other toe, compensation for three months will be paid.

In all other cases of injury resulting in permanent partial disability, or in the event of two or more injuries listed in clauses "A" and "B," the governor shall fix the period for which compensation shall be paid, basing his decision on the relation that the injury or injuries bears to those given in clauses "A" and "B": *Provided, however,* That in no case shall payment be made for a period greater than sixty months.

If before the expiration of the period for which compensation is payable the governor of the Panama Canal determines that the employee is capable of performing any class of work, and it is desired to continue such employee in the service, there shall be paid to the employee until the end of the period a monthly compensation equal to seventy-five per cent of the difference between the monthly rate of pay received by him at the time of injury and his wage-earning capacity per month.

SEC. 7. After the beginning of partial disability the governor of the Panama Canal may, from time to time, require the injured employee to make an affidavit as to the wages per month which he is receiving. In the statement of the wages, the value of rent, board, lodging and other advantages received from the employer, which can be estimated in money, shall be taken into account. If the employee at any time fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to the employee: *Provided, however,* That if the said employee, in any such affidavit furnished, shall swear falsely with respect to any material fact within his knowledge, the compensation otherwise payable to him shall, from the time of the filing of such affidavit or the ascertainment of the falsity thereof, cease and determine.

Wages of beneficiaries partially disabled.

SEC. 8. If an employee, determined to be capable for such work, refuses to work after suitable work is furnished to or secured for him by the United States or by the Panama Railroad Company, he shall not be entitled to any compensation while such refusal continues, and the period of such refusal shall be deducted from the period during which compensation is payable to the employee.

Refusal to work.

SEC. 9. If at the time disability begins the employee has to his credit any unused sick leave, he may, at his option, subject to the approval of the governor of the Panama Canal, use such leave until it is exhausted. During such time no compensation under this order shall accrue, and any period of sick leave so used after the first four days of disability following the day of injury shall be deducted from the period for which compensation under this order is payable to the employee.

Sick leave.

SEC. 10. There shall be furnished to the injured employee such medical, surgical and hospital service and supplies as may in the opinion of the governor of the Panama Canal be deemed just and reasonable, except that when an injured employee not on the Isthmus of Panama elects to furnish his own physician, or to care for himself, the expense thereof is to be borne by the employee and no allowance therefor will be made under this order. If any such injured employee shall refuse to submit to the medical or surgical treatment prescribed for him and determined by the governor of the Panama Canal to be reasonable and proper, the governor may in his discretion either reduce the amount of compensation to which said employee might otherwise be entitled,

Medical, etc., aid.

or consider such refusal on the part of the employee to be a waiver by him of any right to compensation under this order.

Transportation
of injured em-
ployees.

SEC. 11. If in the opinion of the governor of the Panama Canal it is not desirable to continue the injured employee in the service, such employee, so soon as he is able to travel, may be furnished, in the discretion of the governor of the Panama Canal, transportation to his home port, or to any other port requiring no greater expenditure. If an injured employee who is a citizen of the United States desired to go to a port in the United States the cost of transportation to which is greater than the cost to his home port, an amount may be paid toward the cost of such transportation, not in excess of the cost of transportation to his home port. In addition, an injured employee may be furnished railway transportation to or towards his home in the United States costing not in excess of \$30.00. If at the time of the injury the employee is on the Isthmus, the governor of the Panama Canal may in his discretion suspend for such period as such employee remains on the Isthmus after free transportation has been offered, as herein provided, the compensation payable to such employee.

Compensation
for death.

SEC. 12. If the injured employee shall die within one year from the date of and as the result of injuries received while directly engaged in actual work, the persons mentioned in this section, except as provided in section 16, shall be entitled to receive compensation as set forth in the following schedule after deducting from the periods mentioned therein any period for which payment has been made to the deceased employee: *Provided, however,* That the total amount of compensation paid to employee and beneficiaries shall not exceed the sum of \$5,000.

(A) If the deceased employee leaves a widow to whom he was married at the time of the injury, she shall be paid monthly for eight years, unless she sooner marries or dies, a sum equal to twenty-five per cent of the monthly pay of the employee.

(B) If the deceased employee leaves a widow to whom he was married at the time of the injury with one or two children incapable of self-support and dependent on her for support, there shall be paid her monthly for each such child an additional allowance of ten per cent of the monthly pay of the employee, such additional allowance to continue until the child dies, marries or in the opinion of the governor of the Panama Canal becomes capable of self-support. If there shall be more than two children dependent on her for support the additional monthly allowance for all children shall be twenty-five per cent of the monthly pay of the employee. In no case, however, shall the additional monthly allowances continue beyond a period of eight years.

(C) If the deceased employee leaves a widow, or a widow and children, entitled to compensation under paragraphs A or B of this section, and also leaves another child or children incapable of self-support and not supported by the widow, there shall be paid monthly for the benefit of such child or children last named, to such person as may be designated under the provisions of section 16, such proportions as the governor of the Panama Canal may decide, of the deceased employee's monthly pay, not exceeding ten per cent for each such child: *Provided,* That the total proportion of monthly pay of deceased employee to widow and all children under this paragraph and paragraphs A and B of this section, shall not exceed thirty-five per cent for widow and one child, forty-five per cent for widow and two children, and fifty per cent for widow and three or more children, and: *Provided,* That in order to make payment to the children under this section the governor may if necessary reduce the proportion payable to widow or children under paragraphs A and B of this section: *And provided further,* That payment for the benefit of a child or children not supported by the widow shall continue until the child dies, marries, or in the opinion of the governor becomes capable of self-support, but in no case shall such payments continue more than eight years.

(D) If the deceased employee has left no widow entitled to compensation under this order, but has left a child or children incapable of self-support, there shall be paid monthly for the benefit of such child or children to the person designated under the provisions of section 16, not more than twenty-five per cent of the monthly pay of

the deceased employee for one child and not more than fifty per cent of the monthly pay for two or more children: *Provided*, That payments shall continue until the child dies, marries, or in the opinion of the governor becomes capable of self-support, but in no case shall such payments continue more than eight years.

(E) (As amended by Executive order of September 19, 1914.) If the deceased employee leaves a parent either partially or wholly dependent on him for support, or a brother, sister, grandparent, or grandchild wholly dependent on him for support, there may be paid to such relation monthly such portion or portions of the monthly pay of the employee as may be determined by the governor of the Panama Canal: *Provided*, That the total compensation to all beneficiaries under this and paragraphs A, B, C, and D of this section shall not exceed fifty per cent of the monthly pay of the deceased employee: *And provided*, That in order to make payment to the relatives under this paragraph the governor of the Panama Canal may, if necessary, reduce the proportion payable to widow or children under paragraphs A, B, C, and D of this section: *And provided further*, That payment for the benefit of a relative under this paragraph shall cease if he dies, marries, or, in the opinion of the governor, becomes capable of self-support, but in no case shall payment continue more than eight years.

(F) As used in this section, the terms "child" and "children" include stepchildren, adopted children, posthumous children and illegitimate children. The terms "brother" and "sister" and their plurals include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters adopted by the parent of the deceased employee. The terms "grandchild" and "grandchildren" include children of adopted children, and children of stepchildren, but do not include stepchildren of children, stepchildren of stepchildren, or stepchildren of adopted children. The terms "parent" and "parents" include step-parents and the parents by whom the deceased employee was adopted. The terms "grandparent" and "grandparents" include the parents of the parents by whom the deceased employee was adopted, but do not include parents of step-parents, step-parents of parents, or step-parents of step-parents.

Definitions.

(G) If a beneficiary should die or for any other reason cease to be entitled to compensation under this order, the amounts payable to the remaining beneficiaries shall be recast; the amount payable to each for the remainder of the period during which he is entitled to compensation being determined in accordance with the provisions of the preceding paragraphs of this section.

Readjustments.

SEC. 13. If, as the result of the injury, an employee whose home is in the United States dies while on the Isthmus of Panama or while away from his home or his office, such absence being under instructions from the Panama Canal authorities, and the right to compensation has not ceased, his body, if practicable and if desired by his relatives, and if transportation has not been furnished the employee under section 11 before his death, shall be embalmed and transported in a hermetically sealed casket to his home. If death occurs on the Isthmus and the body is not transported from the Isthmus, the body shall be interred or cremated on the Isthmus at the expense of the United States or of the Panama Railroad Company.

Burial expenses.

SEC. 14. For the purpose of calculating compensation under this order, the monthly pay of the employee shall be taken as the basis, to be computed as provided hereunder, except that where such monthly pay so computed amounts to \$200 or over, \$200 shall be taken as the basis for computing compensation. Subject to the maximum herein fixed, monthly pay shall be computed as follows:

Computation of pay.

(A) If the employee is paid by the year, divide his yearly pay at the time of the injury by twelve;

(B) If the employee is paid by the month, take his monthly pay at the time of the injury;

(C) If the employee is paid by the week, multiply his weekly pay at the time of the injury by 52 and divide the result by 12;

(D) If the employee is paid by the day divide his daily pay at the time of the injury by the number of hours worked per day, and multi-

ply the result by 8. When his daily rate of pay on the basis of eight hours per day has been ascertained, multiply the result by 26.

(E) If the employee is paid by the hour multiply his hourly pay at the time of the injury by eight. When his daily rate of pay on the basis of eight hours per day has been ascertained, multiply the result by 26.

(F) If the employee is paid by his output, find his daily pay at the time of the injury by dividing the total amount earned by him in the employment in which and at the rate of pay at which he was employed at the time of the injury by the number of days he was so employed during the thirty days immediately preceding the injury, then multiply the result by 26, except as provided in paragraph G. In all cases under this paragraph (F) in which the employee works more than eight hours per day and in such other cases as the governor of the Panama Canal may deem proper he may fix the compensation that shall be paid in case of injury based upon an average wage of employees working eight hours per day in the same occupation as that of the injured employee.

(G) Payments for a fractional part of a month to or on account of employees who were on a per diem, hourly, or piecework basis, shall be made for regular working days only, except that employees who were at time disability was incurred entitled to pay for holidays will receive pay therefor.

(H) Subsistence shall be included as a part of the pay and commutation therefor at a rate fixed by the governor of the Panama Canal shall be paid during any period subsistence is not actually furnished to an employee entitled to subsistence.

Commuting to
lump sum.

SEC. 15. Unless it shall appear to the governor of the Panama Canal to be for the best interest of the United States or of the Panama Railroad Company or for the best interest of the injured employee or the beneficiary, the liability of the United States or the Panama Railway Company for compensation to such injured employee or beneficiary shall be discharged by the payment of a lump sum which will equal the total sum of the probable future payments, capitalized at their present value calculated at four per cent per annum with annual rests. The probability of the death of the injured employee or the beneficiary before the expiration of the period for which compensation is payable shall be determined according to the American Table of Mortality. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded. Upon paying such amount all further liability on the part of the United States or Panama Railroad Company on account of such injury or death shall cease.

Payments to
whom.

SEC. 16. The true intent and meaning of this order is to provide a fund for the injured employee, or, in the event of his death, for those beneficiaries herein provided for; and to that end payment shall be made directly to the employee as herein provided for, or to the beneficiary as herein provided for, excepting in those cases where such employee or such beneficiary is by reason of lunacy, infancy, or other legal disability not in a position to receive and give legal acquittance for such payment. In all cases of that character where the employee or beneficiary named herein is under any legal disability whatever, so that his receipt and release would not be an acquittance, the governor of the Panama Canal shall pay the sum which would otherwise go directly to such employee or beneficiary to whomsoever has been qualified by legal proceedings to receive the same for or on account of such employee or beneficiary, if any such there be who has made application therefor to the governor; and in the event that no such application is made to the governor, then the governor may appoint some one to receive the money for and on account of such employee or beneficiary so under disability, and may require such person to make such formal application with respect thereto and to furnish such bonds for the security of the money and the performance of his duties as to the governor may seem proper.

Notice.

SEC. 17. Immediately after the injury, the injured employee or some one on his behalf shall give to the immediate superior of such employee notice, written if practicable, of the injury, and if the injury

results in the death of the employee, one of the persons entitled to compensation or some person on his behalf shall at once give either to the immediate superior of such employee or to the governor of the Panama Canal a written notice of such death. The notice shall state the name of the employee, his class of service, the year, month, day, and hour when and the particular locality where the injury or death occurred, the cause of the injury or death, the nature of the injury, and the address of the employee and of the person giving the notice. The notice may be given personally or sent by mail.

Failure to promptly give the notice herein specified may, in the discretion of the governor of the Panama Canal, be decided by him to be a waiver by the employee or his beneficiary of any claim to compensation under this order.

SEC. 18. Immediately after an injury to an employee resulting in his death or in his probable disability, the immediate superior of the employee shall at once make a report to the governor of the Panama Canal, containing such information as the governor of the Panama Canal, may, by regulation, require.

Reports.

SEC. 19. No compensation under this order shall be allowed to any person unless he, or some one on his behalf, shall make a written claim therefor upon the governor of the Panama Canal within the time specified in section 21. The claim may be served personally upon or sent by mail either to the governor of the Panama Canal or to such person as he may, by regulation, require.

Claims.

SEC. 20. The claim shall be signed by or on behalf of the person making the claim and shall state the name of the employee, the age, sex, nationality and class of service of such employee, the year, month, day and hour when and the particular locality where the injury or death occurred, the cause of the injury or death, the nature of the injury, the nature and extent of the disability resulting therefrom; the monthly pay of the employee at the time of the injury, the relationship to the employee of the person claiming to be entitled to compensation, the names and addresses of all persons entitled to compensation on account of such injury or death, and the address of the person making the claim. The claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, or as otherwise provided in regulations prescribed by the governor of the Panama Canal, shall be accompanied by a certificate of the employee's physician, if any, stating the nature of the injury, and the nature and extent of the disability. The claim shall, wherever possible, be made on forms furnished by the governor of the Panama Canal, and in addition to the statements above required, shall contain such other information as the governor of the Panama Canal may require.

Claims to state what.

The governor of the Panama Canal may waive the making of and swearing to claims and the inclusion therein of any of the above requirements in such cases as he may deem proper.

SEC. 21. Claims for compensation shall be made within sixty days after the beginning of disability resulting from an injury, or, in case of death, within one year after the death. For any reasonable cause shown, the governor of the Panama Canal may allow claim for injury to be filed within one year after the injury.

Time for claim.

No claim for compensation shall be allowed where the disability commences more than six months after the occurrence of the alleged injury, nor where the disability begins after the separation of the employee from the service.

SEC. 22. After the injury and during disability the employee shall as frequently and at such times and places as may be reasonably required submit himself to examination by a medical officer of the United States or by a physician designated by the governor of the Panama Canal and paid by the United States or by the Panama Railroad Company, as the case may be. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. If an examination of an employee is ordered while he is away from the Isthmus of Panama, and such order requires him to travel from the place wherein he dwells, then he shall be paid his

Medical examination.

- reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this order shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues and such period shall be deducted from the period for which the compensation would otherwise be payable.
- Referee physician.** SEC. 23. In case of any disagreement between the physician making an examination on the part of the United States or the Panama Railroad Company and the employee's physician, the governor of the Panama Canal shall appoint a third physician. The decision of the majority shall be final. A reasonable fee shall be allowed and paid by the United States or by the Panama Railroad Company, as the case may be, to such third physician if he is not a medical officer of the United States.
- Assignments of rights of action.** SEC. 24. If an injury or death for which compensation is payable under this order is caused under circumstances creating a legal liability upon some person other than the United States or the Panama Railroad Company to pay damages therefor, no compensation shall be payable to any beneficiary for such injury or death until he assigns to the United States or to the Panama Railroad Company, as the case may be, any right of action which he may have to enforce such liability of such other person, or any right which he may have to share in any money (or other property) received in satisfaction of such liability of such other person. The United States or the Panama Railroad Company, as the case may be, if it realizes upon such right shall after deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, pay over to the beneficiary any surplus remaining. Such surplus so paid over shall be credited on future installments of compensation as they become due. The governor of the Panama Canal may waive the requirement of such assignment or may waive it for such period as he may deem proper.
- Liabilities of Panama Railroad Company.** SEC. 25. If an injury or death for which compensation is payable under this order is caused under circumstances creating a legal liability upon the Panama Railroad Company to pay damages therefor under the laws of the United States or of any State, Territory or possession of the United States or of the District of Columbia or of any foreign country, no compensation shall be payable to any beneficiary for such injury or death until he releases to the Panama Railroad Company, any right of action which he may have to enforce such liability of the Panama Railroad or until he assigns to the United States or to the Panama Railroad Company, as the case may be, any right which he may have to share in any money (or other property) received in satisfaction of such liability of the Panama Railroad Company. The governor of the Panama Canal may waive the requirement of such assignment or release for such period as he may deem proper.
- Assignments, etc., of claims.** SEC. 26. No claims for compensation under this order shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors.
- Attorneys' fees.** SEC. 27. No claim for legal services in connection with any claim arising under this order shall be enforceable unless approved by the governor of the Panama Canal.
- Review of awards.** SEC. 28. The governor of the Panama Canal may at any time review, and, in accordance with his determination thereon, end, diminish, or increase any compensation previously fixed or determined.
- Erroneous payments.** SEC. 29. If any compensation is paid under mistake of law or of fact, the governor of the Panama Canal shall have power to cancel any order under which such compensation has been paid, and shall be entitled to recover whatever has been so paid.
- Powers of governor.** SEC. 30. The governor of the Panama Canal shall make all necessary rules and regulations for the proper, effective, and economical enforcement of this order, and shall decide all questions arising under this order or in regard to the interpretation thereof. His determination of any fact necessary to or underlying any claim hereunder, shall be final and conclusive.

SEC. 31. Wherever used in this order the singular includes the plural and vice versa, and the masculine gender includes the feminine and neuter, and the word "person" includes any firm, association, or corporation. Use of words.

SEC. 32. If the payment of compensation under this order on account of an injury or death is from the funds of the United States, the Panama Railroad Company shall be released and discharged from all liability on account of such injury or death, and if it is from the funds of the Panama Railroad Company, the United States shall be released and discharged from all liability on account of such injury or death. Payments on release.

SEC. 33. All laws of the Canal Zone inconsistent with any of the provisions of this order are hereby repealed. Repeal.

SEC. 34. This order shall take effect on April 1, 1914. Act in effect.

Issued March 20, 1914.

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