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NO. 257.

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REVIEW OF LABOR LEGISLATION OF 1918.

BY LINDLEY D. CLARK.

INTRODUCTION.

In 1918 there were 23 legislative bodies in session in the United States, of which 11 were in regular session and 12 in special session, besides the meeting of the Federal Congress. In every State except two, laws were enacted affecting the relations or status of employers and employees. The present bulletin presents the results of this legislation, supplementing the basic compilation of such material, Bulletin No. 148. This bulletin undertook to present all legislation in its field in force at the end of the year 1913, and annual bulletins have been issued since that date covering the succeeding years. These are numbered 166, 186, 213, and 244. One important subject of labor legislation has been omitted from these bulletins—that of workmen's compensation. The bulk and special interest of this legislation has warranted its separate presentation, which appears in bulletins Nos. 203 and 243. Each of these series carries a cumulative index, so that the entire material on any given subject may be referred to by the use of the index in the latest number issued.

In 1918, as in 1917, there is a considerable showing of the effects of the economic conditions resulting from the war. Fortunately the attempted waiver of labor laws, somewhat in evidence in 1917, was not pursued in any effective way in 1918, the undesirability of lowering standards of health and safety based on experience that have been reached through years of effort having been emphasized sufficiently to check any movement in this direction. States which had not previously created councils of defense did so in 1918, for the express purpose of securing the coordination of all the forces of the State, industrial and other, for the achievement of the aims involved in the war. Some extension was given to the idea of compulsory labor serv-

ice, while other laws were enacted looking toward the replacement in industry of those who had been withdrawn through the exigencies of military or naval service. The impression created by the necessities of the wounded soldiers and sailors, disabled for their accustomed vocations, gave rise to action by the Federal Government looking towards the retraining of wounded men for such occupations as they might appear to be qualified for; and this idea received countenance in one State both for its citizens in military service and for those injured in industry.

To the war also may be accredited in some measure legislation regarding convict labor, the importance of making use of the entire productive force of the Nation having influenced a few legislative bodies to make provision for the employment of convicts to this end. This class of labor also continued to receive attention along the same lines as in the recent past, the desirability of eliminating the contract system being increasingly recognized.

Notwithstanding the war, the amount of legislation on the subject of woman and child labor is almost as great as usual, though the laws are chiefly amendatory. One exception is the minimum wage law of the District of Columbia. Vocational education in accordance with the provisions of the act of the Federal Government for cooperation received attention in several legislatures which had not had opportunity to take earlier action. A summary of these various laws and others not here noted follows.

CONTRACT OF EMPLOYMENT.

ENFORCEMENT.

Despite the narrow constitutional basis which can be found for laws seeking the enforcement of the labor contract, attempts continue to be made in this field. The legislature of South Carolina repealed its existing law on the subject of fraudulent breach of contract where advances have been made, and enacted a law having the same end in view, but omitting provisions making certain facts prima facie evidence of an offense under the law (No. 469). The law is also made applicable only in cases where the advances to the workman are made at the time of the commencement of service under the contract. A Virginia statute on this subject (ch. 179) provides for punishment as for larceny where a workman procures advances with intent to injure or defraud and fraudulently refuses to perform the work contracted for or to refund the advances made. It may be noted in passing that a law of this type was recently declared unconstitutional by the Supreme Court of Louisiana (*State v. Oliva*, 80 So. 195).

INTERFERENCE WITH EMPLOYMENT.

The laws against criminal syndicalism enacted in 1917 by two States seem to have met the approval of a group of legislatures in that general section of our country, laws of this type having been enacted in Arizona (ch. 13), Montana (ch. 7), Nebraska (ch. 9), North Dakota (ch. 12), and South Dakota (ch. 38). The definition of the term seems to be taken from the early enactments and signifies that doctrine which advocates crime, sabotage, violence, force, arson, the destruction of property, or other terrorism as a means of accomplishing industrial or political ends. The term "sabotage" is used alone in some of the laws, and is defined as malicious destruction or injury of property, plants, equipment, etc., either industrial or agricultural. Teaching the doctrine of syndicalism and assembling to teach it, as well as engaging in the reprobated practices, are offenses. Owners of halls permitting such assemblies therein are also subject to punishment, while the officers or agents of any organization or association aiding or causing the forbidden acts are charged with liability in some cases.

The Federal Government enacted a war measure in this field penalizing the injury or destruction, or the attempted injury or destruction, of war materials, utilities, etc., while the United States was at war (Pub. No. 135).

Two acts of the New York Legislature (chs. 490, 491) amend, respectively, the antimonopoly and conspiracy laws of the State by exempting agricultural cooperative associations from the strictures imposed by the statutes named.

Classed here because they authorize public activities in competition with or exclusion of private business are certain laws authorizing the conduct of business by municipalities. Two laws of Louisiana treat of this subject, the first (No. 128) authorizing and empowering municipalities to own, construct, lease, and operate public utilities involving electrical lighting and power; the second (Ex. sess. No. 22) relates to the ownership, maintenance, etc., of gas-pipe lines and of gas wells. A Mississippi statute (ch. 192) corresponds closely to the first noted act of the Louisiana Legislature; while a second law of this State (ch. 198) authorizes municipalities to conduct coal and wood yards for the supply of the inhabitants during the period of the war and for one year thereafter. A New Jersey statute (ch. 53) is of broader scope, including the supply of food as well as of fuel. No profits are to be made, but expenses must be covered by the prices charged. The South Dakota Legislature did not feel itself free to take conclusive action in this field, but proposed four amendments to the constitution (chs. 32, 33, 34, and 35) authorizing the State to engage in four classes of undertakings—the manufacture, distribu-

tion, and sale of cement and cement products; the production and distribution of electric light and power; the mining and sale of coal; and works of internal improvement.

It may be of interest to note in connection with the foregoing legislation that a law of this type has been on the statute books of Maine since 1903, apparently without its constitutionality having been tested until 1917, when the law was upheld by the Supreme Court of the United States (*Jones v. City of Portland*, 38 Sup. Ct. 112; 245 U. S. 217).

COMPULSORY WORK LAWS.

As noted in the introduction, the example set by two States in 1917 was followed by several in 1918. These States are Delaware (ch. —), Georgia (p. 277), Kentucky (ch. 178), Louisiana (No. 139), Massachusetts (ch. 286), Montana (order of State council of defense), New Jersey (ch. 55), New York (ch. 625), Rhode Island (ch. 1661), and South Dakota (ch. 62). All these laws were enacted as war emergency legislation, and in many cases require a proclamation of the governor to bring them into operation. They apply usually to all male residents between fixed ages, the minimum being 16 years in Georgia and Kentucky, 17 in Louisiana, and 18 in Delaware, Massachusetts, New Jersey, New York, and Rhode Island. The obligation continues up to the age of 50 in Massachusetts, New Jersey, New York, and Rhode Island, 55 in Delaware, Georgia, and Louisiana, and 60 in Kentucky. In Montana and South Dakota the law applies to adults without distinction of sex or age. Thirty-six hours of labor per week are required in Kentucky, Massachusetts, New Jersey, New York, and Rhode Island; 48 hours in Louisiana; 5 days in Montana and South Dakota; and 5½ days in Georgia. No period is fixed in Delaware. Persons temporarily unemployed by reason of labor disputes, students attending school, and persons preparing for trade or industrial employment are exempt in most States. Possession of property is no defense and reports must be made to official agencies if employment is not procurable. The provisions in Montana and South Dakota on this subject are embodied in orders of the council of defense under authority conferred by law.

Not properly coming under the heading of the above paragraph, but placed here rather by way of contrast is the law of Arizona (ch. 4) prohibiting the employment of slackers or deserters from military service.

SUNDRY PROVISIONS.

Various laws bearing more or less directly upon the formation or carrying out of the contract of employment are to be found, one of which is a Massachusetts statute (ch. 251) amending the law of the

State requiring notice to be given of any existing strike when an employer advertises for labor. The amendment relates to the method of determining when a strike is at an end, and requires notice of hearings to be sent to both parties interested. Another law of this State (ch. 257, sec. 402) repeals chapter 155 of the Revised Laws, relating to apprenticeship, leaving the State without any law on the subject.

A New York statute (ch. 265) strikes a new note in authorizing the adoption and registration by an employer of an employee's badge, and makes it a misdemeanor, after the prescribed formalities have been complied with, for any person to wear or display such a badge without authority or to use it to gain entrance to the employer's place of business.

A law of Maryland (ch. 425) forbids superintendents, managers, gardeners, etc., buying materials or supplies for public parks, athletic grounds, clubs, country estates, and the like, from receiving any bonus or gift from dealers.

The naval appropriation act for 1919 (Pub. No. 182) authorizes the commandeering of industrial establishments engaged in the production of ships and war material or any part of such establishment. If the establishment is not taken over, orders of the United States must be given precedence over other work. This power expires six months after peace is declared. This act as well as the fortifications bill (No. 189) and the Army bill (No. 193), contains the provisions that have appeared in these laws for several years on the subject of the use of stop watches in timing of work and the giving of bonuses. Another war act passed by the New York Legislature (ch. 585) authorized contracts for public works to be annulled where prewar prices are found to be unfair to the contractor by reason of increased costs. Work under such contracts may be terminated, entirely suspended, or completed under new arrangements, as the board in charge may find advisable.

EXAMINATION AND LICENSING OF WORKMEN.

The Maryland statutes relating to the licensing of chauffeurs are supplemented by a provision authorizing the issuing of an instruction license good for 30 days on the payment of a fee of \$1, the learner to be accompanied by an instructor while operating his car (ch. 85). The minimum age of a licensee is advanced from 16 to 18 years. An emergency provision was made by the New York Legislature (ch. 238) by which licensed chauffeurs engaged in military or naval service of the United States may have expired licenses renewed without examination within three months after the termination of their services on compliance with the other conditions of the law.

Massachusetts statutes under this head relate to electricians (ch. 257, secs. 342, 343), amending the existing law as it applies to firms or corporations engaged in electrical work. If a firm is licensed a license must be held by a member of the firm, and if a corporation, by an officer of the corporation; the provision exempting from examination in cases where the applicant has been in business for five years prior to the date of the application for license was stricken out. A second statute (ch. 213) is, like the New York statute noted above, a war provision. It authorizes the renewal of a master or journeyman electrician's license without examination within four months of the discharge from military or naval service of the United States but on the payment of the usual fee.

Under a law of Maryland, moving-picture-machine operators in Baltimore, Md., must be 21 years of age, must pass an examination before a local board and show a knowledge of the machine operated, and must have had six months' experience under a licensed operator (ch. 195). The fee for a license is \$10, with a \$5 annual renewal fee.

The law of New Jersey relating to stationary engineers and firemen was amended (ch. 213) so as to require licenses of attendants of all steam boilers of more than 15 pounds pressure, and to increase the salary of inspectors. In this connection may be noted an act of the Congress of the United States (No. 147), which adds certificated life-boat men to the list of required persons forming the crew and the roster of officers. The act also specifies the minimum number of licensed deck officers for various kinds of vessels.

WAGES.

AMOUNT.

The amount of wages to be paid employees in the Government Printing Office is directly legislated upon by Congress in an act (No. 191) fixing 60 cents and 65 cents per hour, respectively, as the amount to be paid certain classes of employees in that office. This also is a war emergency measure, in force during the term of the war and for six months thereafter. In Kentucky (ch. 23) the rate of wages for labor on public roads is fixed at the rate locally prevailing for such labor, not less than \$1 nor more than \$3 per day, and for skilled labor, foremen, etc., not more than \$5, as the fiscal court may determine.

Laws having an indirect effect on the compensation of employees are one of Georgia (p. 273) and one of Massachusetts (ch. 149), relating to the giving and receiving of tips. The laws differ widely in their nature however, the Georgia statute prohibiting the receiving of tips by employees of hotels, common carriers, sleeping-car companies, restaurants, or barber shops, or any other employees.

Employers must not knowingly permit employees to receive such gratuities, and it is likewise made an offense for any person to give them. The Massachusetts law, on the other hand, protects the recipient of gratuities for the checking of clothing in his ownership of such gifts, and forbids the employer to take them either directly or indirectly.

Other laws which relate to direct or indirect reduction of earnings are a law of Louisiana (No. 55) which provides that where a State board or commission or institution requires its employees to give bonds, the premium for such bonds must be paid by the employing party making such requirements, and one of Massachusetts applicable to private employees (ch. 192), forbidding deductions from wages on account of tardiness in an amount exceeding the wage equivalent for the actual time lost.

TIME OF PAYMENT.

The laws under this heading are amendatory only, the law of Louisiana (No. 255) fixing a minimum fine of \$25 for violation of the semi-monthly payment law of the State, no minimum having been prescribed in the original enactment. The Massachusetts law requiring a weekly pay day was amended (ch. 87) by adding clubs in cities to the list of employers who must observe this statute; while that of Virginia was amended (ch. 389) by adding railroad and steamship offices to the list of establishments that must make semimonthly payments to their employees, and by striking out the proviso which exempted companies engaged in mining and in the manufacture of coke.

ASSIGNMENTS.

The legislatures of Maryland (ch. 88) and Virginia (ch. 402) enacted laws regulating the assignments of wages and the conduct of the business of wage brokerage by the adoption of the uniform small loan law. The requirements for records, the furnishing of papers, license and bond, the fixing of the rate of interest chargeable at $3\frac{1}{2}$ per cent per month, the limitation of the assignment to 10 per cent of the earnings, the requirements that where the borrower is married, the spouse shall sign, and that the employer shall be given notice of the assignment, are among the safeguards to these laws. The Kentucky statute on this subject is amended (ch. 36) by striking out a proviso which validated assignments simply on three days' notice to the employer, thus requiring his consent to the assignment in all cases.

The Georgia tax law (p. 43) is hardly a regulation of the business of loan agents, but discriminates between loan agents generally and wage brokers by taxing the first \$20 per annum and the second \$100.

PROTECTION OF WAGES.

New aspects of mechanics' lien laws are developed as new subject matter appears. Thus the legislatures of Kentucky (ch. 75) and Maryland (ch. 403) apparently found it necessary to make specific provision in case of repair or supplies for motor vehicles. A New York statute (ch. 366) authorizes the retention of a sufficient portion of the property handled by a drayman to safeguard payment for material and labor furnished and for any money advanced in connection with the work done. Amendments to the Massachusetts statutes (ch. 257, sec. 444, and ch. 265) relate to procedure only; while the law of Mississippi is amended (ch. 128) by providing for pro rata payments where the sum recovered is not sufficient to pay all claims, and by forbidding assignments by contractors or master workmen either of the contract or of the proceeds thereof, to the detriment or prejudice of subcontractors, laborers, materialmen, or the owners of the property involved.

Two methods of protecting wages of employees on public works appear. A New Jersey statute (ch. 280) gives a lien on the money applied or to be applied to any public undertaking, while the fund is in the control of the municipality, to the full value of all claims for labor or material. Applicants filing claims within 60 days after the acceptance of the work may enforce such claims within 60 days after the filing, and the municipality may make payments on ex parte proceedings unless the contractor appears.

More common is the requirement that contractors on public works shall give bond to the State or municipality interested to guarantee the payment of obligations assumed by the contractor for labor and materials. The New Jersey Legislature adopted a law of this type (ch. 75), similar enactments being made also by the legislatures of Louisiana (No. 224), Maryland (ch. 127) and Mississippi (ch. 217). These laws are quite similar in their form, and authorize claimants to proceed in their own behalf where the contractor is dilatory in procuring a settlement.

HOURS OF LABOR.

PUBLIC EMPLOYMENT.

The laws enacted under this head last year were of limited application, one being an act of the Kentucky Legislature (ch. 23) fixing the hours of labor on public roads at eight hours of actual service. Eight hours is the standard workday for public employees in the State of Massachusetts, but the legislature last year made an exemption in the case of operators of farm machinery purchased by the State and operated by its employees under contract with farm owners (ch. 90). Congress took action with regard to watchmen, mes-

sengers, and laborers in first and second class post offices and railway postal clerks at terminal and transfer offices. The eight hours of daily labor required of these employees must be performed in 10 consecutive hours; overtime may be worked in cases of emergency, with pro rata excess payments. The act (No. 185) is the Postal Service act for the year, and further provides for compensatory time for railway postal clerks working on Sundays or holidays—a provision already applicable for clerks and carriers in first and second class post offices.

PRIVATE EMPLOYMENT.

The only act under this heading, except those that will be noted in connection with the laws governing the employment of women and children, is one of the Federal Congress relating to seamen (No. 147). This act requires at least six hours off duty for officers before taking charge of the deck watch at the time of sailing, and limits the time on duty to 9 hours in 24 while the ship is in port, and 12 in 24 while at sea, exceptions being made for cases of emergency.

HOLIDAYS AND REST DAYS.

The question of Sunday labor was taken up by the Legislature of Louisiana (No. 146), forbidding the operation of barber shops on Sunday; and by that of Massachusetts (chs. 53 and 134), both acts somewhat relaxing the existing law. The first act permits trappers to remove game from their traps on Sunday, but they may not reset or bait them; while the second permits soldiers and sailors to engage in baseball and football games on Sundays during the period of the war if no fee is charged.

The Legislature of Porto Rico undertook in 1917 to establish a weekly day of rest, but by a typographical error failed to accomplish its purpose. This error is corrected by an act (No. 3) of the legislature of 1918.

By virtue of an extra session of the legislature, late in the year, Florida (ch. 7754) was enabled to be the first State of the Union to declare November 11, the date of the signing of the armistice, a legal holiday, to be known as Liberty Day, to be observed each year as a day of rejoicing "with the free people of the earth."

October 12, Columbus Day, was added to the list of legal holidays to be observed in Louisiana (No. 167).

HYGIENE AND SAFETY.

FACTORIES.

The most important piece of legislation coming under this head is an act of the Legislature of Texas (ch. 58), this being the first enactment on the subject of factory inspection in the State with the ex-

ception of fire-escape laws. The act is devoted to sanitation rather than safety, and contains provisions with regard to temperature, humidity, air space, ventilation, cleanliness, water-closets, the protection of the morals of female employees, etc. Doors are to open outwards and handrails and lights are to be provided on stairways. No provisions are made for guarding dangerous machinery, nor are there the usual safety requirements found in factory and inspection laws. Enforcement is in the hands of the commissioner of labor statistics and his inspectors. A Virginia statute (ch. 260) requires the installation of hoods, pipes, and exhaust devices for grinding and polishing wheels in factories. Excepted from the operation of the law are the following cases: In establishments having less than five wheels; where the wheel is used only occasionally for grinding tools; where water is applied to the wheel while in use.

A detail is added by a statute of Rhode Island (ch. 1632) which forbids the use of suction shuttles in textile mills, and the health of the workers of the State is further cared for by amending (ch. 1616) the existing law as to the supply of drinking water, the requirement being made more explicit; a prohibition is added against the use of common drinking cups and common towels. The penalty for violation is also made direct, instead of upon complaint by the board of health or the town council. In Virginia also (ch. 313) the use of common drinking cups is forbidden in factories and stores, as well as in public places generally. Health and comfort are alike served in a provision added to the factory regulations of Massachusetts by an act (ch. 110) requiring employers to furnish suitable and sanitary facilities for warming food if the employees desire such conveniences. The Legislature of Porto Rico fixed the maximum weight that might be carried by workmen by an act of 1917, but the legislature last year (No. 6) set forward to January 1, 1920, the date when the law should come into effect.

The subject of safety in case of fire was considered by two legislatures, a Louisiana statute (No. 276) describing in detail the location and construction of fire escapes required to be erected in factories, the enforcement of the law being intrusted to the State labor commissioner; while in New York (ch. 627) sundry amendments to the existing law relate to exits required in proportion to the floor area, the location of stairways and fire escapes, the observance of fire drills, the use of signal systems, etc. These provisions have regard to the installation of sprinkler systems, the act being drawn with the apparent purpose of favoring such installation. Requirements as to cleanliness of workrooms and factory buildings are also made.

A Massachusetts statute relates to the inspection of steam boilers, the act (ch. 257, sec. 344) requiring steam-boiler rules to be approved

by the governor's council, as well as by the governor personally, before they shall have the effect of law.

MINE REGULATIONS.

The only State taking action under this head last year was Kentucky. The first act (ch. 25) establishes a department of mines, making the existing inspector the head of the department, and advances his salary from \$1,800 to \$3,000 per annum. This officer must give his entire time to the service and is to be aided by three newly added assistant inspectors at annual salaries of \$1,800. The coal fields of the State are to be divided into mine-rescue areas, and \$4,500 is appropriated for the purchase of rescue apparatus. The second statute (ch. 113) is of less general importance and merely amends the existing law so as to permit the making of copies of mine maps without the consent of the owner or operator of the mine on affidavit of adjacent owners that they believe that their property is being encroached upon.

RAILROADS.

Only minor enactments appear under this heading, one being an act of the New York Legislature (ch. 649), which requires that locomotive engines shall have vestibuled cabs; while an act of the Federal Congress (No. 176) increases the salaries of inspectors of locomotive boilers, the chief inspector receiving \$5,000 instead of \$4,000, and assistants \$4,000 instead of \$3,000. The salaries of district inspectors are increased from \$1,800 to \$3,000.

The Legislature of South Carolina (No. 475) requires adequate heating of cars by all electric street railway companies, instead of only those companies doing business in cities having a population of between 25,000 and 50,000 as the law of 1914 provided. Another act of this legislature (No. 394) applies to interurban railways, and requires cars and vestibules to be heated on lines not over 50 miles in length.

WOMEN AND CHILDREN.

The most important act under this head is one enacted by Congress (No. 215) for the District of Columbia, establishing a minimum-wage system for women and for minors under 18. The law is applicable to all occupations with the exception of domestic service and is administered by a board of three members representative of employers, employees, and the public. No salary is to be paid these members for their services as such, but a secretary at a salary of \$2,500 is provided for. The board has the power to make investigations under oath for the purpose of ascertaining rates of wages paid, and if found inadequate for the protection of health and morals, it may call a conference in which employers and employees shall be equally

represented. This conference is to fix an adequate wage, either time or piece or both as the case may require, and must provide for both workers and apprentices, also fixing the time of apprenticeship. Special licenses may be granted for substandard workers. The rate fixed is compulsory and can not be waived by agreement. The act contains the usual provisions found in such laws for the protection of employees testifying before the board or conference.

Affecting both women and children is an act of the Louisiana Legislature (No. 126) creating a legislative commission to investigate conditions of the employment of women and children. This commission has the power to administer oaths, and is to complete its investigations and make a report to the legislature of 1920.

A number of laws relate only to the employment of children and are concerned chiefly with the nature of the evidence required for the issue of work permits. Such are an act of the Kentucky Legislature (ch. 102), one of Maryland (ch. 495), and one of New York (ch. 628). The Kentucky act makes the possession of a certificate by an employer a defense against prosecution for unlawful employment if he is acting in good faith. The Maryland statute fixes 14 years as the age of children eligible for employment in canning and packing establishments, instead of 12 years as previously. The same age limit is fixed for vacation permits in the State. The New York law adds new provisions as to summer employment in mercantile establishments; children must have attained the age of 14 years and attended school 130 days in the previous 12 months before being eligible for employment.

Acts of the New Jersey Legislature (chs. 204, 232) make additions to the law of the State on the subject, the first act making offending corporations liable for violations of the child-labor law, as well as the officers and agents thereof; agents of firms are also made liable as well as members. Mercantile establishments are defined as any place where a person is employed for wages, other than a factory, workshop, mill, mine, quarry or in agriculture. The second statute requires officers in charge of records to make searches and furnish transcripts for employment certificates, free of charge. A Virginia statute (ch. 204) adds canneries, theaters, and places of amusement to the list of establishments in which children may not be employed under the age of 14 years; while 16 years is fixed as a minimum age for employment in mines and quarries, instead of 14. Night work is defined as work between 7 p. m. and 6 a. m., instead of 9 p. m. and 7 a. m. Girls under 18 years of age may not be employed as messengers nor girls under the age of 21 for messenger work at night.

The matter of street trades was considered in Massachusetts (ch. 257, secs. 263, 264) and Wisconsin (ch. 12). In Massachusetts 18 instead of 16 years is fixed as the age under which girls must get

permits from the State authorities before engaging in such trades, while another amendment extends the penal provisions to cover all classes of offenders. In Wisconsin the age is advanced from 16 to 17 years, while new sections prescribe general regulations as to the nature of employments, which must not be injurious, but in no case may boys under 12 or girls under 18 engage in street trades. Classification as injurious or otherwise is to be made by the State industrial commission for cities other than those of the first class.

A compulsory school-attendance law was enacted by the Mississippi Legislature (ch. 258), requiring 60 days' attendance for children between the ages of 7 to 14 years, but they may be excused if their labor is needed for self-support or for the support of their parents. This law is not enforceable in any county or school district unless adopted by it.

Doubtless a new impetus has been given to the subject of educating illiterates or those not familiar with the English language by the conditions that have developed in connection with the enrollment for war service. Thus in Arizona (ch. 10) evening schools are to be provided for in any school district in which there are 15 or more persons over 16 years of age who do not read or write or speak English and who desire to attend such a school. The subjects taught are to include the English language and American ideals and an understanding of American institutions. A New York statute (ch. 409) provides for the establishment of evening schools with terms of varying lengths in cities of the first, second, and third classes, and other cities and school districts, if 20 or more minors between the ages of 16 and 21 are required by law to attend school or if 20 or more persons over 16 years of age desire such schools. The terms range from 75 nights to the full length of the school term in the various localities. Another act (ch. 415) requires the attendance of minors between 16 and 21 years of age who have not completed the fifth grade of school, unless they are physically or mentally unfit. An employer may maintain a shop school for the benefit of his employees under the supervision of the school authorities. A Wisconsin statute (ch. 2) also provides for attendance at evening or vocational schools of illiterates over the age of 17 years, instead of 14 as under an earlier law; such attendance must amount to at least four hours per week.

The remaining laws under this head relate to the employment of women, acts of Louisiana (No. 158) and Massachusetts (ch. 147) relating to their employment as operators of elevators. The first simply requires seats to be furnished for the use of such operators, while the second limits the hours of service to the number permitted by law for women and minors in the manufacturing, mercantile, etc., establishments in which they are employed.

A New York statute (ch. 434) amends the law relating to the employment of women in messenger service, forbidding employment to those under 21 years of age and limiting such service to 6 days or 54 hours per week, and prohibiting work between 10 p. m. and 7 a. m. The laws governing mercantile establishments as to time for meals and toilet facilities are applicable to this service.

The Virginia Legislature enacted a new law relative to the employment of women (ch. 214), adopting a 10-hour standard already in force under its earlier law covering both women and children. The act enumerates factories, workshops, laundries, and mercantile and manufacturing establishments, but excepts from its operation bookkeepers, stenographers, cashiers, and office assistants. Voluntary overtime work may be permitted in cases of emergency in tobacco prizeries in towns and cities of less than 30,000 population, this provision expiring February 1, 1920. Another act (ch. 414) directs that where overtime is thus voluntarily worked in these tobacco establishments it shall be paid for at a rate of time and a half.

EMPLOYMENT OFFICES.

The New York Free Employment Office is directed (ch. 356) to establish additional service with particular regard to the needs of the Negro population, and \$5,000 is appropriated for this purpose. Congress appropriated \$250,000 as a revolving fund to be used in the transportation of workers to places of employment, this amount to be available to June 30, 1918 (Pub. No. 109).

Private employment offices were the subject of legislation in Louisiana (No. 145), a new law on the subject requiring applicants for license to conduct such business to furnish certificates of good character and to pay a license fee of \$500 per annum. However, if the applicant is regularly licensed to do business only in an office, and solicits trade only by writing, telegraph, or telephone, the fee is restricted to \$25 per annum. The act does not apply to the procuring of agricultural labor in the State. A discrimination similar to that shown above appears in the tax law of Georgia (p. 43), which fixes as the occupation tax on employment agents the annual sum of \$25, while for emigrant agents—i. e., agents procuring workers to go outside the State—the tax is \$1,000 for each county in which business is done.

The New Jersey Legislature enacted a new law on this subject (ch. 227), repealing generally conflicting statutes. A graduated license fee is prescribed, with the usual requirements that the applicant shall be of good character and shall furnish bond to observe the provisions of the law. Registers for employees and for employers are

to be open for official inspection, and where applicants are furnished for domestic and fiduciary employment references must be investigated. Schedules of fees must be filed and may not be changed without notice; dividing fees with employers is forbidden. No service may be rendered except on orders, and a full return of the fee must be made if no employment is secured. Soliciting workmen to leave employment is forbidden, and no placement of children under 16 is permitted. The law is to be enforced by the commissioner of labor of the State. Mentioned in this connection because of its relation with the supply of labor is a resolution of the Legislature of Louisiana (act No. 97) requesting the President and Congress to suspend the Federal immigration laws for the period of the war so as to admit a supply of agricultural labor.

BUREAUS OF LABOR.

The items under this head are chiefly of secondary importance. The Louisiana statute (No. 232) increases the annual salary of the commissioner of labor and industrial statistics from \$2,000 to \$2,400. In Massachusetts (ch. 225) members of the board of conciliation and arbitration receive \$3,000 per annum instead of \$2,500; and in New York (ch. 595) the salary of the third deputy commissioner in charge of the bureau of mediation and arbitration was advanced from \$5,000 to \$6,000; the salary of the counsel for the industrial commission is increased from \$6,000 to \$7,000. Members of the industrial council of this State are henceforth to receive \$10 per day for each meeting attended, instead of rendering their services gratis (ch. 355). They will continue to receive their expenses as heretofore. Assistant factory inspectors of Rhode Island are also benefited (ch. 1676) by an advance in salary from \$1,500 to \$1,800.

A new bureau was created in the Department of Labor of New Jersey under the title "Bureau of migrant welfare" (ch. 235). There is to be a chief of the bureau and an office force, the bureau being charged with the duty of investigating the conditions of migrant workers and of endeavoring to procure for them proper housing and suitable employment. Reorganization of the Department of Labor of New York is permitted under an act (ch. 456) authorizing the commission to create such bureaus or divisions as it shall deem necessary, instead of a fixed organization comprising five divisions as under the earlier law. These bureaus are to perform such duties as are assigned to them, collect such statistics as may be directed, etc., the net result being a much more flexible organization than before.

The Massachusetts Legislature provides for five additional inspectors under the board of labor and industries to serve for one year, in view of the current increased industrial activity (ch. 276). A resolve

of this legislature (ch. 73) directs the supervisor of administration of the State to make an investigation of the State board of labor and industries as to its methods of work, desirable reorganization, etc.

In New Jersey (ch. 17) the commissioner of labor is authorized to charge fees ranging from one to five dollars for passing upon and approving plans and specifications required by law to be submitted to him; also for certificates of approval of work done or alterations made in factories according to his recommendations, the sums collected to be turned into the State treasury.

The industrial emergencies developed by the war were reflected in a very great extension of activities of the United States Department of Labor. This was recognized in an act (No. 181) providing for various lines of activity, either newly undertaken or greatly enlarged, including the placement of labor, the standardization of wages, the adjustment of labor disputes, the standardization of working conditions in war industries, the employment of women, and the training and dilution of workers.

STATE COUNCILS OF DEFENSE.

Springing out of the war and the industrial and social conditions caused by it was the creation in practically all States of the Union of organizations known usually as "councils of defense." Several of these were noted in the Review of Labor Legislation of 1917, though the laws creating them were not as a rule reproduced, since they do not contain definite provisions of labor legislation. However, these councils are charged with the function of coordinating all the activities of the State and the development of its resources of whatever kind, to the end of making an efficient contribution to the State and national powers in connection with the conduct of the war. In default of legislation, in Alabama, whose legislature meets only quadrennially, such an organization was effected by voluntary action, funds for necessary expenses being contributed from private sources. The councils are made up in some cases of members of the State government and in others by persons appointed by the governor, the South Carolina statute naming a list of persons who should serve, to which additions should be made on recommendation of the State Federation of Labor. No salaries are paid members of these councils, but expenses are provided for, and a fund is furnished for the carrying out of their plans. The council of Delaware was charged with the duty of establishing a compulsory work law, while that of Montana took similar action. In Arizona (ch. 7) \$26,000 was appropriated. In Kentucky (ch. 9) \$50,000 was set aside for two years' work. In Montana (ch. 1) \$25,000 was put at the disposal of the council and a war defense fund of \$500,000

was also provided (ch. 21), which might be loaned for the increase of food production. In New Jersey (ch. 169) the chief executive officer of each municipality and commissioners of commission-governed municipalities constituted the council. In North Dakota (ch. 5), the legislature set aside \$15,000 as expenses for the year, while in South Dakota (ch. 61) the amount was \$20,000. The amount provided in South Carolina (No. 595) was \$25,000. The activities of these councils are to terminate with the expiration of the war or within a fixed period thereafter.

MOTHERS' PENSIONS.

A single State took action on the subject of mothers' pensions in 1918, the Virginia Legislature (ch. 80) making provision for widows having children under the age of 16 years whom they are unable to support. Payments are to be made from local funds not in excess of \$12 per month for one child, \$18 for two, and \$4 additional for each other child. To obtain the benefits the applicant must have resided three years in the State and two years in the city or county.

RETIREMENT FUNDS.

The laws of Massachusetts providing pensions for State, county, and municipal employees are amended (ch. 257, secs. 101-136) by sundry changes in the details of administration. It is also directed that unpaid sums due deceased members of the pension fund shall go to their estate or to the persons entitled thereto. The assignment of payments under the act is limited by the provisions of the act. A resolve of this legislature (ch. 70) appropriates \$5,000 to promote insurance against sickness and disability and the purchase of old-age annuities under the provisions of the State laws.

A New Jersey statute (ch. 164) provides for retirement at half pay of employees of counties in the State after 25 years of service on reaching the age of 79. A commission is also provided for (J. Res. No. 3) to investigate the subject of pensions and retirement funds for employees of municipalities, counties, and the State, including teachers. Hearings are to be held and witnesses may be subpoenaed. Findings and recommendations are to be submitted either to the present or a future session of the legislature. In New York also (ch. 414) a commission, consisting of the superintendent of insurance and six other members to be appointed, to investigate the matter of the retirement of public employees was provided for, a report, with recommendations, to be made by February 1, 1919. The sum of \$5,000 was appropriated for the expense of this commission.

The first provision of the Federal Government for a retirement system for civil employees was enacted last year (No. 174), employees

in the Lighthouse Service being the subject of the legislation. Retirement is optional at the age of 65, after 30 years of service, and compulsory at the age of 70. The annual payment is to equal one-fortieth of the average annual pay for the last five years of service for each year of active service, but not over thirty-fortieths of such pay will be allowed.

EMPLOYERS' LIABILITY.

As already stated, the subject of accident relief is chiefly provided for by compensation laws which are treated of in a separate series of bulletins. A single State took action last year on the subject of employers' liability, the Kentucky Legislature (ch. 52) enacting the doctrine of comparative negligence in the case of damage suits by railroad employees. However, if an injury was contributed to by the act of the carrier in violating a statute, the contributory negligence of the injured person is not to be considered, nor is he to be regarded as having assumed the risk.

Under this head may also be noted an amendment to the Louisiana statute on the subject of recovery for injuries causing death, the amendment (No. 159) substituting the words "surviving spouse" for the word "widow" in designating who may legally sue for damages, so as to give the right of action without regard to sex.

ACCIDENT INSURANCE.

The legislatures of Massachusetts (ch. 112) and of New York (ch. 192) enacted practically identical provisions governing what is known as group insurance. The term is defined as meaning insurance of 50 or more employees of a single employer, either with or without medical examination, covering part or all of the working force of the employer. The act prescribes a minimum number that may be insured under various conditions. Forms of policies are to be approved and certain prescribed provisions must be contained in them. The proceeds of such insurance are to be exempt from legal process.

LABOR DISPUTES.

Apart from the amendment to the Massachusetts law (ch. 251) relating to notice of strikes in advertisements for labor, noted on a previous page, the one piece of legislation coming under this head is in the form of a resolution passed by Congress (No. 37) returning to Theodore Roosevelt the money which he had received in 1906 as a part of the Nobel peace prize, and granted by him as a fund to establish a foundation for the promotion of industrial peace. The failure of this foundation to function, and the desire to make the

money available for needs arising out of war conditions in devastated countries of Europe led to a request for the return of the money, and this action terminated the plan proposed by the former President.

COOPERATIVE ASSOCIATIONS.

Laws creating cooperative associations have only a slight labor aspect, but are noted because of the provision made in them for cooperative production. A Kentucky statute (ch. 159) permits three or more persons to organize for the carrying on of agricultural work, dairying, merchandising, mining, manufacturing, or mechanical employment. Only one vote is permitted to a shareholder regardless of the amount of stock held. The Massachusetts law is amended (ch. 257, sec. 362) by forbidding the use of the term "cooperative" in the title of any corporation unless its net earnings are distributed in accordance with the provisions of the law governing such corporations.

CIVIL RIGHTS OF EMPLOYEES.

The New York law requiring that employees shall be allowed time to vote is amended (ch. 32) by making the law applicable to all elections instead of only to general elections.

The remaining laws under this head relate to absentee voting. These laws will be enumerated only, inasmuch as they do not present any specific labor aspect but are generally inclusive with the exception of the Montana statute (ch. 18), which applies only to absentees in military and naval service or in war work with the Red Cross or similar activities. The Kentucky statute (ch. 37) relates to absent registered voters, while that of Mississippi (ch. 133) provides for the registration of absentees. In South Dakota (ch. 45) there is an amendment as to the method of handling ballots, and another act (ch. 46) relating to the soldier vote only. The New York Legislature (p. 2085) proposed an amendment to the constitution of the State authorizing the legislature to provide by general law for qualified voters voting when absent from their voting places.

VOCATIONAL EDUCATION.

The offer of the Federal Government to cooperate with the States in the matter of vocational education was accepted by four States whose legislature met last year for the first time since the enactment of the Federal statute. These are Kentucky (ch. 7), Louisiana (No. 52), Maryland (ch. 72), and Virginia (ch. 73). The legislature of Rhode Island also accepted the provision (ch. 1622). The State board of education is to form the cooperating board in each instance, but in Kentucky some additions to the board are to be made. The

matter of the apportionment of the State funds is left to the board except in Kentucky and Virginia, where the legislature makes specific provisions. The Legislature of Porto Rico (Con. Res. No. 1) asked Congress to extend to that island the benefits of the Vocational Education Act.

The vocational education of young workers in Massachusetts received attention in view of the conditions due to the war (ch. 206). The limitation on students attending evening classes was waived for the term of the war and one year thereafter, so as to permit study in lines of work not connected with the student's employment; the maximum age of 25 years was also waived.

The action taken by the Federal Government for the vocational rehabilitation of soldiers and sailors injured in the war (No. 178) influenced the Massachusetts Legislature (ch. 230) to make similar provisions specifically for its own soldiers and sailors. The Federal statute directs the Federal Board for Vocational Education to furnish suitable industrial training for wounded men to enable them, if possible, to become self-supporting, and authorizes the withholding, from men willfully refusing to follow the directions of the board, of any part or all of the monthly compensation due not subject to compulsory allotment. The Massachusetts law provides for the establishment of a division of training and instruction by the State board of education, and authorizes the governor to transfer any State hospital, school, or workshop to such division for the term of the war and two years thereafter. Cooperation with the Federal Government is contemplated, and the sum of \$10,000 set apart for the work. Massachusetts also took similar action in behalf of workmen injured in industry (ch. 231), the industrial accident board being directed to establish a division of training and instruction for the rehabilitation of injured workmen in cooperation with the United States Government and the State board of education.

CONVICT LABOR.

An act of the Louisiana Legislature (No. 235) permits the employment of convicts on levee work. The general manager of the State penitentiary is to receive the offer of such work at the minimum bid made by private contractors, and is to have charge of such work as is undertaken by him under such arrangements. Another act (No. 210) repeals act No. 26, of 1912, which prohibited the employment of convicts outside of prison walls or camps or away from the penal farms of the State. In Maryland (ch. 306) State convicts may be employed in the building or maintenance of roads or bridges or on any work in stone quarries to procure road material. Another act (ch. 354) confers all powers of the management of convicts on the board

of prison control created in 1916. This board is charged with the duty of establishing a labor system to supersede the contract system "as soon as expedient." Convicts may be employed on State works, and such employment is to be sought as will return a profit, a portion of which may go to the convict or to some person designated by him.

The Massachusetts Legislature continued its policy of the use of convicts for the improvement and cultivation of waste land, county commissioners being authorized either to purchase or lease lands for the purpose or to arrange with private owners to improve waste, unused, or agricultural lands. They may also contract with the highway commissioners for work on the public roads (ch. 159). A similar purpose appears in an act of the Legislature of Mississippi (ch. 154) authorizing city, town, and village authorities to employ convicts on county farms or county roads.

A law of broader scope was enacted by the Legislature of New Jersey (ch. 147, Art. VII), which directs that all convicts shall do productive work and receive such compensation as the State board may determine. No contract may be made for the labor of convicts or for the product or profit of the same. Goods made are to be sold to the State and other public bodies and institutions, the surplus to be disposed of in open market, so as not to compete unfairly with free labor. Such goods are to be marked so as to designate that they are prison made. Convicts may be employed to do public work or to work for the United States, but may not be employed to break a strike.

An act of the Florida Legislature of 1917 authorized the leasing of Negro male convicts not needed for work on the State prison farm. This was amended in 1918 (ch. 7744) by extending its provisions to other male convicts, without regard to race.

The South Dakota Legislature (ch. 26) increased its revolving fund for the purchase of materials for the manufacture of binding twine by the addition of \$225,000 thereto.

In Virginia the subject of labor on highways was considered in two acts, the first (ch. 9) relating to employment on the State highway system and in quarries, gravel pits, and plants necessary for conduct of the work, and the second (ch. 426) relating to labor on county roads maintained by equal contributions by the State and the locality. A third act (ch. 236) provided for the gradual extinction of contracts for the labor of convicts, to be completed by December 1, 1918. This act also amends the law as to the employment of convicts on highways. A fourth act (ch. 301) directs that all convicts who are physically able shall work 10 hours per day for 6 days of the week, holidays excepted, for which they shall receive 10 cents daily. Camps in which convicts are housed must be supervised by the State board of health.

The Federal Government took action in this field (No. 194) by authorizing the Attorney General to establish and equip at the United States Penitentiary at Atlanta, Ga., a factory or factories for the manufacture of cotton fabrics for the use of the War and Navy Departments, and of the Shipping Corporation, and for the manufacture of mail sacks; he may also buy farm lands, and improve and cultivate the same. All products of such convict labor are to be sold only to the United States.

COMMISSIONS ON HOUSING.

The purpose of facilitating war production is manifest in the act of the Federal Congress (No. 149) which authorizes the President to purchase, lease, construct, or acquire by condemnation or by gift, houses, furnishings, and equipment for employees engaged in industries essential to the national defense and their families. The Louisiana Legislature at its extra session provided for a commission on the housing of wage earners, which should act with the United States Secretary of Labor to procure the erection of wage earners' buildings in the State (No. 13).

The homestead commission of Massachusetts was authorized (ch. 204) to allow the placing of mortgages on property controlled by it as a part of the purchase price to be paid by workmen dealing with it.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1918.

ARIZONA.

ACTS OF 1918—SPECIAL SESSION.

CHAPTER 4.—*Employment of labor—Certain persons not to be employed.*

SECTION 1. It shall be unlawful for any person, firm, or corporation to give aid, comfort, or employment, or to otherwise abet any person who is a slacker or deserter from military service under the selective-service laws and regulations of the Federal Government of the United States.

Deserters, etc.

SEC. 2. The failure of any person, firm, or corporation to comply with the provisions of this act shall be a misdemeanor punishable by the imprisonment of any person so convicted, or the agent of any firm or corporation so convicted, for not less than fifteen nor more than ninety days, and each day's continuation of such violation shall constitute a separate offense.

Penalty.

Approved June 15, 1918.

CHAPTER 13.—*Interference with employment—Sabotage.*

SECTION 1. Every person, corporation, association, or organization who willfully and maliciously injures or destroys the property or violates the constitutional or statutory rights of another as a means of accomplishing industrial or political ends, is guilty of sabotage.

Definition.

SEC. 2. Sabotage is punishable by imprisonment in the penitentiary for not less than five nor more than twenty years.

Penalty.

SEC. 3. Every person who by word of mouth or writing advocates or teaches the duty, necessity, or propriety of crime or sabotage or of violating the constitutional or statutory rights of another, as a means of accomplishing industrial or political ends, or prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, paper, documents, or written matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political ends, or of violating the constitutional or statutory rights of another, should be brought about by crime or sabotage or by the violation of the constitutional or statutory rights of another, or openly, willfully, and deliberately justifies by word of mouth or writing, the commission or attempt to commit crime or sabotage, or of violating the constitutional or statutory rights of another, is guilty of a felony and punishable by imprisonment in the penitentiary for not more than five years or by a fine of not more than one thousand dollars (\$1,000), or both.

Teaching sabotage.

SEC. 4. Wherever two or more persons assemble for the purpose of advocating or teaching the doctrine that industrial or political ends should be brought about by crime or sabotage, or of violating the constitutional or statutory rights of another, such assemblage is unlawful and every person voluntarily participating therein by his presence, aid, or instigation, is guilty of a felony and punishable by imprisonment in the penitentiary for not more than 10 years, or by a fine of not more than five thousand dollars (\$5,000) or both.

Assemblies.

SEC. 5. The officers or agents of any association, corporation, or organization who do or perform, or cause to be done or performed, any of the unlawful acts herein defined, shall be deemed guilty of the commission of any such act or acts the same as any other person.

Officers of associations.

Became a law July 21, 1918, without the governor's signature.

DELAWARE.

ACTS OF 1918—EXTRA SESSION.

CHAPTER 1.—State council of defense—Regulation of industry.

SECTION 1. In order to provide effective means of defense and preserving order within the State, and to insure the maximum output of agricultural and industrial products and the maintenance of vital enterprises during the period of the war in which the United States is now engaged, a council of defense for this State is hereby established, which shall be known as "The State council of defense" which shall consist of the governor and six or more suitable persons, not to exceed fifteen, residents of this State, who shall be appointed by the governor. Council created.

SEC. 2. The State council of defense shall continue in existence throughout the duration of the present war, and for six months after the said war shall be terminated by treaties duly ratified by the Senate of the United States, at which time the said council shall be dissolved by proclamation of the governor. All vacancies occurring in said council shall be filled by the governor. Term.

SEC. 3. The powers and duties of the said council during its existence and until it shall be dissolved shall be; Powers.

1. To enroll men not in the National Army for carrying on agriculture and industries, and all necessary enterprises within the State, and with power to compel the performance of such labor, when they are violators of section 4 of this act, and to impose upon them such military or other services as shall be necessary to carry out the objects of this act. Work compulsory.

2. To encourage the production of all things necessary for the supplying of the National Army and the civilian population, the maintenance of agriculture and all industries and enterprises essential to the interests of the State and Nation throughout the war, and until the said council shall be dissolved as aforesaid. Production of supplies.

SEC. 4. It shall be the duty of every male resident of this State between the ages of eighteen and fifty-five years, who shall not be in the National Army or a public officer, to be employed in a useful or lawful occupation during the said period, and every such person who shall not be so employed shall be subject to be assigned by the said council to such employment as the said council shall from time to time determine and at such compensation to be paid by the employer as the said council and employer shall agree to be reasonable and proper: *Provided*, That the provisions of this act shall not apply to persons temporarily unemployed by reason of differences with their employers, nor to bona fide students during the school term, nor to persons fitting themselves to engage in trade or industrial pursuits. Who to work.

Exceptions.

Approved April 8, 1918.

DISTRICT OF COLUMBIA.

ACTS OF 1918—SIXTY-FIFTH CONGRESS, SECOND SESSION.

No. 215.—*Employment of women and children—Minimum wages.*

SECTION 1. Where used in this act the term "board" means the minimum wage board created by section two; the term "commissioners" means the Commissioners of the District of Columbia; the term "woman" includes only a woman of eighteen years of age or over; the term "minor" means a person of either sex under the age of eighteen years; the term "occupation" includes a business, industry, trade, or branch thereof, but shall not include domestic service.

Definitions.

SEC. 2. There is hereby created a board to be known as the "Minimum Wage Board," to be composed of three members to be appointed by the Commissioners of the District of Columbia. As far as practicable, the members shall be so chosen that one will be representative of employees, one representative of employers, and one representing the public.

Board created.

The commissioners shall make their first appointments hereunder within thirty days after this act takes effect, and shall designate one of the three members first appointed to hold office until January first, nineteen hundred and nineteen; one to hold office until January first, nineteen hundred and twenty; and one to hold office until January first, nineteen hundred and twenty-one. On or before the first day of January of each year, beginning with the year nineteen hundred and nineteen, the commissioners shall appoint a member to succeed the member whose term expires on such first day of January, and such new appointee shall hold office for the term of three years from such first day of January. Each member shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of the board shall be filled by appointment by the commissioners for the unexpired portion of the term.

Appointments.

A majority of the members shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of the board; and no vacancy shall impair the right of the remaining members to exercise all the powers of the board.

Quorum.

SEC. 3. The first members appointed shall, within twenty days after their appointment, meet and organize the board by electing one of their number as chairman and by choosing a secretary, who shall not be a member of the board; and on or before the tenth day of January of each year thereafter the board shall elect a chairman and choose a secretary for the ensuing year. The chairman and the secretary shall each hold office until his successor is elected or chosen; but the board may at any time remove the secretary. The secretary shall perform such duties as may be prescribed and receive such salary, not in excess of \$2,500 per annum, as may be fixed by the board. None of the members shall receive any salary as such. The board shall have power to employ agents and such other assistants as may be necessary for the proper performance of its duties: *Provided*, That until further authorization by Congress, the sum which it may expend, including the salary of the secretary, shall not exceed the sum of \$5,000.

Organization.

SEC. 4. At any public hearing held by the board any person interested in the matter being investigated may appear and testify. Any member of the board shall have power to administer oaths and the board may require by subpoena the attendance and testi-

Hearings.

- many of witnesses, the production of all books, registers, and other evidence relative to any matters under investigation, at any such public hearing or at any session of any conference held as herein-after provided. In case of disobedience to a subpoena the board may invoke the aid of the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpoena the court may issue an order requiring appearance before the board, the production of documentary evidence, and the giving of evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.
- Rules.** SEC. 5. The board is hereby authorized and empowered to make rules and regulations for the carrying into effect of this act, including rules and regulations for the selection of members of the conferences hereinafter provided for and the mode of procedure thereof.
- Reports.** SEC. 6. The board shall, on or before the first day of January of the year nineteen hundred and nineteen, and of each year thereafter, make a report to the commissioners of its work and the proceedings under this act.
- Appropriation.** SEC. 7. There is hereby authorized to be appropriated, out of the revenues of the District of Columbia, for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of \$5,000, or so much thereof as may be necessary, to carry into effect the provisions of this act.
- Powers.** SEC. 8. The board shall have full power and authority: (1) To investigate and ascertain the wages of women and minors in the different occupations in which they are employed in the District of Columbia; (2) to examine, through any member or authorized representative, any book, pay roll, or other record of any employer of women or minors that in any way appertains to or has a bearing upon the question of wages of any such women or minors; and (3), to require from such employer full and true statements of the wages paid to all women and minors in his employment.
- Employers' register.** Every employer shall keep a register of the names of the women and minors employed by him in any occupation in the District of Columbia, of the hours worked by each, and of all payments made to each, whether paid by the time or by the piece, and shall, on request, permit any member or authorized representative of the board to examine such register.
- Commissioners to aid.** To assist the board in carrying out this act the commissioners shall at all times give it any information or statistics in their possession under the act of Congress approved February twenty-fourth, nineteen hundred and fourteen, entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia." (Public, numbered sixty, Sixty-third Congress [38 Stat. 291].)
- Wage standards.** SEC. 9. The board is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a) Standards of minimum wages for women in any occupation within the District of Columbia, and what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals; and (b) standards of minimum wages for minors in any occupation within the District of Columbia, and what wages are unreasonably low for any such minor workers.
- Conference.** SEC. 10. If, after investigation, the board is of opinion that any substantial number of women workers in any occupation are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health and protect their morals, it may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by the board and submitted by it to such conference. The conference shall be composed of not more than three representatives of the employers in such occupation, of an equal number of representatives of the employees in such occupation, of not more

than three disinterested persons representing the public, and of one or more members of the board. The board shall name and appoint all the members of the conference and designate the chairman thereof. Two-thirds of the members of the conference shall constitute a quorum, and the decision or recommendation or report of the conference on any subject submitted shall require a vote of not less than a majority of all its members.

The board shall present to the conference all the information and evidence in its possession or control relating to the subject of the inquiry by the conference, and shall cause to be brought before the conference any witnesses whose testimony the board deems material.

SEC. 11. After completing its consideration of and inquiry into the subject submitted to it by the board, the conference shall make ^{Report to} and transmit to the board a report containing its findings and recommendations on such subject, including recommendations as to standards of minimum wages for women workers in the occupation under inquiry and as to what wages are inadequate to supply the necessary cost of living to women workers in such occupation and to maintain them in health and to protect their morals. _{board.}

In its recommendations on a question of wages the conference (1) shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will, in its judgment, be adequate to supply the necessary cost of living to women workers in such occupation of average ordinary ability and to maintain them in health and protect their morals; and (2) shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices in such occupation and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which wages shall be less than the regular minimum wages recommended for the regular women workers in such occupation.

SEC. 12. Upon receipt of any report from any conference, the board shall consider and review the recommendations, and may ^{Action by} approve or disapprove any or all of such recommendations, and _{board.} may resubmit to the same conference, or a new conference, any subject covered by any recommendations so disapproved.

If the board approves any recommendations contained in any report from any conference, it shall publish a notice, once a week, for four successive weeks in a newspaper of general circulation printed in the District of Columbia, that it will, on a date and at a place named in the notice, hold a public hearing at which all persons in favor of or opposed to such recommendations will be heard.

After such hearing the board may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry them into effect, requiring all employers in the occupation affected thereby to observe and comply with such order. Such order shall become effective sixty days after it is made. After such order becomes effective, and while it is effective, it shall be unlawful for any employer to violate or disregard any of its terms or provisions, or to employ any woman worker in any occupation covered by such order at lower wages than are authorized or permitted therein.

The board shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers are employed.

SEC. 13. For any occupation in which only a minimum time-rate wage has been established, the board may issue to a woman whose ^{Substandard} earning capacity has been impaired by age or otherwise, a special _{workers} license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the board and stated in the license.

- Wages of minors.** SEC. 14. The board may at any time inquire into wages of minors employed in any occupation in the District of Columbia, and determine suitable wages for them. When the board has made such determination it may make such an order as may be proper or necessary to carry such determination into effect. Such order shall become effective sixty days after it is made; and after such order becomes effective and while it is effective it shall be unlawful for any employer in such occupation to employ a minor at less wages than are specified or required in or by such order.
- Separate inquiries.** SEC. 15. Any conference may make a separate inquiry into and report on any branch of any occupation, and the board may make a separate order affecting any branch of any occupation.
- Enforcement.** SEC. 16. The board shall from time to time investigate and ascertain whether or not employers in the District of Columbia are observing and complying with its orders, and shall report to the corporation counsel of the District of Columbia all violations of this act.
- Appeals.** SEC. 17. All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by the board, and there shall be no appeal from the decision of the board on any such question of fact; but there shall be a right of appeal from the board to the Supreme Court of the District of Columbia from any ruling or holding on a question of law included or embodied in any decision or order of the board; and, on the same question of law, from such court to the Court of Appeals of the District of Columbia. In all such appeals the corporation counsel shall appear for and represent the board.
- Violations.** SEC. 18. Whoever violates this act, whether an employer or his agent, or the director, officer, or agent of any corporation, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment not less than ten days nor more than three months, or by both such fine and imprisonment.
- Discharging, etc., employees.** SEC. 19. Any employer and his agent, or the director, officer, or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on any conference, or has testified or is about to testify, or because such employer believes that said employee may serve on any conference or may testify in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$100.
- Acts of agents.** SEC. 20. Any act which, if done or omitted to be done by any agent or officer or director acting for such employer, would constitute a violation of this act, shall also be held to be a violation by the employer and subject such employer to the liability provided for by this act.
- Prosecutions.** SEC. 21. Prosecutions for violations of this act shall be on information filed in the police court of the District of Columbia by the corporation counsel.
- Recovery of balances.** SEC. 22. If any woman worker is paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of the board, she may recover in a civil action the full amount of such minimum wage, less any amount actually paid to her by the employer, together with such reasonable attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.
- Purpose of act.** SEC. 23. This act shall be known as the "District of Columbia minimum-wage law." The purposes of the act are to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living; and the act in each of its provisions and in its entirety shall be interpreted to effectuate these purposes.

Approved September 19, 1918.

GEORGIA.

ACTS OF 1918.

Taxes on occupations—Employment agents—Wage brokers.

(Page 43.)

52d. Upon each emigrant agent, employee or employees of such agents, doing business in this State, for each county in which such agent or employee may do or offer to do business, \$1,000.

53d. Upon all employment agencies or bureaus doing business in this State, \$25.

64th. Upon each person, firm or corporation negotiating loans and charging therefor any fee, commission or salary, in each county in which he or they may carry on such business, the sum of \$20.

Should such person, firm or corporation engage in loaning or negotiating loans upon wages, or time, or the purchasing of salaries, the sum of \$100: Provided, This tax shall not be required of attorneys at law who have paid the professional tax required by paragraph 88 of section 2, of this act, and who shall engage in negotiating loans on collateral other than wages, time or salary.

Approved August 20, 1918.

Tips to employees.

(Page 273.)

SECTION 1. It shall be unlawful for any employee or servant of any hotel, common carrier or sleeping-car company, restaurant, barber shop or other public place, or of any person, firm or corporation to solicit or receive any gratuities or "tips" for the purpose, or with the intent of influencing the action of said employee in relation to the employer's business, from the guests or patrons of such hotel, restaurant, barber shop or other public place, or of such person, firm, or corporation.

SEC. 2. It shall be unlawful for any employer, as above enumerated, to knowingly permit any employee or servant to accept such gratuity or "tip" as above referred to, or to receive any benefits from such gratuity or "tip" as described in the preceding section hereof.

SEC. 3. It shall likewise be unlawful for any person to give either directly or indirectly any such gratuity or "tip" as is referred to in section 1 hereof.

SEC. 4. It shall be the duty of each person, firm or corporation operating a hotel, restaurant, barber shop, sleeping car, dining car, or other public place as contemplated in section 1 hereof, to keep posted in a conspicuous place in such public place one or more placards containing in large type the words: "Tipping Prohibited by Law."

SEC. 5. Any person violating the provisions of this act shall be punished by a fine not exceeding twenty-five dollars (\$25) or imprisonment in the common jail of the county wherein the offense is committed for a period not exceeding ten days, either or both, in the discretion of the judge trying the case.

Approved August 18, 1918.

Compulsory labor, etc., service—War emergency.

(Page 277.)

SECTION 1. As there is now a state of war in which the United States is engaged, it is declared to be the duty of every able-bodied male resident of said State, between the ages of sixteen and fifty-

- five years, to be habitually and regularly engaged in some lawful, useful and recognized business, profession, occupation, trade, or employment, whenever the governor of said State shall issue a proclamation determining such employment to be necessary and essential for the protection and welfare of said State and the United States, and therefore until after the termination of such war; and any able-bodied male resident of this State, between the ages aforesaid, who shall fail or refuse to be so employed for at least five and one-half days per week for the number of hours usual to the occupation in which he is engaged shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section one thousand and sixty-five of the Penal Code of Georgia.
- In effect when.** **SEC. 2.** In no case shall the possession by the accused of money, property, or income sufficient to support himself and those regularly dependent upon him be a defense to any prosecution under this act.
- Work time.** **SEC. 3.** In no case shall the claim by the accused of his inability to obtain work or employment be a defense to a prosecution hereunder, unless it shall be proved that the accused promptly notified the commissioner of commerce and labor of the State of Georgia of his inability to obtain employment, and requested that work or employment be found for him, and that such employment was not furnished him, and shall hold a certificate from the commissioner of commerce and labor that such application has been made.
- Property not defense.** **SEC. 4.** It shall be the duty of the commissioner of commerce and labor of the State of Georgia whenever any person shall inform him of his inability to obtain employment as aforesaid to register forthwith the name of such person in the department of commerce and labor, together with the address, age, and any other information which he may deem necessary. The commissioner of commerce and labor shall thereupon assign, or cause to be assigned, and, if necessary, reassign, or cause to be reassigned, such person to occupations as aforesaid, carried on by the State or any county or municipality thereof, or by private employees [employers], engaged in agricultural, industrial, or other occupations of the character above mentioned, and who accept the services of such persons to occupations as aforesaid carried on by the State or any county or municipality thereof or by private employers, engaged in agricultural, industrial or other occupations of the character above mentioned and who accept the services of such persons: *Provided, however,* That no person shall be required to work under this act any greater number of hours per day than lawfully constitutes a day's work in the occupation in which such person is required to engage. In the event of the commissioner of commerce and labor being unable to procure employment for such persons applying as aforesaid, it shall then be the duty of the said commissioner of labor to so certify to such person in writing.
- Inability to find work.** **SEC. 5.** All persons required to work under this act shall receive compensation of not less than the wage or salary paid to others engaged in the same nature of work to which each such person is assigned. If any such person is assigned to work for any department, board, or commission of the State, then the compensation of such person shall be paid him by such department, board, or commission out of the appropriation made to it by the State. If any such person is assigned to work for any county or any municipality, or for any private employer, then the compensation of such person shall be paid him by such county or municipality or by the private employer accepting his services.
- Placement.** **SEC. 6.** Any person failing, refusing to do, or continue to do, the work assigned to him, or who, in the meanwhile, has not become regularly, or continuously employed in some lawful, useful and recognized business, occupation, trade, profession or employment as aforesaid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed in section 1065 of the Penal Code of Georgia.
- Wages.**
- Violations.**

SEC. 7. As soon as the proclamation has been issued, as herein provided, it shall be the duty of the commissioner of commerce and labor to prepare and publish such rules and regulations governing the assignment of persons to work under this act as will assure that all persons similarly circumstanced shall, as far as it is possible to do so, be treated alike. In assigning anyone to work, the commissioner of commerce and labor shall take into consideration the age, physical condition and other appropriate circumstances of the person so assigned, and the rules and regulations to be promulgated by said commissioner of commerce and labor under the provisions of this act shall make allowances for such facts and circumstances.

Enforcement.

SEC. 8. After the issuance of the proclamation hereinbefore provided for, it shall be the duty of the police officers of the various cities and the sheriffs of the respective counties and of any other officer, State, county or municipal, charged with the enforcement of the law, to seek and continue to seek diligently the names and places of residence of able-bodied persons within their respective jurisdictions, between the ages aforesaid, not regularly or continuously employed as aforesaid. Any police officer, sheriff, or other official failing to do his duty in enforcing this law shall be judged guilty of a misdemeanor and shall be punished as prescribed in section 1065 of the Penal Code of Georgia.

Duty of local officers.

SEC. 9. The provisions of this act shall not apply to persons temporarily unemployed by reason of differences with their employers. In case of strikes, or lockouts the governor shall immediately appoint a board of inquiry consisting of one representative of labor and one representative of employers, the two to select the third representative. If no selection of the third person is made in twenty-four hours, the chief justice of the State shall appoint the third member of the board. This board shall immediately inquire into all the facts in the case and make a report to the governor. The governor shall then determine whether the facts warrant the continued idleness of the employees and shall adjudicate a reasonable time which shall be allowed for the adjustment of differences. The provisions of this act shall not apply to persons fitting themselves to engage in trade or industrial pursuits, nor to bona fide students during the school term.

Persons exempt.

SEC. 10. For the purpose of this act, any person as aforesaid found in this State, shall be deemed a resident, and in any prosecution hereunder proof that the accused habitually loiters in idleness in streets, roads, depots, pool rooms, hotels, stores, or other places shall be prima facie evidence of the failure of such person to comply with the provisions of this act.

Residents.

SEC. 11. The commissioner of commerce and labor by and with the consent of the governor is hereby authorized to employ or appoint a chief clerk, who shall be a stenographer, to be known as chief clerk of employment at a salary of not more than \$1,800 per annum and such other employees to be known as special representatives, not exceeding two, for such a term of service as the governor of said State and the commissioner of commerce and labor may determine. Each special representative to receive a salary of not more than \$1,800 per annum and expenses, and who shall receive their pay in the same manner as other State officials, and there shall be a contingent fund of \$2,600 to be known as a contingent fund of employment to be used in the payment of necessary expenses incident to the enforcement of this law, including traveling expenses, postage, etc.

Enforcement employees.

SEC. 12. From and after the declaration of a peace treaty by the President of the United States, thereby terminating the state of war now existing, the provisions of this act shall cease to be operative and the entire act shall become null and void.

Term.

Approved August 8, 1918.

KENTUCKY.

ACTS OF 1918.

CHAPTER 23.—*Labor on highways—Wages and hours.*

SECTION 1. Section 4329 of Kentucky statutes, Carroll's edition, 1915, is amended * * * so that said section, as amended and reenacted will read as follows:

Sec. 4329. * * * Such employees [on public roads] may receive such compensation per day as may be allowed by the fiscal court: *Provided*, That every able-bodied man employed to do manual or day labor under the provisions of this chapter on the public roads shall receive the prevailing wages of the vicinity in which the work is to be done, which shall not be less than \$1 nor more than \$3 per day, according to services rendered, except in the case of necessary skilled labor, foremen, and assistant engineers, who shall receive not more than \$5 per day, provided that a day's work shall consist of not less than eight hours of actual labor.

Approved March 26, 1918.

CHAPTER 25.—*Mine regulations—Department of mines.*

SECTION 1. The office of inspector of mines, which has for its purpose the supervision and enforcement of 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 having charge of said department shall be "chief inspector of mines," and the governor is hereby authorized to appoint a chief inspector of mines, who shall hold the office for four years and until his successor is appointed and qualified.

Said chief inspector of mines shall have a practical knowledge of the different systems of working and ventilating coal mines and of the nature, chemistry, and properties of noxious and poisonous gases of the mines, especially of explosive gases; also of the dangers due to such gases and their prevention, and of the dangers incident to blasting and their prevention; also of methods for the prevention of explosions in mines due to gas or dust; also of methods for the management and extinguishing of mine fires, and of methods of rescue and relief work in coal-mine disasters; also of the application of electricity in mining operation; and he shall also have a practical knowledge of mining engineering.

Said chief inspector of mines shall, before he enters upon the discharge of his duties, be sworn to discharge said duties faithfully and impartially, which oath shall be certified by the officer administering it, and said certificate shall be filed with the secretary of state in his office; and said chief inspector shall give bond in the penal sum of \$5,000, with surety, to be approved by the governor, for the faithful discharge of his official duties. Said chief inspector shall be liable to dismissal for willful neglect of duty, or misconduct or malfeasance in office.

Said chief inspector shall devote his entire time to the duties of his office, among which shall be the supervision of the training of miners in "mine-rescue" methods and, to such extent as his other duties will permit, the dissemination of information among miners concerning mining methods and mine accidents and their prevention. While holding office he shall not act as agent or as a

manager or as mining engineer for, or be interested financially in operating, any coal mine; but he may, in his discretion, comply with requests for advice as to appropriate methods for mining the respective coal beds in Kentucky: *Provided*, Such requests do not interfere with the performance of his duties and he does not receive pay for such advice.

Office. The office of the State department of mines shall be in Frankfort, where adequate offices shall be furnished him, unless the governor shall deem it more advantageous for it to be elsewhere, in which event the governor is hereby authorized to name such place as to him may appear appropriate; but there shall be no allowance for office rent should the office be located elsewhere than in Frankfort. The offices of the respective assistant inspectors shall be at such place within their districts as the chief inspector may designate, and they shall be allowed office rent not to exceed \$15 a month, in the discretion of the governor.

Salary. **SEC. 2.** The chief inspector shall receive an annual salary of \$3,000, payable monthly, as other salaries are paid 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, and he shall be allowed not to exceed \$1,200 per annum for clerical assistance, in the discretion of the governor.

Assistant inspectors. **SEC. 3.** Whereas the number of coal mines in Kentucky now exceeds seven hundred, having more than doubled within the last two years, and is still rapidly increasing, rendering it physically impossible for the present inspection force of the State department of mines to inspect all the mines as often as proper care for the safety and health of the persons employed therein requires or the law sets forth, the governor of this Commonwealth is hereby authorized and directed to appoint three additional assistant inspectors of mines, who shall hold office for four years and until their successors are appointed and qualified. The appointment of these, as well as the appointment of all assistant inspectors shall be made by the governor, and each such inspector herein appointed and those hereafter appointed shall hold office for four years and until their successors are appointed and qualified. All said assistant inspectors shall have a thorough knowledge of the different systems and working and ventilating coal mines and of the nature and properties of mine gases, especially explosive gases and coal dust, and shall have a thorough and practical knowledge of mining gained by at least five years of experience at and in coal mines at least three years of which must have been in the mines. Said assistant inspectors, before entering upon the discharge of their official duties, shall be sworn to discharge those duties faithfully and impartially and to the best of their skill and ability, which oath shall be certified by the officer administering it, and said certificate shall be filed with the secretary of state in his office, and each of said assistants shall give bond in the penal sum of \$2,000, with surety to be approved by the governor, for the faithful discharge of his official duties. Each of said assistants shall give his entire time and attention to the duties of his office, which shall consist of the inspection of coal mines, and of aiding, under the direction of the chief inspector of mines, in carrying out and enforcing the provisions of the laws relating to the inspection of such mines; also of training crews of miners, at the mines within their respective districts, in "mine-rescue" methods and in methods of dealing with mine fires; also, of taking charge of mine-rescue and recovery work when mine explosions or mine fires occur within their respective districts, in the event the chief inspector should not be present; also to assist in such work in other districts when so directed by the chief inspector; also to reopen mines or portions of mines that have been sealed on the account of the presence of fire, when called upon by the owner or operator so to do; and to perform such other duties as are set forth in the mining laws.

Salary. Each assistant inspector shall receive an annual salary of \$1,800, payable monthly, and shall likewise be allowed and paid his neces-

sary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

Sec. 4. The chief inspector of mines is hereby authorized and directed to partition the coal fields of the State into divisions which shall be known as mine rescue divisions, of which there shall be not to exceed two in the western coal field and not to exceed three in the eastern coal field. In each division there shall be a station, the location of which shall be determined by the chief inspector of mines subject to approval by the governor, at which station shall be kept apparatus, appliances, and supplies for use in the work of rescue and relief upon the occurrence of explosions or mine fires, and for the training of miners in such work.

Divisions of State.

Rescue stations.

The chief inspector of mines is hereby directed to provide each station, as it shall be located, and himself with such apparatus, appliances and supplies as may be necessary and he shall designate one of his assistant inspector of mines to have charge of each station.

For the purchase of such rescue apparatus and appliance, there is hereby appropriated a sum not to exceed \$4,500. The supplies of oxygen and of necessary chemical for the apparatus shall be purchased by the chief inspector of mines as need from time to time and paid for as other expenses are paid, on the order of said chief inspector approved by the governor; and so shall the cost of any repairs that may become necessary from time to time be paid.

Approved March 26, 1918.

CHAPTER 36.—*Assignment of wages.*

[This act amends section 2 of chapter 120, Acts of 1912 (sec. 4758a, Ky. Stat.), by striking out the proviso making assignments valid if a copy is furnished the employer within three days, without his assent in writing, thus requiring his assent in all cases.]

Assent of employer.

CHAPTER 52.—*Employers' liability—Railroad companies.*

SECTION. 1. Every common carrier by railroad while engaged in commerce in this State shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or in case of death of such employee, his or her personal representative for such injury or death to such employee resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence in its cars, engines, appliances, machinery, track, roadbed, docks, boats, wharves or other equipment.

Liability declared.

SEC. 2. In all actions hereafter brought against any such common carrier by railroad, or by virtue of any of the provisions of this act to recover damages for personal injury to any employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may have been injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute, State or Federal enacted for the safety of employees contributed to the injury or death of such employee.

Contributory negligence.

SEC. 3. In any action brought against any common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any employee, such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute, State or Federal, enacted for the safety of employees contributed to the injury or death of such employee.

Assumption of risk.

Approved March 26, 1918.

CHAPTER 102.—*Employment of children—General provisions.*

Subsection 4 of section 331A of Kentucky Status, Carroll's edition 1915, * * * shall read as follows:

Evidence.

Subsec. 4. The persons authorized to issue employment certificates, age certificate, or permit under the authority of this act, shall issue such certificates to any minor making applications therefor, notwithstanding such applicants may have passed the age of sixteen years, and only upon the application in person of the child desiring employment, accompanied by its parent, guardian or custodian, and after having received, examined and approved in addition to the school record of such child properly filled out and signed, as provided herein below, documentary evidence of age, showing that the child is fourteen years of age or over; which evidence shall consist of one of the following named proofs of age, to be required in the order herein designated as follows:

(a) A birth certificate or attested transcript thereof issued by a registrar of vital statistics or other officer charged with the duty of recording births.

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

(c) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births in the family of the child are preserved, or other satisfactory documentary evidence, such as a passport showing the age of the child, a certificate of arrival in the United States, issued by the United States immigration officers and showing the age of the child, or a life-insurance policy: *Provided*, That such other satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence: *And provided further*, That a school record or a parent's, guardian's or custodian's affidavit, certificate, or other written statement of age shall not be accepted except as specified in paragraph (d).

(d) A certificate signed by a public-health physician or a public-school physician, specifying what in the opinion of such physician is the physical age of the child; such certificate shall show the height and weight of the child and other facts concerning its physical development revealed by such examination and upon which the opinion of the physician as to the physical age of the child is based. A parent's, guardian's or custodian's certificate or affidavit, as to the age of the child and record of age as given on the register of the school which the child first attended, or in the school census, if obtainable, shall be submitted with the physician's certificates showing physical age.

Rank.

The officer issuing the age certificate for a child shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision, unless he shall receive and file evidence that the evidence of age required by the preceding subdivision or subdivisions can not be obtained.

Statement by employer.

Such application must be accompanied by the written statement of the person, firm or corporation into 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.

Any person who knowingly makes a false statement, or presents false evidence in or in relation to any such certificates or applications therefor shall be amenable to prosecution and to the fine or imprisonment, as provided in section 16 of this act.

Certificate a defense.

No employer shall be prosecuted under the provisions of this act for any violation, if such employer has in good faith procured at the time of employing such child and has since in good faith relied upon and kept on file such age certificates, employment certificate or permit, issued in such form and under such condi-

tions and by such persons as prescribed in this act, showing that the child so employed was of such age as is not prohibited by this act.

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 \$25 nor less than \$5, to be disposed of as provided in the section of this act number 16.

Reports to labor inspector.

Whenever an inspector duly authorized under this act shall find that the age of a child employed in any mill, cannery, workshop, factory, manufacturing establishment, mine, or quarry as given on a certificate is incorrect, or that the time record is not kept in accordance with the provisions of this act, he shall notify the child, the employer and the issuing officer that the certificate or the acceptance of a State certificate for the purposes of this act is suspended, and indicate such suspension on the certificate or certificates.

Incorrect age.

A statement of the facts for which the suspension was made shall be forwarded by the inspector to the commissioner of labor, or such person as he may designate, who will either (a) revoke or withdraw the certificate or the acceptance of the certificate, or (b) veto the suspension, as in his judgment the facts of the case warrant. Due notice shall be sent to the child's parent, guardian, or custodian, to the employer, and to the issuing officer of the action taken in regard to a suspended certificate.

Suspension.

If the suspension of a certificate be vetoed, a new certificate shall be issued upon the surrender of the one suspended. If for any reason such new certificate can not be obtained from a State issuing officer, the notice of the veto, if attached to a suspended certificate shall be recognized and accepted as meeting the requirements of this act.

Became a law without the governor's signature.

CHAPTER 113.—*Mine regulations.*

[This act amends section 1, article 3, chapter 79, Acts of 1914, by authorizing the making of a copy of a mine map without the consent of the owner or operator of the mine on the filing of an affidavit by an adjacent owner that he believes that his property is being encroached upon.]

Map.

CHAPTER 178.—*Compulsory labor, etc., service—War emergency.*

SECTION 1. It is hereby declared to be the duty of every able-bodied male resident of this State, between the ages of sixteen and sixty years, to habitually and regularly engage in some lawful, useful, and recognized business, profession, occupation or employment whereby he may produce or earn sufficient to support himself and those dependent upon him.

Scope of act.

SEC. 2. From the time this act becomes effective, and thenceforward until six months after the termination of the present war between the United States of America and the Imperial German Government, any able-bodied male resident of this State between the ages of sixteen and sixty, except bona fide students during school term, who shall fail or refuse to regularly and steadily engage for at least thirty-six hours per week in some lawful and recognized business, profession, occupation or employment, whereby he may contribute to the support of himself and those legally dependent upon him, shall be held to be a vagrant within the meaning and

Term.

Work time.

- Penalty.** effect of this act, and shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$20 or more than \$100 for each offense, and as a part of such punishment and sentence such offender shall be by the trial court ordered to work not exceeding sixty days upon the public roads or streets, or upon some other public work being done by and in the county in which such person shall be convicted, or by any municipality therein. One-half of the fair value of any such labor so performed under such sentence, shall be paid by such county or municipality receiving the same toward the support of any persons legally dependent upon such vagrant, but if there shall be no such legal dependents, then no payment shall be made on account of any labor performed under such judgment. Any labor so required by a judgment of conviction hereunder shall be rendered in all respects as is now provided by law in the case of other prisoners in jail.
- Prosecutions.** Prosecutions hereunder shall be instituted and conducted as other criminal prosecutions, and in no case shall the possession by the accused of money, property, or income sufficient to support himself and those legally dependent upon him be a defense to any prosecution under this act. In no case shall the claim by the accused of inability to obtain work or employment be a defense to a prosecution hereunder.
- Jurisdiction.** SEC. 3. All county judges, justices of the peace, mayors and police judges within the State are hereby given jurisdiction to try and punish all offenders under this act, or such prosecution may be by indictment. Each week or portion thereof that such resident shall continue a vagrant hereunder shall constitute a separate offense, and no appeal shall be allowed from any judgment of conviction for vagrancy, unless the accused shall give bond, with penalty and security to be fixed and approved by the court granting the appeal, conditioned not to violate this act during the pendency of such appeal. Any judgment for the performance of labor hereunder may be suspended by the court pronouncing the same, upon the execution, by the person convicted of a bond, with the penalty and security approved by the court, conditioned to comply with the provisions of this act for one year from the date of such bond. A violation of the condition of such last-mentioned bond shall entitle the State to recover the amount of the penalty thereof, and in addition thereto the convicted person shall be rearrested and required to serve the sentence formerly pronounced against him.
- Residents.** SEC. 4. For the purposes of this act any male person found in this State shall be deemed a resident, and in any prosecution hereunder, proof that the accused habitually loiters in idleness in streets, roads, depots, pool rooms, hotels, stores or other public places, or that he is habitually intoxicated, or is addicted to the use of narcotic drugs, or is a professional gambler, or, being able-bodied is supported in whole or in part by the labor of any woman or child, shall be prima facie evidence of vagrancy.
- Enforcement.** SEC. 5. It shall be the duty of sheriffs, deputy sheriffs, constables, mayors, marshals, chiefs of police, policemen, and all other police officers to arrest any person within the territorial limits of their jurisdiction whom they believe to be violating the provisions of this act. And, said officers shall present the accused before the county judge, justice of the peace, mayor, or police judge of their jurisdiction forthwith for trial, and it shall be the further duty of said police officer to summon witnesses to appear before the judge, mayor, or justice of the peace to give any evidence they may possess for or against the accused.
- Jurisdiction.** SEC. 6. County judges shall have concurrent jurisdiction in vagrancy cases under this act, with any mayor, justice of the peace, or police judge of any jurisdiction within the county of the said county judge.
- Failure to enforce.** SEC. 7. Any sheriff, deputy sheriff, constable, mayor, marshal, chief of police, policeman, or other police officer failing to see that the provisions of this act are enforced within the territorial limits of his jurisdiction shall be subject to prosecution for nonperformance of duty and removed from office.

Became a law without the governor's signature.

LOUISIANA.

ACTS OF 1918.

Act No. 55.—*Bonds of public employees.—Premiums.*

SECTION 1. All State boards or commissions, or institutions whose employees are required to give a bond in favor of the State, the premium on said bond shall be paid by the board or commission or institution requiring said bond.

Employer to pay.

Approved June 27, 1918.

Act No. 126.—*Employment of women and children—Commission.*

A commission of five shall be appointed, two from the senate to be appointed by the lieutenant governor and three from the house of representatives to be appointed by the speaker of the house, for the purpose of investigating the conditions surrounding the employment of women and children in the State of Louisiana.

Appointment.

Said commission shall have power to administer oaths, subpoena witnesses, take testimony, compel the production of books, papers, documents, etc.

Powers.

Said commission shall report to the general assembly of the State of Louisiana which convenes in the year 1920 its findings and recommendations and submit such legislation as it may deem proper on the question of minimum wages and maximum hours for women and children.

Report.

Approved July 9, 1918.

Act No. 139.—*Compulsory labor, etc., service—War emergency.*

SECTION 1. It is hereby declared to be the duty of every able-bodied male resident of this State, between the ages of seventeen and fifty-five years, to be habitually and regularly engaged in some lawful, useful and recognized business, profession, occupation, trade or employment, whenever the governor of the State shall issue a proclamation determining such employment to be necessary and essential for the protection and welfare of this State and the United States, during the existence of the present state of war in which the United States is now engaged, and thenceforward until the termination of such war, and any able-bodied male resident of this State, between the ages aforesaid, who shall fail or refuse to be so employed for at least forty-eight hours per week shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than \$100 or be imprisoned for a term not to exceed three months, or both in the discretion of the court.

Scope of law.

Work time.

Sec. 2. In no case shall the possession by the accused of money, property or income sufficient to support himself and those regularly dependent upon him be a defense to any prosecution under this act.

Property not a defense.

Sec. 3. In no case shall the claim by the accused of his inability to obtain work or employment be a defense to a prosecution hereunder unless it shall be proved that the accused promptly notified the parish council of defense of his residence of his inability to obtain employment, and requested that work or employment be found for him, and that such employment was not furnished him, and shall hold a certificate from the parish council of defense of his residence that such application has been made.

Inability to obtain work.

- Placement.** SEC. 4. It shall be the duty of the parish council of defense whenever any person shall inform it of his inability to obtain employment as aforesaid to register forthwith the name of such person, together with his address, age and any other information which he may deem necessary. The parish council of defense shall notify the representative of the Department of Labor of the United States for the district in which said person resides of the inability of such person to find employment, and if the representative of the Department of Labor of the United States is unable to find employment for such person, and the parish council of defense is likewise unable to find employment for such person, the parish council of defense must so certify to such person in writing. Claims of disability urged in court must be supported by affidavits of reputable physicians, unless such physical disability is readily apparent.
- Enforcement.** SEC. 5. After the issuance of the proclamation hereinbefore provided for, it shall be the duty of the sheriffs of the respective parishes and of any other officer, State, parish or municipal, charged with enforcing the law, to seek and continue to seek diligently the names and places of residence of able-bodied male persons within their respective jurisdictions, between the ages aforesaid, not regularly or continuously employed as aforesaid.
- Exemptions.** SEC. 6. The provisions of this act shall not apply to persons temporarily unemployed by reason of differences with their employers, such as strikes and lockouts, and to persons who are regularly employed but are upon vacation, nor to bona fide students, during the school term, nor to persons fitting themselves to engage in trade or industrial pursuits.
- Residents.** SEC. 7. For the purpose of this act, any male person as aforesaid found in this State shall be deemed a resident, and in any prosecution hereunder proof that the accused habitually loiters in idleness in streets, roads, depots, pool rooms, saloons, hotels, stores or other places shall be prima facie evidence of the failure or refusal of such persons to comply with the provisions of this act.

Approved July 9, 1918.

ACT No. 145.—*Private employment offices.*

- Definition.** SECTION 1. Any person who solicits, hires, or contracts with, laborers, male or female, to be employed by persons other than himself, and every agent of such person, except as may be hereinafter provided, shall be deemed to be a labor agent.
- Supervision.** SEC. 2. The business of labor agents, or agencies, shall be under the supervision of the commissioner of labor and industrial statistics of the State of Louisiana.
- License tax.** SEC. 3. Every person who engages in the business of a labor agent, except as hereinbelow provided, shall pay unto the State of Louisiana an annual license tax of five hundred (\$500) dollars, but before any such license shall be issued, the applicant shall produce and file with the commissioner of labor a certificate from the judge of the district court of the parish in which such labor agent proposes to have his office, or of the parish in which he proposes to do business, certifying that to the personal knowledge of said judge, or from the information of creditable witnesses under oath, he is satisfied that the said applicant is a person of good character and honest demeanor: *Provided*, That labor agents in cities and towns in this State who have and keep a regular office in such city or town and who transact all their business in such office, and who do not in person or by agent solicit, or hire, or contract, with laborers outside of such office, or attempt to do so, except by written telegraphic or telephonic communications, after securing a certificate from the judge as above required, shall be required to pay annually only twenty-five (\$25) dollars license tax unto the State of Louisiana for such privilege, and the license so paid for and obtained shall permit all the employees of such person who assist in the prosecution of such work in such office only, as aforesaid, to aid therein.

SEC. 4. In addition to securing the certificate and paying the license tax provided in this act, every person who engages in the business of a labor agent, or who is now engaged in such business, shall furnish to the commissioner of labor a bond with good and solvent security in the sum of five thousand (\$5,000) dollars, conditioned that such person shall pay all such damages which may result from his actions as such labor agent; and that anyone who may have been injured and damaged by said agent by fraud or by misrepresentation of said agents shall have a right to sue on said bond to recover such damages before any court of competent jurisdiction. The bond furnished to the said commissioner of labor shall be by him filed in the office of the treasurer of the State of Louisiana.

Bond.

SEC. 5. Any person who shall violate 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 one hundred (\$100) dollars, nor more than five hundred (\$500) dollars, or imprisoned in the parish jail for a period of not less than ten nor more than ninety days, or both fine and imprisonment at the discretion of the court.

Violations.

SEC. 6. This act shall in no way interfere with or repeal the provisions of act No. 54 of 1906 [relating to repayment of advances] or acts amendatory thereto.

Act construed.

SEC. 7. The provisions of this act shall not be construed so as to prevent the employment or the solicitation of labor to cultivate or harvest agricultural products within the State of Louisiana.

Farm labor.

SEC. 8. If for any reason any section or part of this act shall be held to be unconstitutional or invalid, then that part shall not invalidate any other part of this act, but the same shall be enforced without reference to the parts so held to be invalid.

Provisions severable.

Approved July 10, 1918.

ACT No. 146.—*Sunday labor—Barber shops.*

SECTION 1. It shall be unlawful hereafter for the operation of barber shops, tonsorial parlors or any other places of business where the trades of cutting and clipping hair, shaving or massaging is carried on within the State of Louisiana, on Sunday.

Work on Sunday forbidden.

SEC. 2. Any person or persons who shall be convicted for the violation of this act, shall be fined the sum of not less than twenty-five (\$25) dollars, nor more than one hundred (\$100) dollars, or shall serve not less than thirty (30) or more than sixty (60) days in prison, or shall be both fined and imprisoned as herein provided, in the discretion of the court.

Penalty.

Approved July 10, 1918.

ACT No. 158.—*Seats for female employees—Elevator operators.*

SECTION 1. Every owner, manager, or agent of any place of business wherein or whereon an elevator is installed for the carrying of persons, goods, wares, and merchandise shall provide for the convenience of the female operator of said elevator, while on duty proper seating or resting accommodations.

Duty of owners, etc.

SEC. 2. The violation of this act on the part of any owner, manager or agent as herein provided shall be a misdemeanor punishable before the court of proper jurisdiction by a fine of not to exceed \$25, or imprisonment not to exceed ten days.

Violations.

Approved July 10, 1918.

ACT No. 159.—*Actions for personal injuries—Limitations.*

[This act amends article 2315 of the Revised Civil Code of 1870 by substituting the words "surviving spouse" for the word "widow" where it occurs.]

Widowers included.

ACT No. 232.—*Bureau of labor and industrial statistics.*

Salary. [This act amends section 6 of act No. 186, Acts of 1914. The title of the head of the bureau is given in full as "Commissioner of Labor and Industrial Statistics," and his salary is advanced from \$2,000 to \$2,400 per annum.]

ACT No. 255.—*Payment of wages—Semimonthly pay day.*

Penalty. [This act amends act No. 25, Acts of 1914, as amended by act No. 108, Acts of 1916, by prescribing the minimum fine for violations, \$25 being fixed.]

ACT No. 276.—*Factory, etc., regulations.—Fire escapes.*

Scope of law. SECTION 1. * * * Every factory, mill, manufactory or workshop, * * * building three stories and over in height used or occupied as a store or workroom * * * shall be provided with such good and sufficient fire escapes, stairways, suitable inclosures and other means that will afford safe means of egress in case of fire.

Construction of escapes. (a) Fire escape on the outside of buildings shall consist of open iron balconies and stairways.

(b) The stairway shall be placed at an angle of not more than sixty (60) degrees, with steps not less than six (6) inches and twenty inches in length and with a rise of not more than fifteen (15) inches.

(c) The balcony on the top floor, except in case of front fire escape, shall be provided with a gooseneck ladder leading from said balcony to and above the roof.

(d) The balconies shall be not less than three (3) feet in width, and placed at each story above the ground floor.

(e) There shall be a landing not less than twenty-four (24) inches square at the head and foot of each stairway.

(f) The stairway opening on each platform shall be of sufficient size to provide clear headway.

(g) The platform or balconies and stairs shall be constructed and erected to safely sustain in all parts a safe load of not less than seventy (70) pounds per square foot.

(h) The outside rail shall extend around the entire exposed side of the platform and shall be secured to the platform and walls of the building in a rigid and secure manner.

Enforcement. SEC. 2. It shall be the duty of the State labor commissioner to direct the installation of such fire escapes except in such cases as he may deem such fire escapes 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 constructed according to specifications to be issued or approved by the State fire marshal.

Use of adjacent property. SEC. 3. 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 buildings 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 amenable to the fire-escape provision of this act.

SEC. 4. 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 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 building, showing that compliance with the requirements of the foregoing sections is provided for therein, and such building shall not be adapted or erected without the approval of the State fire marshal. Plans to be submitted.

SEC. 5. 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 commissioner, shall be punished by a fine of not less than \$100 nor more than \$500, or imprisonment of not less than thirty days nor more than twelve months, or either or both, at 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 cases of loss by death or injury. Violations.

Approved July 11, 1918.

ACTS OF 1918.—EXTRA SESSION.

Act No. 13.—*Housing of wage earners—Commission.*

A commission to be known as the Louisiana State Housing Commission shall be created, to be composed of nine members appointed by the governor, and who shall be selected, one from a chapter in this State of the American Institute of Architects; one from a bank clearing house, in this State; one from a board of trade in this State; one from an association of commerce in this State; one from the contractors and dealers' exchange in New Orleans or similar builders' exchanges of Louisiana; one from the board of State engineers; two from members of labor organizations in this State and a member of the tuberculosis commission. In addition to the foregoing, the governor of Louisiana, and the president of the State board of health shall be ex-officio members. Appointment.

Said housing commission shall have authority to act in conjunction with the United States Secretary of Labor to obtain Federal aid for the purpose of erecting wage earners' dwelling houses. Powers.

The commission herein created shall collect and disseminate for general information data on the construction of tenement houses, lodging houses, theaters and other places of amusement, hotels, community recreation centers and parks; it shall investigate and report to the general assembly upon the needs within the State of wage earners' dwelling houses. Duties.

Approved August 15, 1918.

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MARYLAND.

ACTS OF 1918.

CHAPTER 88.—*Assignments of wages—Wage brokers.*

[This act is in the form of the "Uniform Small Loan Law" and regulates loans in sums of \$300 or less, when the rate of interest is in excess of 6 per cent. The usual provisions as to broker's license, bonds, statements, receipts, etc., are enacted. A maximum rate of $3\frac{1}{2}$ per cent per month is fixed; assignments of wages are valid only for debts contracted concurrently; must be in writing signed by the borrower in person; must be indorsed by both husband and wife if the borrower is married, unless after separation of at least five months; and may not affect more than ten per cent of the employee's wages from the time that a verified copy of the assignment has been served upon the employer, together with a statement of the amount due at the time.] Summary of provisions.

CHAPTER 425.—*Bribery, etc., of employees making purchases.*

[This act penalizes the giving or receipt of any present, bonds, or commission to superintendents, managers, gardeners, foremen, or other employees making purchases of material, equipment, supplies, etc., for public parks, cemeteries, athletic grounds, club grounds, hotel grounds, country estates, etc.] Acts forbidden.

CHAPTER 495.—*Employment of children—General provisions.*

[This act amends certain sections of article 100, of the Annotated Code of Maryland, as amended by chapters 222 and 701, Acts of 1916. Section 5 is amended by fixing 14 years instead of 12 as the minimum age for employment in canning and packing establishments. Section 13 is amended by adding to the proofs of age a new provision (c), the present paragraph (c) becoming (d). The new provision reads as follows:] Age limit.

(c) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births in the family of the child are preserved, a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy: *Provided*, That such other satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence; and provided further that a school record or a parent's, guardian's, or custodian's affidavit, certificate, or other written statement of age shall not be accepted except as specified in paragraph (d). Proofs.

[Necessary changes of reference to the various paragraphs are made in paragraph (d).]

Section 15 is similarly changed, and 14 years substituted for 12 years as the minimum age for children receiving permits for vacation employment. Vacation employment.

A new section, 36A, is added, as follows:]

Sec. 36A. The State board of labor and statistics shall have the discretion of issuing temporary permits to boys over fourteen years of age, who are mentally retarded and are unable to make further advancement at school, upon the written recommendation of the superintendent of education, of the city of Baltimore or any county in the State, as the case may be. Backward pupils.

Approved April 10, 1918.

MASSACHUSETTS.

ACTS OF 1918.

CHAPTER 53.—*Sunday labor.*

[This act amends section 1, chapter 92, Revised Laws, by adding a provision permitting the removal of trapped animals from the traps, but not permitting the setting, resetting, or baiting of traps on Sunday.] Trapping.

CHAPTER 87.—*Payment of wages—Weekly pay day.*

[This act amends section 112, chapter 514, Acts of 1909, by adding clubs in cities to the list of employers who must make weekly payments of wages to their employees.] Employees of clubs.

CHAPTER 90.—*Hours of labor of public employees—Farm labor.*

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding \$100,000, to be expended subject to the approval of the governor and council by the State board of agriculture in the purchase of farm machinery and in operating the same or in leasing it to farmers, for use in this Commonwealth, upon such terms and for such periods as the board may deem expedient. Agricultural machinery.

SEC. 2. The provisions of chapter four hundred and ninety-four of the acts of nineteen hundred and eleven, as amended by chapter two hundred and forty of the general acts of nineteen hundred and sixteen, relating to the hours of labor of public employees, shall not apply to persons employed under the provisions of this act. Eight-hour law not to apply.

Approved March 23, 1918.

CHAPTER 110.—*Factory regulations—Provisions for warming food.*

[This act amends section 104, chapter 514, Acts of 1909, as previously amended, by adding the following to the list of supplies and appliances that the employer must furnish:] Facilities to be supplied.
and also suitable and sanitary facilities for heating or warming food to be consumed by those employees of the factory or shop who so desire.

CHAPTER 112.—*Insurance of employees—Group insurance.*

SECTION 1. Group life insurance is hereby declared to be that form of life insurance covering not less than fifty employees, with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and employees jointly, and insuring only all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, and for the benefit of persons other than the employer: *Provided, however,* That when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per cent of such employees may be so insured; or not less than forty per cent if each employee belonging to the insured group has been medically examined and found to be acceptable for ordinary insurance by an individual policy. Definition.

Policies to be approved.

SEC. 2. On and after July first, nineteen hundred and eighteen, no policy of group life insurance shall be issued or delivered in this Commonwealth until a copy of the form thereof has been filed at least thirty days with the insurance commissioner, unless before the expiration of said thirty days the said commissioner shall have approved the policy in writing; nor if the said commissioner notifies the company in writing within said thirty days that, in his opinion, the form of the policy does not comply with the laws of this Commonwealth, specifying the reasons for his opinion: *Provided*, That this action of the said commissioner shall be subject to review by the supreme judicial court; nor shall any such policy be so issued or delivered unless it contains in substance the following provisions:

Provisions.

1. A provision that the policy shall be incontestable after two years from its date of issue, except for nonpayment of premiums or violation of the conditions of the policy relating to military or naval service in time of war.

2. A provision that the policy, the application of the employer and the individual applications, if any, of the employees insured shall constitute the entire contract between the parties and that all statements made by the employer or by the individual employees shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy unless it is contained in a written application.

3. A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee.

4. A provision that the company will issue to the employer for delivery to the employee whose life is insured under the policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled and to whom it is payable, together with a provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company, without evidence of insurability and upon application made to the company within thirty-one days after such termination and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, a policy of life insurance in any one of the forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group insurance policy at the time of such termination.

5. A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer eligible to insurance in such group or class.

A policy shall be deemed to contain any such provision in substance when, in the opinion of the insurance commissioner, the provision is stated in terms more favorable to the employer or employee than are herein set forth.

Proceeds exempt.

SEC. 4. No policy of group life insurance, or the proceeds thereof when paid to any employee or employees thereunder, or to their beneficiaries, shall be liable to attachment, trustee process or other process or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liabilities of such employee or his beneficiary or any other person who may have a right thereunder either before or after payment; nor shall the proceeds thereof, when not made payable to any beneficiary, constitute a part of the estate of the employee for the payment of his debts.

Loans.

SEC. 5. Group life insurance policies shall be exempt from any loan provision or requirement. Any equity of the insured in a group life insurance policy at the time of default in the payment of a premium, whether that equity exists by reason of the terms of the policy or by statute, shall be applied to purchase extended or paid up insurance for each of the insured at attained age on

Extensions.

the basis of the mortality table and rate of interest used in computing the premium for the group.

SEC. 6. Under any group policy issued by a domestic mutual-life insurance company, the employer only shall be a member of the company, and entitled to one vote by virtue of such policy at the meetings of the company. Mutual companies.

SEC. 7. Except as provided in this act it shall be unlawful to make a contract of life insurance covering a group in this Commonwealth. Act binding.

Approved March 27, 1918.

CHAPTER 147.—*Employment of women and children—Hours of labor.*

SECTION 1. The provisions of section forty-eight of chapter five hundred and fourteen of the acts of nineteen hundred and nine, and of any amendments thereof, and of any law hereafter enacted restricting the hours of women and minors laboring in factories, or workshops, or in mercantile, manufacturing or mechanical establishments shall, unless it is otherwise expressly provided, apply to women and minors operating elevators in any of the aforesaid establishments, or in any building occupied in whole or in part by any such establishment, or in any office building. Elevator operators.

Approved April 12, 1918.

CHAPTER 149.—*Tips of hat checkers, etc., to be property of employees.*

SECTION 1. It shall be unlawful for any person, firm or corporation directly or indirectly to accept or receive any gratuity given to an employee of such person, firm or corporation for the checking of clothing. Employer not to take.

SEC. 2. Violation of this act shall be punished by a fine of not less than \$50 for each offense. Violations.

Became a law without the governor's signature.

CHAPTER 192.—*Employment of labor—Deductions from wages for tardiness.*

SECTION 1. There shall not be deducted from the wages of an employee in any factory, workshop, manufacturing, mechanical or mercantile establishment, or from the wages of a mechanic, workman or laborer, on account of the employee's coming late to work, a sum in excess of the proportionate wage which would have been earned during the time actually lost. Deductions limited.

SEC. 2. Violation of any provision of this act shall be punished by a fine of not more than \$50 for each offense. Violations.

Approved May 3, 1918.

CHAPTER 206.—*Vocational education—Evening classes—War emergency.*

[This act permits instruction in trades, etc., to persons in attendance on evening classes, in any line of profitable training, without restriction to the line of the student's occupation during the day, this waiver of the previous limitation operating during the term of the war and one year thereafter. The maximum limit of twenty-five years fixed by statute for attendance on such classes is similarly waived.] Restrictions waived.

CHAPTER 230.—*Rehabilitation of wounded soldiers and sailors—State and Federal cooperation.*

SECTION 1. For the purpose of fitting for employment in the industries of the Commonwealth, and of making self-supporting independent of charitable aid soldiers and sailors who have been Duty of board of education.

or may become disabled or diseased in the present war service of the United States or of its Allies, and who are residents of the Commonwealth at the time of their discharge, or within one year thereafter, and continue to be residents while receiving the benefits of this act, the board of education is hereby directed to establish a division for their training and instruction.

A d v i s o r y **Sec. 2.** Said division shall consist of a qualified executive head, appointed by the board of education, and an advisory board. The advisory board shall consist of the commissioner of education, who shall be chairman, the surgeon general, the commissioner of health, the director of the bureau of statistics, the director of mental diseases, the chairman of the industrial accident board, and the supervisor of administration, ex officio, and nine other persons who shall be appointed by the governor, with the advice and consent of the council, and shall serve without compensation. The director of the bureau of statistics shall be the executive secretary of the board.

E q u i p m e n t, **Sec. 3.** The governor, with the advice and consent of the council, is hereby authorized to transfer, either wholly or in part, to the board of education, for the use of said division, the use and custody of any State hospital, school or workshop, including its equipment and employees, or any other suitable resources of the Commonwealth, for a period not exceeding the duration of the present war and two years after its termination as defined by Federal authority.

A r r a n g e - **Sec. 4.** The board of education, acting through said division, is hereby empowered to make reasonable agreements for the use of available facilities for the purposes of this act, to provide such facilities where they are needed and to employ qualified persons to teach or supervise the soldiers and sailors seeking reeducation or training under the provisions of this act.

Cooperation. **Sec. 5.** The governor, with the advice and consent of the council, may lease to, or permit to be used by, the United States or any department, bureau or agency thereof, any State hospital, school, workshop and its premises and equipment, or any other suitable resources belonging to the Commonwealth for the purpose of enabling the United States to carry on the reeducation and rehabilitation in industry of any soldiers and sailors in the service of the United States or of its Allies, and may assign to the United States or its agents any agreement or contract entered into by the board of education or by said division for carrying out the purposes of this act, upon such terms and conditions as will fully protect the Commonwealth against expense.

A p p r o p r i a - **Sec. 6.** To carry out the provisions of this act there may be expended from the treasury of the Commonwealth such amounts as shall annually be appropriated by the general court, but, during the present fiscal year, not more than \$10,000.

Approved May 28, 1918.

CHAPTER 231.—*Rehabilitation of injured workmen.*

D i v i s i o n **SECTION 1.** There is hereby established, under the direction and control of the industrial accident board, a division for the training and instruction of persons whose capacity to earn a living has in any way been destroyed or impaired through industrial accident: *Provided,* That at the time of the accident which incapacitated them they were residents of the Commonwealth. The said board shall in its annual report to the general court describe in detail the work of the division, and may from time to time issue bulletins containing information relative thereto.

H e a d. **Sec. 2.** The head of the said division shall be appointed and his salary determined by the industrial accident board, subject to the approval of the governor and council, and he may be removed by the said board. The division shall be furnished with suitable quarters in the statehouse, and may expend for salaries and other necessary expenses such amount as shall annually be appropriated therefor by the general court.

E x p e n s e s.

SEC. 3. The said division shall aid persons who are incapacitated as described in section one in obtaining such education, training and employment as will tend to restore their capacity to earn a livelihood. The division may cooperate with the United States Government and in cooperation with the board of education may establish or maintain, or assist in establishing or maintaining, in schools or institutions supported wholly or in part by the Commonwealth such courses as it may deem expedient, and otherwise may act in such manner as it may deem necessary to accomplish the purposes of this act.

Duties.

Approved May 28, 1918.

CHAPTER 251.—*Strikes, etc.—Notice in advertisements for labor.*

[This act amends section 5 of chapter 347, Acts of 1914, so as to read as follows:]

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. Upon the application of the employer, this question shall be determined by said board, but only after a full hearing at which all persons involved shall be entitled to be heard and be represented by counsel. The board shall give at least three days' notice of the hearing to the strikers and employees by publication in at least three daily newspapers published in the Commonwealth, and by mailing a copy of said notice, postage prepaid, to the employers and to the accredited representatives of the strikers or workmen interested, when their addresses are known; and in every case the secretary of the board of conciliation and arbitration shall make every reasonable and diligent effort to give notice to said strikers, or interested workmen.

End of strike.

Notice of hearing.

Approved May 29, 1918.

CHAPTER 257.—*General amendment law.*

[This act makes numerous changes in various existing laws. Sections 101-110 relate to changes in the law governing pensions for State employees; sections 117-125, for county employees; sections 126-133 for municipal employees; while sections 134-136 make changes which are of general application. These changes relate chiefly to matters of detail, and are of subordinate importance except from an administrative standpoint.

Section 134 provides for the payment to the estate of a deceased member of a pension fund of any sum due him; or if there be no administrator or executor, then to the person apparently entitled to such sum. Section 136 forbids assignments of rights in or to funds or pensions except as provided in the act.

Deceased members of pension funds.

Assignments.

Sections 263 and 264 amend sections 17 and 18 of chapter 65, Revised Laws, relating to employment of children in street trades. Section 17 is amended by advancing from sixteen to eighteen years the age under which permits for girls will be issued by the school committee. Section 18 is amended so as to read as follows:]

Age limit for children.

Sec. 18. Any person who employs a minor in, or who, having the care or custody of a minor, permits him to engage in hawking or peddling without a permit or license, if one is required, and any person who, either for himself or as agent of any other person or of any corporation, furnishes or sells to such minor any articles with knowledge that such minor intends to sell such articles in violation of the provisions of this chapter, relative to hawkers and peddlers, shall be punished by a fine of not more than \$200, to be equally divided between the Commonwealth and the city or town in which the offense is committed, or by imprisonment for not more than six months.

Penalty.

Who to ap- [Section 344 amends section 27 of chapter 465, Acts of 1907,
 prove boiler which relates to inspection of steam boilers, by requiring the ap-
 rules. proval of the council as well as of the governor before the boiler
 rules acquire the force of law, as therein provided.]

Approved May 29, 1918.

CHAPTER 276.—*Board of labor and industries—Temporary inspectors.*

Additional SECTION 1. The State board of labor and industries is hereby
 inspectors. authorized to appoint, subject to the provisions of section eight of
 chapter seven hundred and twenty-six of the acts of nineteen hun-
 dred and twelve, as amended by chapter seventy-four of the
 General Acts of nineteen hundred and fifteen, five additional in-
 spectors, to serve for a period of one year from the date of the
 passage of this act, and to receive from the treasury of the Com-
 monwealth such salaries as may be determined by the said board,
 with the approval of the governor and council.

Approved May 31, 1918.

CHAPTER 286.—*Compulsory labor, etc., service.*

Power of SECTION 1. The governor may, at any time during the continu-
 governor. ance of the present war, issue a proclamation that the employment
 of all men able to work is necessary for the public protection and
 Scope of law. welfare. Thirty days after the issue of such proclamation, and
 thereafter until the termination of the present war, it shall be the
 Work time. duty of every male resident of the Commonwealth, who is able to
 work and who is between the ages of eighteen and fifty years, to
 engage in and pursue some regular, useful occupation for at least
 thirty-six hours per week, and to comply with the provisions of
 this act relative to registration. Any such person who fails to
 be employed or who fails to comply with the provisions of this
 act shall be punished by a fine of not more than \$100 or by im-
 prisonment for a term not exceeding three months or both. The
 Violations. governor may after the issuance of such proclamation at any time
 withdraw the same if in his opinion such action will be for the
 public interest: *Provided, however,* That such withdrawal shall
 not limit the right of the governor to issue a new proclamation
 under this act whenever he deems it advisable.

Property not SECTION 2. Possession on the part of any person of money, property
 a defense. or income sufficient to support himself and those regularly de-
 pendent upon him shall not be a defense to any prosecution under
 this act.

Placement. SECTION 3. Any person subject to the provisions of this act shall
 notify the director of the bureau of statistics, or any agent desig-
 nated by him as hereinafter provided, of the inability of any such
 person to obtain employment, and thereupon it shall be the duty of
 said director and of all such agents to register forthwith the name
 of such person, together with his address, age, and any other in-
 formation which the director may deem necessary, and to furnish
 each registrant with a certificate of registration. The director of
 the bureau of statistics shall thereupon assign, or cause to be
 assigned, and, if necessary, reassign or cause to be reassigned,
 such person to positions in the employ of any employer willing to
 accept the services of such person, subject to the provisions of
 this act, or to a position in the service of the United States, the
 Commonwealth or any county or municipality thereof, subject to
 the provisions of existing statutes and ordinances, and subject to
 the approval of the board, commission or responsible head of the
 department to which such person may so be assigned: *Provided,*
however, That in assigning anyone to work, the said director or
 his agents shall take into consideration the age, and any physical
 or other disability which may make the registrant unfitted for
 certain kinds of work: *And provided, further,* That no such person
 shall be required to work a greater number of hours per day than

usually constitutes a day's work in the occupation or employment in which such person is required to engage.

Sec. 4. It shall be the duty of every person who receives a certificate as aforesaid and is not at work, to report in person once a week at the office at which he was registered until he becomes employed, and at any time thereafter when he is not employed. The date upon which he so reports shall be marked upon the certificate and the certificate shall not be good if it shows upon its face that more than one week has elapsed without the employment of the holder of the certificate and without an indorsement showing that he had reported as aforesaid.

Weekly re-
port.

Sec. 5. All persons required to work under this act shall receive compensation of not less than the prevailing wage or salary paid to others engaged in the same kind of work in the community to which they are assigned. If any such person is assigned to work for any department, board or commission of the Commonwealth, his compensation shall be paid to him by such department, board or commission out of the appropriation made for it by the general court. If any such person is assigned to work for any county or for any municipality, or for any private employer, his compensation shall be paid by such county, municipality or private employer.

Wages.

Sec. 6. The director of the bureau of statistics, upon the issue of a proclamation as aforesaid, shall designate agents for the registration of the unemployed in the several cities and towns of the Commonwealth, and it shall be the patriotic duty of all agents so designated to perform such duties, not inconsistent with the provisions of this act, as may be requested of them by said director, without compensation from the Commonwealth, or, if already in the service of the Commonwealth or a city or town, to serve in said capacity without extra compensation; and any necessary expense of providing and equipping an office for the use of such agents, approved in writing by the director in each city and town shall not be a charge upon the Commonwealth, but if not borne by the voluntary contributions of citizens shall be paid by the city or town.

Agents.

Sec. 7. In establishments where the union shop exists the same shall continue, and the union standards as to wages, hours of labor and other conditions of employment shall be maintained.

Union shops.

Sec. 8. After the issuance of the proclamation aforesaid it shall be the duty of the police officers of the Commonwealth and of the cities and towns thereof to enforce this act, and they shall seek diligently the names and places of residences of male persons subject to the provisions of this act, between the ages aforesaid, in their respective jurisdictions, not regularly or continuously employed, and any male person found in this State shall be deemed a resident thereof. In any prosecution hereunder, the fact that the accused habitually loiters in idleness in any public or other place, shall, on his failure to produce the certificate required by section three, or the statement required by section eleven, be prima facie evidence of his failure or refusal to comply with provisions of this act, and any officer authorized to serve criminal process in any county may arrest such person without a warrant.

Enforcement.

Sec. 9. As soon as may be after issuance of the proclamation aforesaid the governor shall appoint not less than four persons to act as an advisory committee to the director of the bureau of statistics in carrying out the provisions of this act and in the administration of the public employment offices established under the provisions of chapter five hundred and fourteen of the acts of nineteen hundred and nine and acts in amendment thereof and in addition thereto. The committee so appointed shall serve without compensation during the pleasure of the governor or for such term or terms as he may designate.

Committee.

Sec. 10. For the purpose of carrying out the provisions of this act, the director of the bureau of statistics is authorized to expend such sums, in addition to the amounts already appropriated for the maintenance of the public employment offices for the current

Expenses.

year, as the legislature may appropriate; and he may make such rules and regulations not inconsistent with the provisions of this act, as he may deem necessary to carry out its provisions.

Exempt persons.

SEC. 11. The provisions of this act shall not apply to persons temporarily unemployed by reason of difficulties with their employers, nor to bona fide students during a school or college term, nor to persons fitting themselves to engage in trade or industrial pursuits, if any such person is able to produce from his union, strike committee, proper school or college authority, or other authority designated by the director of the bureau of statistics, a satisfactory statement in writing setting forth the reason for his nonemployment; nor shall the provisions of this act apply to persons registered under the provisions of an act of Congress "To authorize the President to increase temporarily the military establishment of the United States," approved by the President on May eighteen, nineteen hundred and seventeen, or of acts in amendment thereof, except under such conditions as may be approved by the adjutant general of Massachusetts.

Approved May 31, 1918.

RESOLVES.

CHAPTER 70.—*Old-age and sickness insurance.*

Publicity.

Resolved. That there be allowed and paid out of the treasury of the Commonwealth the sum of \$5,000, to be expended under the direction of the trustees of the general insurance guaranty fund, in a manner similar to the work of said trustees in making known the advantages of savings bank life insurance under the provisions of chapter one hundred and sixty-eight of the General Acts of nineteen hundred and fifteen, for the purpose of further encouraging and promoting old-age annuities and the organization of mutual benefit associations among the employees in industrial plants in the Commonwealth in order to afford them an opportunity to insure against sickness and disability. The said trustees shall have authority to employ such agents or solicitors as they may deem necessary for the purposes aforesaid, and also such additional clerical assistance as may be necessary from time to time.

Approved May 29, 1918.

CHAPTER 73.—*State board of labor and industry—Investigation.*

Investigation directed.

Resolved. That the supervisor of administration be directed to inquire into and to investigate the efficiency of the State board of labor and industries, the organization thereof and the methods employed thereby, and to what extent and in what respects the board should be reorganized, and to report to the next general court his conclusions and recommendations not later than the first Wednesday of January.

Approved May 31, 1918.

MISSISSIPPI.

ACTS OF 1918.

CHAPTER 258.—*Employment of children—School attendance.*

SECTION 1. On and after the first day of September, 1918, every parent, guardian or other person in the State of Mississippi having control or charge of any child or children between the ages of seven and fourteen years, inclusive, shall be required to send such child or children to a public school or to a private, denominational or parochial school taught by a competent instructor, and such child or children shall attend school for at least sixty days during each and every scholastic year: *Provided*, That the county school board, or in case of a separate school district, the board of trustees shall have power to reduce the period of compulsory attendance to not less than forty days for any individual school: *Provided, further*, That the period of compulsory attendance for each school shall commence at the beginning of the school, unless otherwise ordered by the county school board or by the board of trustees of a separate school district, as the case may be.

Age.

Term.

SEC. 4. In case where because of extreme poverty, the services of such children are necessary for their own support, or the support of their parents, as attested by an affidavit of said parents, the teacher shall, with the consent of the trustees, spare such child or children from attendance; or in case where such parent, guardian or other person having control of the child, shall show before an officer by affidavit that the child is without necessary books and clothing for attending school and that he is unable to provide them, the said child may be excused from attendance, until through charity or other means, books and clothing have been provided, and thereafter the child shall no longer be exempt from such attendance.

Poor children.

SEC. 9. (a) The provisions of this act shall not be applicable to any county in the State, unless and until an election shall have been held to determine whether or not the people of said county, or of any supervisor's district, separate school district or consolidated school district shall vote to come in under same.

County, etc., elections.

In effect September 1, 1918.

MONTANA.

ACTS OF 1918—EXTRA SESSION.

CHAPTER 7.—*Interference with employment—Criminal syndicalism.*

SECTION 1. Criminal syndicalism is hereby defined to be the doctrine which advocates crime, violence, force, arson, destruction of property, sabotage, or other unlawful acts or methods, or any such acts, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution. Syndicalism.

SEC. 2. Sabotage is hereby defined to be malicious, felonious, intentional or unlawful damage, injury or destruction of real or personal property, of any form whatsoever, of any employer, or owner, by his or her employee or employees, or any employer or employers or by any person or persons, at their own instance, or at the instance, request or instigation of such employees, employers, or any other person. Sabotage.

SEC. 3. Any person who, by word of mouth or writing, advocates, suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or who prints, publishes, edits, issues or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing, advocating, advising, suggesting or teaching crime, criminal syndicalism, sabotage, the doing of any act of violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or who shall openly, or at all attempt to justify, by word of mouth or writing, the commission or the attempt to commit sabotage, any act of violence, the destruction of or damage to any property, the injury of any person or the commission of any crime or unlawful act, with the intent to exemplify, spread, or teach or suggest criminal syndicalism, or organizes, or helps to organize or become a member of, or voluntarily assembles with any society or assemblage or persons formed to teach or advocate, or which teaches, advocates, or suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State penitentiary for a term of not less than one year or more than five years, or by a fine of not less than \$200 or not more than \$1,000, or by both such fine and imprisonment. Advocacy.

SEC. 4. Wherever two or more persons assemble or consort for the purpose of advocating, teaching or suggesting the doctrine of criminal syndicalism, as defined in this act, or to advocate, teach, suggest or encourage sabotage, as defined in this act, or the duty, necessity, propriety, or expediency of doing any act of violence, Assemblies.

the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, it is hereby declared unlawful and every person voluntarily participating therein, by his presence aids or instigates, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison for not less than one year or more than five years, or by a fine of not less than \$200, or more than \$1,000, or by both such imprisonment and fine.

Permitting
assemblies.

SEC. 5. The owner, lessee, agent, superintendent, or person in charge or occupation of any place, building, room, or rooms, or structure, who knowingly permits therein any assembly or consort of persons prohibited by the provisions of section 4 of this act, or who after notification that the place or premises, or any part thereof, is or are so used, permits such use to be continued, is guilty of a misdemeanor and punishable upon conviction thereof by imprisonment in the county jail for not less than sixty days or for not more than one year, or by a fine of not less than \$100, or more than \$500, or by both such imprisonment and fine.

Approved February 21, 1918.

ORDERS—STATE COUNCIL OF DEFENSE.

No. 2.—*Compulsory labor, etc., service—War emergency.*

Work re-
quired.

The duty is hereby imposed upon every adult person having the necessary physical and mental capacity and ability to do so, to work and engage in some legitimate occupation for at least five days during each calendar week for the period of the existing war.

Any person without sufficient excuse who shall fail, neglect, or refuse to so engage in some lawful and legitimate occupation as provided in this section shall be guilty of a misdemeanor * * *.

Any person not so engaged in some legitimate occupation for the five days stated each week, must register with the city clerk, if a resident of an incorporated city, and if not a resident of an incorporated city, with the county clerk and recorder or some justice of the peace of the county of which he is a resident, setting forth the reason why he is not engaged in some legitimate occupation.

This order shall be deemed an official order, or rule, of the Montana Council of Defense and is intended to supplement existing laws and shall be construed in connection therewith.

Enforcement.

The duty of enforcing this order is hereby imposed upon the Montana Council of Defense, the county councils of defense, and all State, county, and municipal officers in the State, and especially is this duty imposed upon county attorneys, sheriffs, mayors of cities and all police officers within the State.

Dated April 22, 1918.

NEBRASKA.

ACTS OF 1918—EXTRA SESSION.

CHAPTER 9.—*Sabotage.*

SECTION 1. Any person who shall maliciously destroy or injure any railroad, railroad rolling stock or equipment, or any highway bridge, manufacturing plant, or equipment, or any real, mixed or personal property of any kind, or maliciously do or omit to do anything with intent to destroy, damage or render less useful or less fit for the purpose for which it is intended, any farm product or manufactured product, or any such farm or manufactured product in the course of production or manufacture, shall be deemed guilty of sabotage, and upon conviction thereof, shall be punished by a fine of not less than \$200, nor more than \$5,000, or by imprisonment in the penitentiary for a term of not less than one year, nor more than ten years, or by both such fine and imprisonment in the discretion of the court.

Offenses.

Penalty.

Approved April 8, 1918.

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NEW JERSEY.

ACTS OF 1918.

CHAPTER 17.—*Factory, etc., regulations—Approval of plans.*

[This act authorizes the commissioner of labor to charge a fee of not less than \$1 nor more than \$5 for his approval of any plan or specification required by law to be submitted to him, and a like sum for a certificate of approval of work done or alterations made in conformity with recommendations made by him. These fees are to be paid into the State treasury.] Fees.

CHAPTER 55.—*Compulsory labor, etc., service—War emergency.*

SECTION 1. It is hereby declared to be the duty of every able-bodied male resident of this State, between the ages of eighteen and fifty years, to be habitually and regularly engaged in some lawful, useful and recognized business, profession, occupation, trade or employment. Whenever the governor of this State shall issue a proclamation determining such employment to be necessary and essential for the protection and welfare of this State and the United States, because of the existence of a state of war in which the United States may be engaged, and thenceforward until the termination of such war, and any able-bodied male resident of this State, between the ages aforesaid, who shall fail or refuse to be so employed for at least thirty-six hours per week shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than \$100 or be imprisoned for a term not to exceed three months, or both. Work re- quired.

SEC. 2. In no case shall the possession by the accused of money, property or income sufficient to support himself and those regularly dependent upon him be a defense to any prosecution under this act. Property not defense.

SEC. 3. In no case shall the claim by the accused of his inability to obtain work or employment be a defense to a prosecution hereunder, unless it shall be proved that the accused promptly notified the commissioner of labor of the State of New Jersey of his inability to obtain employment, and requested that work or employment be found for him, and that such employment was not furnished him, and shall hold a certificate from the commissioner of labor that such application has been made. Inability to obtain work.

SEC. 4. It shall be the duty of the commissioner of labor whenever any person shall inform him of his inability to obtain employment as aforesaid to register forthwith the name of such person in the department of labor, together with his address, age and any other information which he may deem necessary. The commissioner of labor shall thereupon assign, or cause to be assigned, and, if necessary, reassign or cause to be reassigned, such persons to occupations as aforesaid, carried on by the State or any county or municipality thereof, or by private employers, engaged in agricultural, industrial or other occupations of the character above mentioned, and who accept the services of such persons: *Provided, however,* That no person shall be required to work under this act any greater number of hours per day than lawfully constitutes a day's work in the occupation in which such person is required to engage. In the event of the commissioner of labor being unable to procure employment for such persons applying as aforesaid, it shall then be the duty of the said commissioner of labor to so certify to such person in writing. Placement.

- Wages.** SEC. 5. All persons required to work under this act shall receive compensation of not less than the wage or salary paid to others engaged in the same nature of work to which each such person is assigned. If any such person is assigned to work for any department, board or commission of the State, then the compensation of such person shall be paid to him by such department, board or commission out of the appropriation made to it by the State. If any such person is assigned to work for any county or for any municipality, or for any private employer, then the compensation of such person shall be paid to him by such county or municipality, or by private employer, accepting his services.
- Violations.** SEC. 6. Any person failing or refusing to do, or to continue to do, the work assigned to him, or who, in the meanwhile, has not become regularly or continuously employed in some lawful, useful and recognized business, occupation, trade, profession or employment as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than \$100 or imprisonment for a term not exceeding three months, or both.
- Rules, etc.** SEC. 7. As soon as the proclamation has been issued, as herein provided, it shall be the duty of the commissioner of labor to prepare and publish such rules and regulations governing the assignment of persons to work under this act as will assure that all persons similarly circumstanced shall, as far as it is possible to do so, be treated alike. In assigning anyone to work, the commissioner of labor shall take into consideration the age, physical condition and any other appropriate circumstances of the person so assigned, and the rules and regulations to be promulgated by said commissioner of labor under the provisions of this act shall make allowances for such facts and circumstances.
- Enforcement.** SEC. 8. After the issuance of the proclamation hereinbefore provided for, it shall be the duty of the sheriffs of the respective counties and of any other officer, State, county or municipal, charged with enforcing the law, to seek and continue to seek diligently the names and places of residence of able-bodied male persons within their respective jurisdictions, between the ages aforesaid, not regularly or continuously employed as aforesaid.
- Assistance.** SEC. 9. The commissioner of labor is authorized to appoint or employ, subject to the civil-service provisions now in force, such employees as may be necessary, and to use such agencies as may be available and appropriate, to aid him in carrying out the provisions of this act.
- Persons exempt.** SEC. 10. The provisions of this act shall not apply to persons temporarily unemployed by reason of differences with their employers, nor to bona fide students during the school term, nor to persons fitting themselves to engage in trade or industrial pursuits.
- Residents.** SEC. 11. For the purposes of this act, any male person as aforesaid found in this State shall be deemed a resident, and in any prosecution hereunder proof that the accused habitually loiters in idleness in streets, roads, depots, pool rooms, saloons, hotels, stores or other places shall be prima facie evidence of the failure or refusal of such person to comply with the provisions of this act.

Approved February 15, 1918.

[In accordance with the above a proclamation was issued by the governor March 8, 1918, reading in part as follows:]

Principles to control. The selective-service principle should prevail precisely as in the making of our military forces. In this task we are drafting for the industrial army. There are kinds of work too severe in a physical sense for the "society idler," who may, however, be competent to handle tasks which would be impossible for slackers of the hobo type. Sound judgment must be employed in our experiment to rid the human hives of its drones, and I call upon the labor department of the State to employ all of its available resources, including the Federal-State-municipal employment bureaus, in providing machinery to obtain the kind of work suitable for specific cases.

To put in motion the machinery thus to be provided by the State department of labor will require the cooperative touch of law-enforcing officers all over the State. I therefore call the attention of sheriffs, mayors, and heads of police departments in all municipalities to the necessity of maintaining sharp vigilance and a keen eye for those workless individuals whose lack of ambition and fondness for idleness constitutes not merely a financial burden to every community, but also a genuine menace to the welfare of the nation's manhood under arms and their safety on the battle front.

Executives of municipalities of ten thousand population and over are urged to have their police departments compile a list of all habitual idlers in the community, to the end that they may be individually warned of the penalty of one hundred dollars or three months in jail, or both, prescribed for deliberate nonemployment, and that the names of those professing willingness to work may be promptly certified to the State labor department, as available for employment.

CHAPTER 204.—*Employment of children—General provisions.*

[This act amends chapter 136, Acts of 1911, as amended by chapter 253, Acts of 1914. No changes are made in the provisions affecting the age, hours of labor, permits, sanitary conditions required, etc. Offending corporations are made liable, as well as their officers and agents; agents of firms are also subjected to the same penalties as members. Section 15 is amended so as to read as follows:]

Sec. 15. Mercantile establishment, as used in this act, shall be construed to apply to any employment of any person for wages or other compensation other than in a factory, workshop, mill, place where the manufacture of goods of any kind is carried on, mine, quarry or in agricultural pursuits.

Approved March 4, 1918.

CHAPTER 227.—*Private employment offices.*

SECTION 1. (a) The term "person" when used in this act shall mean and include any individual company, association or corporation, or their agents.

(b) The term "fee" when used in this act shall mean and include any payment of money, or the promise to pay money, or the excess of money received by any person furnishing employment or employees over what he has paid for transportation, transfer or baggage or lodging for any applicant for employment; it shall also mean and include the difference between the amount of money received by any person who furnishes employees and performers for any entertainment, exhibition or performance, and the amount paid by him to said employees or performers.

(c) The term "privilege" as used in this act shall mean and include the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

(d) The term "employment agency" when used in this act shall mean and include the business of procuring or offering to procure help or employment, or the giving of information as to where help or employment may be procured, whether such business is conducted in a building or on the street or elsewhere; or the business of keeping an intelligence office, employment bureau, or shipping agency, nurses' registry, or agency for procuring engagements for vaudeville or theatrical performers, or other agency or office for procuring work or employment for persons, where a fee or privilege is exacted, charged or received directly or indirectly for procuring or assisting or promising to procure employment, work, engagement or a situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such is collected from the applicant for employment or the applicant for help.

SEC. 2. The provisions of this act shall not apply to employment agencies which procure employment for persons as teachers or in

- technical or executive positions exclusively in recognized institutions, or to registries conducted by duly incorporated associations or registered nurses, or employment bureaus of registered medical institutions or incorporated hospitals, nor shall it apply to departments maintained by persons, firms, corporations or associations for the purpose of securing help for themselves where no fee is charged the applicant for employment, or to departments maintained by either Federal, State, municipal or charitable agencies where no fee is charged.
- License.** SEC. 3. (a) No person shall open, keep or carry on any employment agency as defined above unless such person shall procure a license therefor from the commissioner of labor. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license, or who shall conduct such an agency after revocation of such license, shall be liable to a penalty of not less than \$50 and not more than \$250.
- (b) An application for such license shall be made in writing to the commissioner of labor and shall state the name and number of the building and place where the employment agency is to be conducted. The application for such license shall be filed not less than one week prior to the granting of said license, and the commissioner of labor shall act upon such application within thirty days from the time of such application.
- Qualifications.** (c) Every such applicant shall be required to furnish satisfactory proof of good moral character in the form of affidavits by at least two reputable citizens of the State, and any person may protest against the issuance or the transfer of any license. The commissioner of labor, or his representative, shall investigate, or cause to be investigated, the character and responsibility of the applicant, and shall examine, or cause to be examined, the premises designated in such application as the place in which it is proposed to conduct such agency.
- Contents of license.** (d) Such license shall contain the name of the person licensed, a designation of the city, street, and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued and shall not authorize the carrying on of any such agency at any place other than that designated in the license, and it shall not be transferred or assigned to any other person unless consent is obtained from the commissioner of labor, and no such agency shall be conducted in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building or on the premises where intoxicating liquors are sold to be consumed on the premises, except in office buildings containing cafés and restaurants. If said licensed person shall conduct a lodging house for the unemployed, separate and apart from such agency, it shall be so designated in the license. Unless sooner revoked by the commissioner of labor, such licenses shall run to the first day of January next ensuing the date thereof and no longer.
- Fees.** (e) Every person licensed under the provisions of the act to carry on the business of an employment agency shall pay the commissioner of labor a license fee according to the population of the municipality as shown by the last preceding Federal census, viz:
- In cities of one hundred and fifty thousand and upwards, \$100.
 - In cities of one hundred thousand and upwards, \$75.
 - In cities of fifty thousand and upwards, \$50.
 - In cities of less than fifty thousand, \$25.
- Before such license is issued, he shall also deposit with the commissioner of labor a bond in the penal sum of \$1,000, with two or more sureties, or a duly authorized surety company, as surety, to be approved by the commissioner of labor.
- Bond.**
- Conditions.** 2. The bond executed as provided in the preceding subdivisions of this section shall be payable to the people of this State and shall be conditioned that the person applying for the license will comply

with this act and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit, or any unlawful act or omission of any licensed person, his agents or employers, while acting within the scope of their employment, made, committed or omitted in the business conducted under such license, or caused by any violation of this act in carrying on the business for which such license is granted. In case of a breach of the condition of any such bond, application may be made to the commissioner of labor by the person injured by such breach for leave to sue upon such bond, which leave shall be granted by the commissioner of labor if it be proven to his satisfaction that the condition of such bond has been breached and the party applying has been injured thereby. The person obtaining such leave to sue may take the bond from the files of the said commissioner and institute suit thereon in his own name for the recovery of damage sustained by such breach.

3. If at any time, in the opinion of the commissioner of labor, the sureties on any such bond, or any of them, shall become irresponsible, the person holding such license shall, upon notice from the commissioner of labor, give a new bond, subject to the provisions of this section. The failure to give a new bond within ten days after such notice, in the discretion of the commissioner of labor, shall operate as a revocation of such license, and the license shall be thereupon returned to the commissioner of labor, who shall destroy the same.

Sec. 4. (a) It shall be the duty of every such licensed person to keep a register, approved by the commissioner of labor, in which shall be entered, in the English language, the date of the application for employment, the name and address of the applicant to whom employment is promised or offered, the amount of the fee received, and whenever possible, the name and address of former employers or persons to whom such applicant is known. Such licensed person shall also enter in a separate register, to be approved as aforesaid, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the date of employment, the amount of the fee received and the rate of wages agreed upon. The aforesaid register of applicants for employment and for help shall be open during office hours to inspection by the officers of the department of labor. No such licensed person, his agent or employees, shall make any false entry in such registers.

(b) It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as reference by every applicant for work in private families or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: *Provided, however,* That if the applicant for help voluntarily waives, in writing, such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this act.

Sec. 5. (a) Every employment agent shall file with the commissioner of labor, for his approval, a schedule of fees proposed to be charged for any services rendered to employers seeking employees, and persons seeking employment, and all charges must conform thereto. The schedule of fees may be changed only with the approval of the commissioner of labor. No registration or other fees in lieu thereof shall be charged or received by such employment agent. No such licensed person shall receive or accept any valuable thing or gift as a fee or in lieu thereof. No such licensed person shall divide, directly or indirectly, fees with any person securing help, or his agents, or other employees, or anyone in their employ to whom applicants for employment are sent, nor shall any licensed person offer to so divide any fees.

(b) In case the applicant shall not accept or obtain help or employment through such agency, then such licensed person shall on demand repay the full amount of the said fee, allowing three

New bond.

Registers.

References.

Fees to be charged.

Division.

Repayment.

days' time to determine the fact of the applicant's failure to obtain help or employment. If an employee furnished an applicant for help fails to remain one week in the situation, or if such employee is discharged for cause, a new employee shall be furnished if said applicant for help so elects, or three-fifths of the fee returned within four days of demand: *Provided, however,* That said applicant for help notifies said licensed person within thirty days of the failure of the applicant for employment to accept the position, or of the applicant's discharge for cause.

If the employee is discharged within one week without said employee's fault, another position shall be furnished, or three-fifths of the fee returned to the applicant for employment if he so elects. Failure of said applicant for help to notify said licensed person that such help has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee.

- Orders re-**
quired. No such licensed person shall send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed, the said licensed person shall refund to such applicant, within three days of demand, any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant.
- Receipt.** SEC. 6. It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt, in which shall be stated the name of said applicant, the date and the amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt shall have printed on the back thereof a copy of sections five and six of this act in the English language, or in any language which the person to whom the receipt is issued can understand.
- Statement.** Every such licensed person shall also give to each applicant for employment a card or printed paper containing the name of the applicant, name and address of such employment agency, and the written name and address of the person to whom applicant is sent for employment.
- Soliciting.** SEC. 7. No such person shall induce or attempt to induce any domestic employee to leave his employment with a view of obtaining other employment through such agency. Whenever such licensed person, or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, said licensed person shall file with the commissioner of labor, within five days after the contract is made, a statement containing the following items: Name and address of the employee; nature of the work to be performed, hours of labor, wages offered, destination of the persons employed and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment in a language which he is able to understand.
- Sending to**
other locality. SEC. 8. (a) No such licensed person shall send or cause to be sent any female to become a servant or inmate or to enter any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or to a place resorted to for the purpose of prostitution, or to a gambling house. No such person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agency.
- Improper em-**
ployments. (b) No such licensed person shall accept any application for employment made by or on behalf of any child under the age of sixteen years, or shall place or assist in placing any such child in any employment whatever.
- Children.** (c) No licensed person, his agents, servants or employees, shall induce or compel any person to enter such agency, for any
- Force.**

purpose, by the use of force or by taking forcible possession of said person's property.

(d) No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises, except as heretofore provided in subdivision (d), section three, whether or not dues or a fee or privilege is exacted, charged or received directly or indirectly.

Barrooms,
etc.

(e) No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement; all advertisements of such employment agency by means of cards, circulars or signs, or in newspapers and other publications, and all letterheads, receipts and blanks shall contain the name and address of such employment agency, and no such licensed person shall give any false information, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help. Any person who shall violate any provisions of this section shall be liable to a penalty of not less than \$50 and not more than \$250.

Fraud.

Sec. 9. Every such licensed person shall post in a conspicuous place in each room of such agency sections five, six, seven and eight of this act, which shall be printed in large type in language which persons commonly doing business with such office can understand. Such printed law shall also contain the name and address of the commissioner of labor.

Provisions to
be posted.

Sec. 10. The enforcement of this act shall be intrusted to the commissioner of labor, who shall cause to be made at least bi-monthly visits to every such agency. Said inspectors shall have a suitable badge, which they shall exhibit on demand of any person with whom they may have official business, and said inspectors shall see that all the provisions of this act are complied with. The said commissioner of labor may refuse to issue and may revoke any license for any good cause shown within the meaning and purpose of this act, and when it is shown to his satisfaction that any licensed person is guilty of any immoral or illegal conduct in connection with the conduct of said business, it shall be his duty to revoke the license of such person; but notice of the charge shall be presented and reasonable opportunity shall be given said licensed person to defend himself. Whenever for any cause such license is revoked, a license shall not be issued to said licensed person or his representative, or to any person with whom he is to be associated in the business of furnishing employment; nor shall a license be granted to anyone for conducting an employment agency at said place of business within the space of twelve months following date of revocation of said license.

Enforcement.

Sec. 11. The violation of any provision of this act, except as provided in sections two and eight, shall be punishable by a penalty of not less than \$25 and not more than \$50.

Violations.

All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner of labor, to be instituted in any district court of a city or judicial district, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons, as aforesaid, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman, or person in charge of the business or place; service upon a corporation shall be made upon the president, vice president, secretary, or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside within the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such

agent, then service of the process may be made by affixing a copy thereof to the main door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all money collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Inspectors, etc. The commissioner of labor shall have the power to appoint such inspectors, department clerks; or other assistants, for carrying on the work required by this act as may in his judgment be necessary, and shall fix the salaries to be paid. Such inspectors, department clerks, or other assistants may be used for such other work of the department of labor as the commissioner of labor shall deem fit, and shall be entitled to necessary traveling expenses.

Civil service. SEC. 12. All inspectors, department clerks, or other assistants appointed under this act shall be appointed by the commissioner of labor, and all inspectors, department clerks, or other assistants shall be appointed, hold their offices and perform their duties subject to the provisions of an 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. All salaries and expenses necessary to carry out the provisions of this act shall be paid in semimonthly installments from the funds of the State, out of the moneys appropriated for that purpose by the treasurer, upon warrant of the comptroller, upon presentation of proper vouchers for the same, approved by the commissioner of labor.

Approved March 4, 1918.

CHAPTER 232.—*Employment of children—Age certificates.*

Free service. [This act directs the officers in charge to make searches of records of birth and furnish transcripts thereof free of charge to applicants seeking data to support requests for employment certificates for children.]

CHAPTER 235.—*Department of labor—Bureau of migrant welfare.*

Bureau created. SECTION 1. There is hereby created within the department of labor a migrant welfare and employment bureau, consisting of a bureau chief, who shall be appointed by the commissioner of labor, for a term of three years, and who shall receive a salary of \$2,500 per annum. The commissioner of labor may appoint such clerks, stenographers and other assistants for said bureau as may be deemed necessary, which appointments shall be made in accordance with the provisions of an 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, nineteen hundred and eight, and the acts amendatory thereof and supplemental thereto.

Sec. 2. The necessary expenses incurred by the chief or any of the assistants of this bureau shall be paid from the funds of the State, out of moneys appropriated for that purpose upon presentation of proper vouchers approved by the commissioner of labor. Expenses.

Sec. 3. Said bureau shall investigate the conditions under which migrants are living and working in this State, shall instruct them in the rules of sanitation and sanitary living, shall endeavor to procure proper housing facilities and assist in securing suitable employment for migrants. The chief of said bureau shall perform his duties under the direction and supervision of the commissioner of labor. Duties.

Approved March 4, 1918.

NEW YORK.

ACTS OF 1918.

CHAPTER 52.—*Time to vote to be allowed employees.*

[This act amends section 365 of chapter 17, Consolidated Laws, by making the allowance of two hours as time to vote applicable to all elections instead of to general elections only.] All elections covered.

CHAPTER 192.—*Insurance of employees—Group insurance.*

SECTION 1. Article two of * * * chapter twenty-eight of the Consolidated Laws is hereby amended by adding after section one hundred and one, four new sections * * * to read as follows:

Sec. 101-a. Group life insurance is hereby declared to be that form of life insurance covering not less than fifty employees with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and employees jointly, and insuring only all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer: *Provided, however,* That when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of such employees may be so insured.

Definition.

Sec. 101-b. No policy of group insurance shall be issued or delivered in this State unless and until a copy of the form thereof has been filed with the superintendent of insurance and approved by him; nor shall such policy be so issued or delivered unless it contains in substance the following provisions:

Provisions of policies.

1. A provision that the policy shall be incontestable after two years from its date of issue, except for nonpayment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war.

2. A provision that the policy, the application of the employer and the individual applications, if any, of the employees insured, shall constitute the entire contract between the parties, and that all statements made by the employer or by the individual employees shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application.

3. A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee.

4. A provision that the company will issue to the employer for delivery to the employee, whose life is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company, without further evidence of insurability, and upon application made to the company within thirty-one days after such termination, and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then

attained age, a policy of life insurance in any one of the forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group insurance policy at the time of such termination.

5. A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer eligible to insurance in such group or class.

Policies of group insurance, when issued in this State by any company not organized under the laws of this State, may contain, when issued, any provision required by the law of the State, or Territory, or district of the United States under which the company is organized; and policies issued in other States or countries by companies organized in this State, may contain any provision required by the laws of the State, Territory, district or country in which the same are issued, anything in this section to the contrary notwithstanding. Any such policy may be issued or delivered in this State which in the opinion of the superintendent of insurance contains provisions on any one or more of the several foregoing requirements more favorable to the employer or to the employee than hereinbefore required.

One vote to employer. Sec. 101-c. In every group policy issued by a domestic life insurance company, the employer shall be deemed to be the policyholder for all purposes within the meaning of this chapter, and, if entitled to vote at meetings of the company, shall be entitled to one vote thereat.

Exemption. Sec. 101-d. No policy of group insurance, nor the proceeds thereof, when paid to any employee or employees thereunder, shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law, to pay any debt or liability of such employee, or his beneficiary, or any other person who may have a right thereunder, either before or after payment; nor shall the proceeds thereof, when not made payable to a named beneficiary, constitute a part of the estate of the employee for the payment of his debts.

Became a law April 13, 1918.

CHAPTER 265.—Industry badges—Wearing by unauthorized persons.

SECTION 1. The penal law is hereby amended by inserting therein, at the end of article one hundred and thirty-four, a new section, to be section fourteen hundred and thirty-five, to read as follows:

Adoption. Sec. 1435. An employer of labor may adopt a badge, or other insignia of identification, to be worn or displayed by the employees for the purpose of identification while upon the premises of the employer and post a notice of the adoption of such badge, or insignia, near the main entrance of such premises. Such employer shall deposit with the industrial commission a replica of such badge or insignia, and such commission shall, if such badge or insignia be distinctive, issue to such employer a certificate authorizing the use thereof for the purposes of this section. Any person who, after the approval and adoption of such badge, or insignia, and posting of such notice, without authority or permission of the employer adopting the same, willfully wears such badge, or displays such insignia, or any facsimile or any imitation thereof, or uses the same to obtain admittance to or remain upon the premises of the employer, is guilty of a misdemeanor.

Unauthorized use.

Became a law April 17, 1918.

CHAPTER 355.—Department of labor—Industrial council.

[This act amends subdivision 3, section 40-a of chapter 31, Consolidated Laws (which provides for services without pay), so as to read as follows:]

Pay. 3. The members of the council shall be entitled to compensation at the rate of not exceeding \$10 per diem for each meeting at-

tended by them, or each day actually spent in the work of the council. They shall also be paid their reasonable and necessary traveling and other expenses while engaged in the performance of their duties.

[The sum of \$15,000 is appropriated for the purpose of this provision.]

Became a law April 30, 1918.

CHAPTER 356.—Free public employment offices—Additional services.

SECTION 1. The sum of five thousand dollars (\$5,000), or so much thereof as may be needed, is hereby appropriated to the industrial commission for the establishment, as provided by article five-a of the labor law, of an additional public employment office in that locality which in the opinion of the industrial commission would best serve the interest of the Negro population. The sum hereby appropriated shall be payable by the treasurer on the order of the commission.

Provision for Negroes.

Became a law April 30, 1918.

CHAPTER 414.—Retirement of public employecs—Commission.

SECTION 1. A State commission is hereby created consisting of seven members, of whom one shall be the superintendent of insurance of the State of New York. Two shall be appointed by the governor, one by the temporary president of the senate and one by the speaker of the assembly, to inquire into the subject of retirement pensions, allowances, and annuities for State and municipal officers and employees, especially with reference to the method of establishing and maintaining the fund from which such pensions, allowances and annuities shall be paid. A vacancy occurring in the office of a member of such commission shall be filled by the officer who made the original appointment.

Commission created.

Duties.

SEC. 2. Such commission shall have power to subpoena and compel the attendance of witnesses, including public officers and employees, and to require the production of books, records and papers, to take and hear proofs and testimony and adopt rules for the conduct of its proceedings.

Powers.

SEC. 3. The commission shall select a chairman and vice chairman from among its own members and may employ a secretary and such other experts and employees as may be needed, in connection with the duties of the commission, and may fix their compensation.

Organization.

SEC. 4. The members of such commission shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel and other expenses incurred in the discharge of their duties.

Expenses.

SEC. 5. The commission shall on or before February first, nineteen hundred and nineteen, report the result of its inquiry to the governor and legislature, including such proposed legislation as it may deem advisable.

Report.

SEC. 6. The sum of five thousand dollars (\$5,000), or so much thereof as may be needed, is hereby appropriated for the purposes of this act, payable by the treasurer on the warrant of the comptroller on the order of the chairman or vice chairman of such commission.

Appropriation.

Became a law May 1, 1918.

CHAPTER 415.—Employment of children—Illiterates.

SECTION 1. Article twenty-three of * * * chapter sixteen of the Consolidated Laws * * * is hereby amended by adding thereto a new section, to read as follows:

Sec. 637. 1. Every minor, between sixteen and twenty-one years of age, who does not possess such ability to speak, read and write the English language, as is required, for the completion of

School attendance.

the fifth grade of the public or private schools of the city or school district in which he resides, shall attend some day or evening school or some school maintained by an employer as hereinafter provided in subdivision six of this act, in the city or district in which he resides throughout the entire time such school is in session: *Provided*, That no such minor be required to attend, if the commissioner of health, or the executive officer of the board or department of health of the city, town, village or district, where such minor resides, or an officer thereof designated by such board, department or commissioner shall deem such minor to be physically or mentally unfit to attend.

2. Any minor subject to the provisions of this section, who willfully violates any provisions of this section, shall be punished by a fine of not exceeding \$5.

3. Every person having in his control any minor subject to the provisions of this section shall cause such minor to attend a school as hereby required; and if such person fails for six sessions within a period of one month to cause such minor to so attend school, unless the commissioner of health or the executive officer of the board or department of health of the city, town, village or district where such minor resides or an officer thereof designated by such board, department or commissioner shall certify that such minor's physical or mental condition is such as to render his attendance at school harmful or impracticable, such person shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than \$20.

4. Whoever induces or attempts to induce such minor to absent himself unlawfully from school or employs such minor except as is provided by law, or harbors such who, while school is in session, is absent unlawfully therefrom, shall be punished by a fine of not more than \$50.

Employer to
keep records.

5. The employer of any minor subject to the provisions of this section shall procure from such minor and display in the place where such minor is employed the weekly record of regular attendance upon a school and it shall be unlawful for any person to employ any minor subject to the provisions of this section until and unless he procures and displays said weekly record as herein provided. It shall be the duty of the teacher or principal of the school upon which he (such minor) attends to provide each week such minor with a true record of attendance.

Shop, etc.,
classes.

6. Any employer may meet the requirements of this act by conducting a class or classes for teaching English and civics to foreign-born in shop, store, plant or factory, under the supervision of the local school authorities, and any minor subject to the provisions of this act may satisfy the requirement by attendance upon such classes.

Became a law May 1, 1918.

CHAPTER 434.—*Employment of women and children—Messenger service.*

SECTION 1. Section one hundred and sixty-one-a of chapter * * * thirty-one of the Consolidated Laws, as added by chapter three hundred and forty-one of the laws of nineteen hundred and ten is hereby renumbered section one hundred and sixty-one-c, and such section as thus renumbered is hereby amended to read as follows:

Minors.

Sec. 161-c. In cities of the first or second class no male under the age of twenty-one years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day. No female under the age of twenty-one years shall be employed or permitted to work at any time in the occupation specified in this subdivision. No woman over twenty-one years of age shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages more than six days or fifty-four hours in any

Women.

one week, or before seven o'clock in the morning or after ten o'clock in the evening of any day. The provisions of subdivision four of section one hundred and sixty-one of this chapter, in relation to the time allowed for meals and of section one hundred and sixty-one-a of this chapter, in relation to the posting of a notice as to the number of hours employed, and sections one hundred and sixty-eight-c and one hundred and sixty-eight-e of such chapter, in relation to washing facilities and water closets respectively, shall be deemed also to apply to the employment specified in this section.

Became a law May 2, 1918.

CHAPTER 456.—*Department of labor—Bureau of statistics and information—Reports of industrial diseases.*

SECTION 1. Sections sixty-two, sixty-three, sixty-four, sixty-five of chapter * * * thirty-one of the Consolidated Laws, as renumbered and amended by chapter one hundred and forty-five of the laws of nineteen hundred and thirteen, are hereby amended to read, respectively, as follows:

Sec. 62. The bureau of statistics and information shall be under the immediate charge of a chief statistician, but subject to the direction and supervision of the commission. Chief.

Sec. 63. The bureau of statistics and information shall have such divisions as may be deemed necessary by the commission. Each division shall, subject to the supervision and direction of the commission and of the chief statistician, be in charge of a chief of division, or of such other employee of proper qualifications as the commission may designate therefor. Divisions.

Sec. 64. The bureau of statistics and information shall collect and prepare such statistics and other information from the records of the department, from reports collected for the purpose, or from other sources, for the use of the commission or for publication, as may be directed by the commission, it being the policy and intent of this section that the commission shall have full and accurate information relating to the operation and effect of the laws which it administers, the means of promoting the ends sought by those laws, and any other matters concerning which the commission may deem it desirable that information shall be available. Duties.

The bureau shall prepare or edit, and shall issue such publications, and furnish information otherwise, as may be directed by the commission.

[The amendment of section 65 consists merely in substituting the word "commission" for the term "commissioner of labor," where it occurs, as the office to which industrial diseases are to be reported.] Industrial diseases.

Became a law May 6, 1918.

CHAPTER 459.—*Employment of children—General provisions.*

[This act subdivides section 71 (and the identical section 163) into numbered subdivisions, with slight verbal changes; no significant substantive changes made.]

CHAPTER 595.—*Department of labor—Industrial commission.*

[This act amends section 41 of chapter 31, Consolidated Laws, by increasing the salary of the third deputy, in charge of the bureau of mediation and arbitration, from \$5,000 to \$6,000; and section 49 of the same chapter, by increasing the salary of the counsel of the commission from \$6,000 to \$7,000.] Salaries.

CHAPTER 625.—*Compulsory labor, etc., service—War emergency.*

SECTION 1. The governor is hereby authorized to issue a proclamation, during the present war with Germany and its allies, to the Scope of act.

- effect that public exigency requires that every able-bodied male person, between the ages of eighteen and fifty years, inclusive, be habitually and regularly engaged in some lawful, useful and recognized business, profession, occupation, trade or employment until the termination of such war. Any such proclamation shall be filed with the secretary of state and published at least once in each county, in a newspaper of general circulation therein. The governor may, in like manner, revoke any such proclamation before the termination of such war.
- Proclamations.** Sec. 2. From and after the issuance of the proclamation by the governor, as provided in section one, and until the termination of the present war with Germany and its allies or until the prior revocation of such proclamation, every able-bodied male resident of this State, between the ages of eighteen and fifty years, inclusive, shall habitually and regularly engage in some lawful, useful and recognized business, profession, occupation, trade or employment.
- Hours per week.** A refusal by any such person to be so employed for at least thirty-six hours per week shall constitute a violation of this section. The possession by any person of money, property or income sufficient to support himself and those regularly dependent upon him shall not be defense to a prosecution for a violation of this section or of any provision of this article.
- Inability to obtain work.** Sec. 3. In the prosecution of any person for failure or refusal to be employed as required by section two, if the defendant allege his inability to obtain work or employment the burden of proof shall be upon him to show that he made reasonable efforts in that behalf; and the people shall not be required to prove in the first instance that the defendant failed or refused to make such efforts. It shall, however, be a defense, if the defendant shall prove that he was registered, as an applicant for employment, with the bureau of employment of the department of labor or with a branch office of such bureau and that employment was not furnished.
- Wages.** Sec. 4. No person shall be excused from accepting any proposed employment on the ground that the compensation is not adequate, if the wage or salary is equal to that paid to others in the same locality for the same kind of work. In addition to its other powers the State industrial commission may assign any person registered with the bureau of employment to any available job or occupation for which such person is fitted. Such commission shall prepare and publish such rules and regulations governing the assignment of persons to work under this act as will assure that all persons similarly circumstanced shall, so far as possible, be treated alike. In assigning anyone to work, such commission shall take into consideration the age, physical condition and any other appropriate circumstances of the person so assigned. Such rules shall have the force of law, and a violation thereof shall be punishable in the same manner as a violation of any other provision of this act.
- Placement.** Sec. 5. It shall be the duty of the sheriffs of the respective counties and of any other officer, State or municipal, charged with enforcing the law, to seek and to continue to seek diligently the names and places of residence of able-bodied male persons within their respective jurisdictions, between the ages of eighteen and fifty years, inclusive, not regularly or continuously employed, as provided in this act, while such proclamation is in force.
- Enforcement.** Sec. 6. The State industrial commission is hereby authorized to appoint or employ, subject to the civil-service law or rules, such additional employees as may be necessary, and to use such agencies as may be available and appropriate, to carry out the provisions of this act.
- Rules, etc.** Sec. 7. The provisions of this act shall not apply to persons temporarily unemployed by reason of differences with their employers or to bona fide students during the school term, nor to persons fitting themselves to engage in trade or industrial pursuits.
- Exemptions.** Sec. 8. For the purposes of this act, any male person found within the State shall be deemed a resident and in any prosecution hereunder of a male person between the ages of eighteen and
- Residents.**

fifty years, inclusive, proof that the accused habitually loiters in idleness in streets, roads, depots, poolrooms, saloons, hotels, stores or other places shall be prima facie evidence of the failure or refusal of such person to comply with the provisions of this act.

SEC. 9. Any able-bodied male person, between the ages of eighteen and fifty years, inclusive, who, after such proclamation, and during the time required by this act, fails or refuses to be habitually and regularly engaged in some lawful, useful and recognized business, profession, occupation, trade or employment, as required by section two of this act, or who, after unsuccessfully seeking employment, fails to register with the bureau of employment of the department of labor within thirty days after the proclamation by the governor as provided by this act takes effect, or who thereafter continues out of employment for any period of thirty days without having registered with such bureau, or who refuses to accept employment assigned to him by the State industrial commission, shall be guilty of a misdemeanor and punishable by a fine of not exceeding \$100 or imprisonment for not exceeding three months or both.

Became a law May 11, 1918.

CHAPTER 627.—*Factory, etc., regulations.*

SECTION 1. Subdivision two of section seventy-nine-a 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:

2. The term "floor area" means the entire space between fire walls, or between a fire wall and an exterior wall of a building, or between the exterior walls of the building where there is no intervening fire wall. From every floor area there shall be not less than two means of exit remote from each other, one of which on every floor above the ground floor shall be an interior inclosed fireproof stairway or an exterior inclosed fireproof stairway, and the other shall be such a stairway or a horizontal exit. No point in any floor area in an unsprinklered building shall be more than one hundred feet distant from the entrance to one such means of exit, and in a sprinklered building shall be more than one hundred and fifty feet distant from the entrance to one such means of exit. In buildings erected after July first, nineteen hundred and eighteen, no increase in occupancy shall be permitted under the provisions of section fifty-two-a of this chapter. In every building over one hundred feet in height there shall be at least one exterior inclosed fireproof stairway which shall be accessible from any point in the building.

SEC. 2. Subdivision three of section seventy-nine-a of such chapter * * * is hereby amended to read as follows:

3. All stairways shall be constructed of incombustible material and shall have an unobstructed width of at least forty-four inches throughout their length, except that handrails may project not more than three and one-half inches into such width, and except that stairways and landings inside an exterior inclosed fireproof stairway not to exceed one hundred feet in height, may be constructed of other than incombustible material, such other material to be approved by the commission. There shall be not more than twelve feet six inches in height between successive landings. The treads shall be not less than ten inches wide exclusive of nosing, and the rise shall be not more than seven and three-fourths inches. No stairway with "winders" shall be permitted as a required means of exit. The treads shall be constructed and maintained in such manner as to prevent persons from slipping thereon. Every stairway shall be inclosed on all sides by fireproof partitions extending continuously from the lowest story to which such stairway extends to three feet above the roof, except in buildings with fireproof roof slabs the stairway inclosure may terminate at the underside of such slab. The roof of the inclosure shall be constructed of fireproof material at least four inches thick and the

Violations.

Floor area.

Exits.

Stairways.

inclosure shall be ventilated by: (a) windows in exterior walls, or, (b) by skylights in metal frames with fixed or movable louvres or ventilators in roof of inclosure. Exterior windows within twenty-five feet of a nonfireproof structure shall be fireproofed. Skylights, unless provided with wired glass, shall have thereunder a shield of wire mesh in substantial framework. Whenever safe egress may be had from the roof to an adjoining or near-by structure all stairways serving as required means of exit shall extend to the roof. All stairways serving as required means of exit shall lead continuously to the street or to a fireproof passageway independent of other means of exit from the building opening on a road or street or to an open area affording unobstructed passage to a road or street: *Provided, however,* That in buildings more than five stories in height all stairways serving as required means of exit shall extend to the roof. Provision shall be made for the adequate lighting of all stairways by artificial light.

SEC. 3. Subdivision one of section seventy-nine-c of such chapter * * * is hereby amended to read as follows:

Stairways.

1. Stairways shall be provided with proper and substantial hand-rails. Where the stairway is inclosed by fireproof partitions the bottom of the inclosure shall be of fireproof material at least four inches thick unless the fireproof partitions extend to the cellar bottom. Whenever safe egress may be had from the roof to an adjoining or nearby structure all stairways serving as required means of exit that extend to the top story shall be continued to the roof.

SEC. 4. Section seventy-nine-d of such chapter * * * is hereby amended by adding thereto a new subdivision, to be subdivision five, to read as follows:

Notice of permit.

5. The officer of any city, village or town having power to examine and pass upon plans for the construction and alteration of buildings shall, immediately upon the issuance of a permit for the construction or alteration of a factory building, storage building or mercantile building as defined in this chapter, forward to the department of labor, on forms provided, a notice of the issuance of such permit and such other information as is set forth in such forms: *Provided, however,* That the provisions of this subdivision shall not apply to the city of New York.

SEC. 5. Subdivision eight of section seventy-nine-f of such chapter, * * * is hereby amended to read as follows:

Exterior stairways.

8. Exterior inclosed fireproof stairways shall be stairways completely inclosed from top to bottom by walls of fireproof material not less than eight inches thick extending from the sidewalk, court or yard level to the roof, and with walls extending above the roof so as to form a bulkhead. The stairway shall in all other respects conform to the requirements of subdivision three of section seventy-nine-a of this chapter. There shall be no opening in any wall separating the exterior inclosed fireproof stairway from the building. Access shall be provided to the stairway from every floor of the building by means of an outside balcony or vestibule of steel, iron or masonry. Every such balcony or vestibule shall have an unobstructed width of at least forty-four inches and shall be provided with a fireproof floor and a railing of incombustible material not less than three feet high. Access to such balconies from the building and to the stairway from the balconies, shall be by means of fire doors. The level of the balcony floor shall be not more than seven inches below the level of the door sill of the building. The doors shall be not less than forty-four inches wide and shall swing outward onto the balcony and inward from the balcony to the stairway, and shall be provided with locks or latches with visible fastenings requiring no key to open them in leaving the building. The landings in such stairway shall be of such width that the doors in opening into the stairway shall not reduce the free passageway of the landings to a width less than the width of the stairs. Every such stairway shall be provided with a proper lighting system which shall furnish adequate light and shall be so arranged as to insure its reliable operation when,

through accident or other cause, the regular factory lighting is extinguished. The balconies giving access to such stairways shall be open on at least one side upon an open space not less than one hundred square feet in area.

SEC. 6. Section eighty-three-a of such chapter, as added by chapter three hundred and thirty of the laws of nineteen hundred and twelve * * * is hereby amended to read as follows:

Sec. 83-a. 1. Every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor, shall be equipped with a fire alarm signal system with a sufficient number of signals clearly audible to all occupants thereof, except in buildings in which every square foot of the floor area on all stories is protected with an automatic sprinkler system having two adequate sources of water supply and approved by the public authorities having jurisdiction and in which also the maximum number of occupants on any one floor does not exceed by more than fifty per centum the capacity of the exits as determined by subdivisions one, two and three of section seventy-nine-e in addition to the prescribed occupancy under subdivisions four, five, six and seven of section seventy-nine-e of this chapter: *Provided, however,* That the commission may, after investigation and when it is determined that the spirit of this chapter is observed and public safety secured, permit in lieu of a fire alarm signal system and fire drills, an automatic sprinkler system having one adequate source of water supply, approved by the public authorities having jurisdiction and in which also the maximum number of occupants on any one floor does not exceed by more than fifty per centum the capacity of the exits as determined by subdivisions one, two and three of section seventy-nine-e, in addition to the prescribed occupancy under subdivisions four, five, six and seven of section seventy-nine-e of this chapter. The board of standards and appeals in the city of New York, and elsewhere the commission, may make rules and regulations prescribing the number, character and location of such signals, and the mode, manner, method and character of installation, including the character of all appliances in connection therewith. Such system shall be installed by the owner or lessee of the building and shall permit the sounding of all the alarms within the building whenever the alarm is sounded in any portion thereof. Such system shall be maintained in good working order. No person shall tamper with, or render ineffective any portion of said system except to repair the same. It shall be the duty of whoever discovers a fire to cause an alarm to be sounded immediately.

Fire alarm
signal systems.

2. In every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor, a fire drill which will conduct all the occupants of such building to a place of safety and in which all the occupants of such building shall participate simultaneously shall be conducted at least once a month, except in buildings in which every square foot of the floor area on all stories is protected with an automatic sprinkler system having two adequate sources of water supply and approved by the public authorities having jurisdiction and in which also the maximum number of occupants on any one floor does not exceed by more than fifty per centum the capacity of the exits as determined by subdivisions one, two and three of section seventy-nine-e, in addition to the prescribed occupancy under subdivisions four, five, six and seven of section seventy-nine-e of this chapter: *Provided, however,* That the commission may after investigation and when it is determined that the spirit of this chapter is observed and public safety secured, permit in buildings, in lieu of a fire alarm signal system and fire drills, an automatic sprinkler system having one adequate source of water supply, approved by the public authorities having jurisdiction and in which also the maximum number of occupants on any one floor does not exceed by more than fifty per centum the capacity of the exits as determined by subdivisions one, two and three of section seventy-nine-e,

Fire drills.

in addition to the prescribed occupancy under subdivisions four, five, six and seven of section seventy-nine-e of this chapter.

In the city of New York the fire commission of such city and elsewhere the commission, shall make rules, regulations and special orders necessary or suitable to each situation and in the case of buildings containing more than one tenant, necessary or suitable to the adequate cooperation of all the tenants of such buildings in a fire drill of all the occupants thereof. Such rules, regulations and orders may prescribe upon whom shall rest the duty of carrying out the same. Such special orders may require posting of the same or an abstract thereof.

3. In the city of New York the fire commissioner of said city, and elsewhere the commission is charged with the duty of enforcing this section.

Sec. 7. Subdivision three of section eighty-three-c, as added by chapter three hundred and twenty-nine of the laws of nineteen hundred and twelve * * * is hereby amended to read as follows:

Smoking.

3. No person shall smoke in any factory but the commission in its rules may permit smoking in protected portions of a factory or in special occupancies where in its opinion the safety of the employees would not be endangered thereby. A notice of such prohibition, stating the penalty for violation thereof, shall be posted in every entrance hall and in every elevator car, and in every stair hall and room on every floor of such factory in English and also in such other language or languages as the fire commissioner of the city of New York in such city, and elsewhere the commission, shall direct. The fire commissioner of the city of New York in such city, and elsewhere, the commission may issue permits permitting smoking in protected portions of a factory or in special classes of occupancy, in accordance with rules adopted by the commission. The fire commissioner of the city of New York in such city, and elsewhere, the commission shall enforce the provisions of this subdivision.

Sec. 8. Section eighty-four of such chapter * * * is hereby amended to read as follows:

Cleanliness of rooms.

Sec. 84. Every room in a factory and the floors, walls, ceilings, windows and every other part thereof and all fixtures therein shall at all times be kept in a clean and sanitary condition and in proper repair. The walls and ceilings of each room in a factory shall be lime washed or painted, except when properly tiled or covered with slate or marble with a finished surface. Such lime wash or paint shall be renewed whenever necessary as may be required by the commission. Floors shall, at all times, be maintained in a safe condition. No person shall spit or expectorate upon the walls, floors or stairs of any building used in whole or in part for factory purposes. Sanitary cuspidors shall be provided, in every workroom in a factory in sufficient numbers. Such cuspidors shall be thoroughly cleaned daily. Suitable receptacles shall be provided and used for the storage of waste and refuse; such receptacles shall be maintained in a sanitary condition.

Sec. 9. Section eighty-four-a of such chapter, as added by chapter one hundred and ninety-eight of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

Cleanliness of buildings.

Sec. 84-a. Every part of a factory building and of the premises thereof and the yards, courts, passages, areas or alleys connected with or belonging to the same, shall be kept clean, and shall be kept free from any accumulation of dirt, filth, rubbish or garbage in or on the same. The roof, passages, stairs, halls, ceilings, walls, basements, cellars, privies, water-closets, cesspools, drains and all other parts of such building and the premises thereof shall at all times be kept in a clean, sanitary and safe condition and in proper repair. The entire building and premises shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition.

Became a law May 11, 1918.

CHAPTER 628.—*Employment of children—Vacation permits.*

SECTION 1. Chapter * * * thirty-one of the Consolidated Laws is hereby amended by inserting a new section, to be section one hundred and sixty-five-a, to read as follows:

Sec. 165-a. During the months of July and August, children between the ages of fourteen and sixteen years, notwithstanding the provisions of sections one hundred and sixty-two and one hundred and sixty-three of this chapter, may be employed in or in connection with any mercantile establishment or business office in cities or villages upon obtaining the summer vacation permit herein provided for. Such permit shall bear conspicuously across the face the following words in red ink: "Summer vacation permit good only from July first until August thirty-first inclusive." The summer vacation permit shall differ in size and color from the employment certificate and shall not be granted unless all the provisions of section one hundred and sixty-three, except that relating to the filing of a school record, shall have been complied with. No summer vacation permit shall be granted until the officer issuing employment certificates shall receive, examine and file, in lieu of a school record, a certificate of attendance, which shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding his application for such summer vacation permit. The certificate of attendance herein required shall be issued in the same manner as prescribed in section one hundred and sixty-five regulating the issuance of school records.

The officer issuing employment certificates shall not issue a summer vacation permit until he has also received, examined, and filed a statement signed by the prospective employer, or some one duly authorized on his behalf, showing that he expects to give such child present employment and setting forth the character of the work to be required. The summer vacation permit herein described shall be granted to the prospective employer and shall contain, in addition to the contents prescribed for the employment certificate, the name of the employer and the address at which the child is to be employed, and shall be forwarded by mail by the issuing officer to such employer, and shall be valid for the employment of the child named therein by the employer to whom it is granted, and only during the months of July and August.

It shall be the duty of every person to whom a summer vacation permit has been granted to return such permit by mail to the issuing officer as follows:

1. Within three days after its receipt, in case the child for whose employment it was granted is not employed;
2. Within three days after the termination of the employment of the child, if occurring within the permitted period of summer employment;
3. Within three days after August thirty-first, in case such child is employed until the termination of the permit.

Any person, firm or corporation who fails to return the summer vacation permit when required to do so by this section, or who employs a child under sixteen years of age upon a summer vacation permit, except during the months of July and August, shall be guilty of a misdemeanor.

The issuing officer to whom a summer vacation permit has been returned shall file said permit and preserve it for at least one year. Any child whose summer vacation permit has been returned as above provided and who, after re-examination, is found to be physically fit to perform the work for which the new permit is to be granted, shall be entitled to a new permit upon presentation of a statement from a prospective employer as hereinbefore provided.

Became a law May 11, 1918.

Summer permits.

Conditions of issue.

Return.

Files.

CHAPTER 649.—*Railroads—Appliances on locomotives.*

SECTION 1. Section seventy-seven of chapter * * * forty-nine of the Consolidated Laws * * * is hereby amended to read as follows:

- Brakes.** Sec. 77. It shall be unlawful for any railroad company to use within the State on its line or lines any locomotive engine not equipped with a power driving wheel brake and appliances for operating the train brake system, or to use any locomotive engine operated by steam not equipped with a mechanically operated door to the fire box of such locomotive engine, or to use any locomotive engine not equipped with a vestibuled cab. Such mechanically operated door shall be so constructed and operated by steam, compressed air, electricity or other means, and such vestibuled cab shall be so constructed as deemed best and most efficient by the officers of such railroad. The device for operating such door shall be so constructed that it may be operated by the fireman on said engine by means of a push button or other appliance located in or near the floor of the deck or floor of the tender at a suitable distance from such door to enable the fireman while firing such engine, by pressure with his foot to open such door for the firing of such engine, and such vestibuled cabs shall be so constructed as to attach to the sides of, and inclose all openings between the engine cab and the water tank or coal tender attached to such engine: *Provided, however,* That nothing in this section shall be construed to inhibit the passage of a locomotive engine not so equipped with such mechanically operated door or vestibuled cab, moving under its own steam either with or without a train, when such movement is from a point without this State through and to a point beyond its borders, or from a point without this State to a point within it, or from a point within this State to a point without it if such passage is for the purpose of moving it to or from a repair shop or shops for the purpose of repairing such locomotive engine, and when it is not intended for service within this State.
- Fire doors.**
- Movements permitted.**
- New engines.** Sec. 2. All new locomotive engines placed in service, after this act shall take effect, shall be equipped with such mechanically operated doors and vestibuled cabs. As to all locomotive engines not actually in service, nor assigned to or held for such service, within this State, at the time of the passage of this act, it shall take effect on and after the first day of January, nineteen hundred and nineteen. As to any locomotive engine or engines in actual service, or assigned to and held for such service, within this State, when this act shall take effect, the same may be continued in service until it is necessary to withdraw it or them for general heavy repairs; and every locomotive engine so withdrawn from service for general heavy repairs shall be properly equipped with such mechanically operated fire-box doors and such vestibuled cabs before it shall be returned to service, unless the Director General of Railroad Lines, or any other official or officials who may hereafter be designated or authorized by the Federal authorities as the person or persons to control the operation of railroad lines, otherwise direct.
- Repairs.**

Became a law May 13, 1918.

NORTH DAKOTA.

ACTS OF 1918—EXTRA SESSION.

CHAPTER 12.—Sabotage.

SECTION 1. Any person who, during the period the United States is engaged in the present war shall either willfully or maliciously cause to be set on fire, either directly or through or by the assistance and act of another person, or through or by means of any chemical or mechanical apparatus or any sun glass, or the control of any electrical current, any building, car or boat, in which any food product for the use of man or beast is kept, stored or being transported, or in which any work or food producing animals shall be housed; or who shall willfully and maliciously in any of the ways hereinbefore mentioned cause any grain or food products for the use of man or beast to be set fire to in shock, stack or other form; or who shall willfully and maliciously poison or otherwise kill any work or food producing animal, the property of another with intent to injure the owner or hinder him in any agricultural operations, or to lessen the country's food supply, shall be guilty of sabotage in the first degree, and upon conviction thereof shall be imprisoned in the penitentiary from one year to life.

Offenses.

Penalty.

Sec. 2. Any person who shall during the period the United States is engaged in the present war attempt to commit any act, which attempt if successful would constitute sabotage in the first degree; or who with the purpose of hindering or delaying the harvesting or threshing of any crop, shall inflict injury upon any farm machinery either directly or by placing foreign substance in any grain to be harvested or threshed thereby; or who with intent to hinder or hamper the Government of the United States in the prosecution of or preparation for such war, shall in any other manner destroy any other property shall be guilty of sabotage in the second degree, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one year and not more than twenty years.

Second degree offenses.

Sec. 3. Any crime as defined herein committed within the period prescribed by this act shall be punished under the terms hereof though conviction or final judgment thereon or both may take place or be imposed after the termination of such period.

Subsequent convictions.

Approved January 30, 1918.

PORTO RICO.

ACTS OF 1918—EXTRA SESSION.

No. 3.—*Weekly day of rest.*

[This act amends section 3 of act No. 26, Acts of 1917 (Vol. II). The earlier act provides for the closing of establishments and work places generally on Sundays and certain holidays, with the exception of designated classes of establishments. Section 3 undertook to provide a weekly day of rest in these excepted establishments, but by the inadvertent use of the word "not," failed to make such provision. The present amendment consists simply in striking out the word "not."]

Correction.

No. 6.—*Weight that workmen may carry.*

[This act postpones the date when act No. 14, Acts of 1917 (Vol. I), shall come into effect, fixing January 1, 1920, as such date.]

Act in effect.

RHODE ISLAND.

ACTS OF 1918.

CHAPTER 1616.—*Factory, etc., regulations—Supply of drinking water.*

[This act amends sections 16 and 17, chapter 78, of the general laws, so as to read as follows:]

Sec. 16. Every corporation, association, firm or person owning, controlling, or superintending any manufacturing or business establishment in this State shall provide fresh drinking water, of good quality, to which their employees shall have access during working hours. No such corporation, association, firm or person shall allow the use of a common drinking cup or a common towel in such establishment. Employers to furnish.

Sec. 17. Any corporation, association, firm, or person violating or permitting the violation of any of the provisions of the preceding section, shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than \$25 nor more than \$50 for each offense. Violations.

Approved April 5, 1918.

CHAPTER 1632.—*Factory, etc., regulations—Sanitation.*

[This act amends section 8, chapter 78, of the General Laws, as amended by chapter 1522, Acts of 1917, by adding thereto the following:]

It shall be unlawful for any proprietor of a factory or any officer or agent or other person to require or permit the use of suction shuttles, or any form of shuttle in the use of which any part of the shuttle or any thread is required to be put in the mouth or touched by the lips of the operator. Suction shuttles.

Sec. 2. This act shall take effect on the first Monday of May in the year nineteen hundred and twenty-one.

Approved April 19, 1918.

CHAPTER 1661.—*Compulsory labor, etc., service—War emergency.*

SECTION 1. It is hereby declared to be the duty of every able-bodied male resident of this State, between the ages of eighteen and fifty years, to be habitually and regularly engaged in some lawful, useful and recognized business, profession, occupation, trade or employment. Whenever the governor of this State shall issue a proclamation determining such employment to be necessary and essential for the protection and welfare of this State and the United States, because of the existence of a state of war in which the United States may be engaged, and thenceforward until the termination of such war, and any able-bodied male resident of this State, between the ages aforesaid, who shall fail or refuse to be so employed for at least thirty-six hours per week shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than \$100 or be imprisoned for a term not to exceed three months, or both. Scope of law.
Proclamation.
Hours re-
quired.

Sec. 2. In no case shall the possession by the accused of money, property, or income sufficient to support himself and those regularly dependent upon him be a defense to any prosecution under this act. Property not a defense.

Sec. 3. In no case shall the claim by the accused of his inability to obtain work or employment be a defense to a prosecution here- Inability to obtain work.

under, unless it shall be proved that the accused promptly notified the commissioner of industrial statistics of the State of Rhode Island of his inability to obtain employment, and requested that work or employment be found for him, and that such employment was not furnished him, and shall hold a certificate from the commissioner of industrial statistics that such application has been made.

Placement. Sec. 4. It shall be the duty of the commissioner of industrial statistics whenever any person shall inform him of his inability to obtain employment as aforesaid to register forthwith the name of such person in the office of the commissioner of industrial statistics, together with his address, age and any other information which he may deem necessary. The commissioner of industrial statistics shall thereupon assign, or cause to be assigned, and, if necessary, reassign or cause to be reassigned, such persons to occupations as aforesaid, carried on by the State or any county or municipality thereof, or by private employers, engaged in agricultural, industrial or other occupations of the character above mentioned, and who accept the services of such persons: *Provided, however,* That no person shall be required to work under this act any greater number of hours per day than lawfully constitutes a day's work in the occupation in which such person is required to engage. In the event of the commissioner of industrial statistics being unable to procure employment for such persons applying as aforesaid, it shall then be the duty of the said commissioner of industrial statistics to so certify to such person in writing.

Wages. Sec. 5. All persons required to work under this act shall receive compensation of not less than the wage or salary paid to others engaged in the same nature of work to which each such person is assigned. If any such person is assigned to work for any department, board or commission of the State, then the compensation of such person shall be paid to him by such department, board or commission out of the appropriation made to it by the State. If any such person is assigned to work for any county or for any municipality, or for any private employer, then the compensation of such person shall be paid to him by such county or municipality, or by private employer, accepting his services.

Violations. Sec. 6. Any person failing or refusing to do, or to continue to do, the work assigned to him, or who, in the meanwhile, has not become regularly or continuously employed in some lawful, useful and recognized business, occupation, trade, profession or employment as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than \$100 or imprisonment for a term not exceeding three months, or both.

Rules, etc. Sec. 7. As soon as the proclamation has been issued, as herein provided, it shall be the duty of the commissioner of industrial statistics to prepare and publish such rules and regulations governing the assignment of persons to work under this act as will assure that all persons similarly circumstanced shall, as far as it is possible to do so, be treated alike. In assigning anyone to work, the commissioner of industrial statistics shall take into consideration the age, physical condition and any other appropriate circumstances of the person so assigned, and the rules and regulations to be promulgated by said commissioner of industrial statistics under the provisions of this act shall make allowances for such facts and circumstances.

Enforcement. Sec. 8. After the issuance of the proclamation hereinbefore provided for, it shall be the duty of the sheriffs and deputy sheriffs of the respective counties and of any other officer, State, county or municipal, charged with enforcing the law, to seek and continue to seek diligently the names and places of residence of able-bodied male persons within their respective jurisdictions, between the ages aforesaid, not regularly or continuously employed as aforesaid.

Agents, etc. Sec. 9. The commissioner of industrial statistics is authorized to appoint or employ such employees as may be necessary, and to

use such agencies as may be available and appropriate, to aid him in carrying out the provisions of this act.

SEC. 10. The provisions of this act shall not apply to persons temporarily unemployed by reason of differences with their employers, nor to bona fide students during the school term, nor to persons fitting themselves to engage in trade or industrial pursuits. Exempt persons.

SEC. 11. For the purposes of this act, any male person as aforesaid found in this State shall be deemed a resident, and in any prosecution hereunder proof that the accused habitually loiters in idleness in streets, roads, depots, pool rooms, saloons, hotels, stores or other places shall be prima facie evidence of the failure or refusal of such person to comply with the provisions of this act. Residents. Evidence.

Approved April 19, 1918.

CHAPTER 1676.—*Factory, etc., regulations—Inspectors.*

[This act amends section 3, chapter 78, General Laws, by increasing the salaries of assistant inspectors from \$1,500 to \$1,800 per annum.] Salaries.

Approved April 22, 1918.

SOUTH CAROLINA.

ACTS OF 1918.

ACT No. 394.—*Interurban railways—Protection of employeess.*

SECTION 1. All interurban railroads or interurban railways operating within this State, shall furnish their cars, and the vestibule portions of their cars, for the carriage of passengers, with heating apparatuses or appliances necessary to the comfort of all passengers and operators using the same; *Provided*, This act shall not apply to any railway whose direct line is more than fifty miles long. Heat to be furnished.

SEC. 2. Any interurban railroad or interurban railway failing or refusing to comply with the provisions of this act within the time limit, shall be subject to a fine of not exceeding \$100 for each day of such failure or refusal, to be recovered in any court of competent jurisdiction. Violations.

Approved February 11, 1918.

ACT. No. 469.—*Contract of employment—Fraudulent breach.*

SECTION 1. Sections * * * 492 [to] 499 of the Criminal Code of South Carolina are hereby stricken out and the following inserted in lieu thereof * * *:

Sec. 492. Any person who shall contract with another to render him personal service of any kind, and shall thereafter fraudulently, or with malicious intent to injure his employer, fail or refuse to render such service as agreed upon, shall be deemed guilty of a misdemeanor. Failing to render service;

Sec. 493. Any person who shall hereafter contract to receive from another personal service of any kind, and to compensate him therefor, and shall thereafter fraudulently, or with malicious intent to injure his employee, fail or refuse to receive such service or to make compensation as agreed upon, shall be deemed guilty of a misdemeanor. To receive service.

Sec. 494. Any person who shall hereafter contract with another to render personal service of any kind to him, and shall thereafter fraudulently, or with malicious intent to injure the employer, procure advances in money or other thing of value from him, with intent not to render the service agreed upon, and who shall thereafter, with like intent, fail or refuse to perform the service agreed upon, shall be deemed guilty of a misdemeanor. Procuring advances.

Sec. 495. Any person who shall hereafter contract with another to receive from him personal service of any kind, to compensate him therefor, and to make advances to him, and shall thereafter fraudulently, or with malicious intent to injure the employee, receive the benefit of such service, in whole or in part, and with like intent fail or refuse to make the compensation or advances agreed upon, shall be deemed guilty of a misdemeanor. Failure to pay.

Sec. 496. The contracts referred to in sections four hundred and ninety-two to four hundred and ninety-seven, inclusive, may be either verbal or in writing; if in writing, they shall be witnessed by one or more disinterested persons, and at the request of either party be duly executed before a magistrate, whose duty it shall be to read and explain the same to the parties. Such contract shall clearly set forth the conditions upon which the laborer or laborers engaged to work, embracing the length of time, the amount of Form of contracts.

money to be paid, and when; if it be on shares of crops, what portion or portions thereof. If verbal, they must be witnessed by at least two disinterested witnesses, not related by blood or marriage within the sixth degree, to either party, and the term of service contracted for must be for a definite time, not exceeding one year. All such contracts shall be valid only between the original parties thereto, and any attempted transfer or assignment of any rights thereunder shall be null and void.

Proceedings
against third
parties.

Sec. 497. If either party to any written contract herein referred to desires to avail himself of the benefits of sections four hundred and ninety-two to four hundred and ninety-seven, inclusive, against third parties, he shall cause the same to be indexed in the office of the register of mesne conveyance or the clerk of the court (where the office of register of mesne conveyance does not exist) of the county in which said labor or service is to be performed, within ten days from the date of the contract; and such indexing shall constitute notice to all third parties. Said index shall show the names of the employer and the laborer, the date of the contract and the date of its termination, and the location and the name of the place or places whereon the said labor or service is to be performed. The clerk of the court or the register of mesne conveyance, as the case may be, shall indorse his official certificate and the date of filing to be indexed upon every such contract filed under the provisions of sections 492 to 498, inclusive, and his only fee for the same shall be five cents for each contract. And the clerks of court, or the register of mesne conveyances, as the case may be, in all the counties of the State shall provide a book for indexing such contracts, which shall be plainly labeled "Index Labor Contracts."

Penalties.

Sec. 498. Upon conviction in a court of competent jurisdiction of any person charged with a violation of sections four hundred and ninety-two to four hundred and ninety-seven, inclusive, the person so convicted shall be punished by a fine of not less than \$25 and not exceeding \$100, or by imprisonment not less than twenty days and not exceeding thirty days for each offense: *Provided*, That there shall be no prosecution under sections four hundred and ninety-two to four hundred and ninety-seven, inclusive, unless the arrest warrant shall be issued within thirty days from the commission of the offense. Sections four hundred and ninety-two to four hundred and ninety-seven, inclusive, are not intended, and shall not be construed, to protect any of the parties to, or punish the violation of, any contract or matter connected therewith, where the inducement or consideration of such contract is money or other thing of value advanced to or for the employee prior to the commencement of service thereunder. All such contracts are hereby prohibited and declared null and void.

Approved the 12th day of February, A. D. 1918.

ACT No. 475.—*Street railways—Protection of employees.*

Heat to be
furnished.

SECTION 1. All electric street railway companies doing business in this State shall, after November first, nineteen hundred and eighteen, provide and furnish all their street cars or electric cars with sufficient heat for all passengers and employees.

Violations.

SEC. 2. Any street car company violating the provisions of section one of this act shall be liable to a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars.

Approved the 9th day of March, A. D. 1918.

SOUTH DAKOTA.

ACTS OF 1918—SPECIAL SESSION.

CHAPTER 32.—*State conduct of business—Amendment to constitution.*

At the next general election there [shall] be submitted to a vote of the people a proposed amendment, which is hereby agreed to, to the constitution of this State, by adding to article thirteen thereof, sections ten and eleven, relating to the manufacture, distribution and sale of cement and cement products, as follows:

Amendment
submitted.

Sec. 10. The manufacture, distribution and sale of cement and cement products are hereby declared to be works of public necessity and importance in which the State may engage, and suitable laws may be enacted by the legislature to empower the State to acquire, by purchase or appropriation, all lands, easements, rights of way, tracks, structures, equipment, cars, motive power, implements, facilities, instrumentalities and material incident or necessary to carry the provisions of this section into effect: *Provided, however,* That no expenditure of money for the purposes enumerated in this section shall be made, except upon a vote of two-thirds of the members elect of each branch of the legislature.

Work of public
necessity.

Sec. 11. The State may pledge such cement plants and all of the accessories thereto, and may pledge the credit of the State, to provide funds for the purposes enumerated in section ten of this article, any provision in this constitution to the contrary notwithstanding.

Power of
State.

[Chapters 33 and 34 are similar to the above, but relate to the production of and distribution of electric light and power, and to the mining and sale of coal, respectively.

Chapter 35 proposes an amendment authorizing the State to engage in works of internal improvement.]

CHAPTER 38.—*Interference with employment—Criminal syndicalism.*

SECTION 1. Criminal syndicalism is hereby defined as any doctrine or practice which teaches, practices or advocates crime, sabotage (sabotage as used in this act means willful and malicious damage or injury to the property of another), violence or other methods of terrorism, or the destruction of life or property, for the accomplishment of social, economic, industrial or political ends. The advocacy, teaching, support, practice or furtherance of any such doctrine, whether by act, speech or writing, or by any means or in any manner whatsoever, is hereby declared to be a felony and punishable as such, as in this act provided.

Definitions.

Any person or persons who shall, by act, or speech, or in writing, or by symbol, precept, suggestion, example or illustration, advocate, suggest or teach the duty, necessity, or propriety of crime, sabotage, violence or other methods of terrorism, or the destruction of life or property for the accomplishment of social, economic, industrial or political ends, or shall print, publish, utter, sell or circulate, distribute or have in his or her possession or display any book, paper, document, writing or article in any form which shall contain, or advocate, advise, teach or suggest, any doctrine that social, economic, industrial or political ends should be brought about by crime, sabotage, violence, or other means of terrorism, with intent to suggest, exemplify, illustrate, spread or advocate any of the doctrines of criminal syndicalism, or shall organize or assist in the organization, or become a member of, or assemble with, any persons, societies, associations, groups or assemblages of persons formed for or engaging in the teaching or advocacy of any of the doctrines of criminal syndicalism, or who shall, directly or indi-

Advocacy of
violence.

rectly, through or by the use of any liquid, compound, chemical, or artificial or mechanical apparatus or current or other device whatsoever, in any manner destroy, or attempt to destroy, contribute to or cause the destruction of life or property of any description, or who shall have in his possession any liquid, compound, chemical or artificial or chemical device whatsoever, with intent to destroy life or property, in the pursuance or furtherance of any of the doctrines of criminal syndicalism as defined in this act, shall upon conviction be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for not less than one nor more than twenty-five years, or by a fine of not less than \$1,000 nor more than \$10,000, or by both such fine and imprisonment, in the discretion of the court.

Assemblies. SEC. 2. Wherever two or more persons assemble for the purpose of advocating, or teaching, or suggesting or illustrating, in any manner whatsoever, any doctrine of criminal syndicalism, or of any of the acts defined or referred to in section one of this act, such assemblage shall be unlawful, and every person participating therein by his presence, or who shall aid or in any manner instigate the holding of such an assemblage, shall upon conviction be guilty of a felony and shall be punished by imprisonment in the State prison for not less than one nor more than twenty-five years, or by a fine of not less than \$1,000 nor more than \$10,000, or by both such fine and imprisonment, in the discretion of the court.

Permitting assemblies. SEC. 3. Any owner, agent, custodian, occupant, or superintendent of any place, room, structure, or building who shall permit therein any assemblage of persons for any of the purposes prohibited by the provisions of this act, or who, after notification that the said place, room, structure or buildings are so used, shall permit such use to continue, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for not less than one nor more than twenty-five years, or by a fine of not less than \$1,000 nor more than \$10,000, or by both such fine and imprisonment in the discretion of the court.

Approved March 23, 1918.

CHAPTER 62.—*Compulsory labor, etc., service—Powers of State council of defense.*

Basis of law. SECTION 1. Whereas, it may become necessary to impress into the service of the State, or of any person, group of persons, firm, association or corporation, persons who are idle and unemployed, in order that production of food and supplies of all kinds may be increased for the purpose of winning the war; therefore, the State council of defense is hereby given and granted full power and authority to impress into the service of the State, or of any political subdivision of the State, or of any person, firm, association or corporation, any persons who, in its opinion, are idle and unemployed and whose services may be required and are necessary to carry on or increase the production of food and supplies of all kinds for the purpose of winning the war; and to that end the said State council of defense may provide for such system of registration and classification, and make any such rules and regulations and orders as may be necessary to carry out the provisions of this act: *Provided, however,* That all such persons so impressed into service shall receive the ordinary and usual compensation paid to other persons in the particular locality and for the class of service to which they are assigned.

Violations. SEC. 2. Any person who shall violate any of the provisions of this act or any order, rule, regulation or requirement of the State council of defense promulgated or issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$5 nor more than \$1,000, or by imprisonment in a county jail not to exceed ninety days, or by both such fine and imprisonment, in the discretion of the court.

Approved March 23, 1918.

TEXAS.

ACTS OF 1918—EXTRA SESSION.

CHAPTER 58.—*Factory, etc., regulations.*

SECTION 1. In every factory, mill, workshop, mercantile establishment, laundry, or other establishment, adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, an equable temperature consistent with a reasonable requirement of the manufacturing process. No unnecessary humidity which would jeopardize the health of employees shall be permitted. In every room, apartment, or building used as a factory, mill, workshop, mercantile establishment, laundry or other place of employment, sufficient air space shall be provided for every person employed therein, and which in the judgment of the commissioner of labor statistics, or of his deputies and inspectors is sufficient for their health and welfare.

Temperature.

Air space.

SEC. 2. All factories, mills, workshops, mercantile establishments, laundries and other establishments shall be kept free from gas or effluvia arising from any sewer, drain, privy or other nuisance on the premises; all poisonous or noxious gases arising from any process; all dust of a character injurious to the health of persons employed, which is created in the process of manufacturing within the above-named establishment, shall be removed as far as practicable by ventilators or exhaust fans or other adequate devices.

Ventilation.

SEC. 3. All decomposed, fetid or putrescent matter, and all refuse, waste and sweepings of any factory, mill, workshop, mercantile establishment, laundry or other establishment, shall be removed at least once each day and be disposed of in such manner as not to cause a nuisance. All cleaning, sweeping and dusting shall be done as far as possible outside of working hours, but if done during working hours, shall be done in such manner as to avoid so far as possible the raising of dust and noxious odors. In all establishments where any process is carried on which makes the floors wet, the floors shall be constructed and maintained with due regard for the health of the employees, and gratings or dry standing room shall be provided wherever practicable, at points wherever employees are regularly stationed, and adequate means shall be provided for drainage and for preventing leakage or seepage to lower floors.

Cleanliness.

SEC. 4. All doors used by employees as entrances to, or exits from factories, mills, workshops, mercantile establishments, laundries or other establishments of a height of two stories or over, shall open outward, and shall be so constructed as to be easily and immediately opened from within in case of fire or other emergencies. Proper and substantial hand rails shall be provided on all stairways, and lights shall be kept burning at all main stairs, stair landings, and elevator shafts in the absence of sufficient natural light; *Provided*, That the provisions of this section shall not apply to any mercantile establishment having seven female employees or less.

Doors to open outward.

Stairways, etc.

SEC. 5. Every factory, mill, workshop, mercantile establishment, laundry or other establishment, shall be provided with a sufficient number of water-closets, earth closets or privies, and such water-closets, earth closets or privies shall be supplied in the proportion of one (1) to every twenty-five (25) male persons, and one (1) to every twenty (20) female persons, and whenever both male and

Water-closets.

female persons are employed, said water-closets, earth closets or privies shall be provided separate and apart for the use of each sex, and such water-closets, earth closets or privies shall be constructed in an approved manner and properly inclosed, and at all times kept in a clean and sanitary condition, and effectively disinfected and ventilated, and shall at all times during operation of such establishment be kept properly lighted. In case there be more than one shift of more than eight hours each of employees the average number of persons in the establishment at any one time should be used in determining the number of toilets required.

Moral conditions.

SEC. 6. It shall be unlawful for the owner, manager, superintendent, or other person in control or management of any factory, mill, workshop, mercantile establishment, laundry or other establishment where five or more persons are employed, all or part of whom are females, to permit in such place of employment any influence, practices or conditions calculated to injuriously affect the morals of such female employees.

Inspection.

SEC. 7. The commissioner of labor statistics, or any of his deputies or inspectors, shall have the right to enter any factory, mill, workshop, mercantile establishment, laundry, or other establishment where five or more persons are employed, for the purpose of making inspections and enforcing the provisions of this act; and they are hereby empowered, upon finding any violations of this act by reason of unsanitary conditions such as to endanger the health of the employees therein employed, or of neglect to remove and prevent fumes and gases or odors injurious to employees, or by reason of the failure or refusal to comply with any requirement of this act, or by reason of the inadequacy or insufficiency of any plan, method, practice or device employed in assumed compliance with any of the requirements of this act, to pass upon and to make a written finding as to the failure or refusal to comply with any requirement of this act, or as to the adequacy or sufficiency of any practice, plan or method used in or about any place mentioned in this act in supposed compliance with any of the requirements of this act, and, thereupon they may issue a written order to the owner, manager, superintendent, or other person in control or management of such place or establishment, for the correction of any condition caused or permitted in or about such place or establishment in violation of any of the requirements of this act, or of any condition, practice, plan, or method used therein or thereabouts in supposed compliance with the requirements of this act, but which are found to be inadequate or insufficient, in any respect to comply therewith, and shall state in such order how such conditions, practices, plans or methods, in any case shall be corrected and the time within which the same shall be corrected, a reasonable time being given in such order therefor. One copy of such order shall be delivered to the owner, manager, superintendent or other person in control or management of such place or establishment, and one copy thereof shall be filed in the office of the bureau of labor statistics. Such findings and orders shall be prima facie valid, reasonable and just, and shall be conclusive unless attacked and set aside in the manner provided therefor in section eight of this act. Upon the failure or refusal of the owner, manager, superintendent, or other person in control or management of such place or establishment, to comply with such

Orders.

Enforcement.

order within the time therein specified, unless the same shall have been attacked and suspended or set aside as provided for in section eight of this act, the commissioner of labor statistics, or his deputy or inspectors shall have full authority and power to close such place or establishment, or any part of it that may be in such unsanitary or dangerous condition or immoral influences in violation of any requirement of this act or of such order, until such time as such condition, practice or method shall have been corrected in accordance with such order. And the further operation or use of such place, or part thereof, ordered closed, without the correction thereof ordered, shall subject the owner, manager, superin-

tendent, or other person in control or management of such place or establishment to the penalties provided for in section nine of this act.

Sec. 8. The owner or owners, manager, superintendent, or other person in control or management, of any place or establishment covered by this act, and directly affected by any finding or order provided for in section seven of this act, may, within fifteen days from the date of the delivery to him or them of a copy of any such order as provided for in section seven of this act, file a petition setting forth the particular cause or causes of objection to such order and findings in a court of competent jurisdiction against the commissioner of labor statistics. Said action shall have precedence over all other causes of a different nature, except such causes as are provided for in article six thousand six hundred and fifty-seven, Revised Statutes, nineteen hundred and eleven, and shall be tried and determined as other civil causes in said court: *Provided*, That if the court be in session at the time such cause of action arises, the suit may be filed during such term and stand ready for trial after ten days' notice. Either party may appeal, but shall not have the right to sue out a writ of error from the trial court, and said appeal shall at once be returnable to the proper appellate court at either of its terms, and said appeal shall have precedence in such appellate court over other causes of a different nature, except the causes provided for in article six thousand six hundred and fifty-seven, Revised Statutes, nineteen hundred and eleven. In all trials under this section the burden of proof shall be upon the plaintiff, to show that the findings and order complained of are illegal, unreasonable, or unjust to it or them.

Sec. 9. Any person, firm, or corporation, or any owner, manager, superintendent or other person in control or management of any factory, mill, workshop, mercantile establishment, laundry or other establishment, who shall violate any of the provisions of this act, or who shall fail or refuse to comply with any order of correction provided for in section seven of this act, unless such order shall have been attacked and set aside as provided for in section eight of this act, shall be deemed guilty of a misdemeanor and upon conviction in any court of competent jurisdiction shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than two hundred (\$200) dollars, or by not to exceed sixty (60) days in the county jail, or by both such fine and imprisonment; and each day the law is so violated shall constitute a separate offense.

Approved April 2, 1918.

Appeals by owners.

Violations.

VIRGINIA.

ACTS OF 1918.

CHAPTER 80.—*Mothers' pensions.*

[Widows who are mothers of children under 16 years of age, which they are unable to support and maintain in their homes, may receive support from the local authorities (county or city), in amounts not exceeding \$12 per month for one child, \$18 for two, and \$4 additional for each other child under 16 years of age. The Commonwealth's attorney is charged with the duty of seeing that the money is properly used, and that the mother is a suitable guardian of the child. Residence in the State for three years and in the county for two years is an essential condition to the grant of aid.]

Summary of provisions.

CHAPTER 179.—*Contract of employment—Fraudulent breach.*

SECTION 1. If any person, with intent to injure or defraud his employer, enters into a contract of employment, oral or written, or for the performance of personal service to be rendered within one year, in and about the cultivation of the soil and thereby obtains from the land owner, or the person so engaged in the cultivation of the soil, money or other thing of value under such contract, and fraudulently refuses to perform such service, or to refund the said money or other thing of value so obtained, shall be deemed guilty of the larceny of the said money or other thing of value so received; *Provided, however,* That prosecutions hereunder shall be commenced within sixty days after breach of such contract.

Obtaining advances.

Refusing service.

Approved March 14, 1918.

CHAPTER 204.—*Employment of children—General provisions.*

[This act amends the child labor law of 1908, amended 1914, so as to read as follows:]

SECTION 1. On and after July first, nineteen hundred and eighteen, no child under the age of fourteen years shall be employed, permitted or suffered to work in any factory, workshop, cannery, mercantile establishment, laundry, bakery, brick or lumber yard, theater or place of amusement, nor shall any child under the age of sixteen years be employed in any mine or quarry.

Age limit.

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 six o'clock in the morning nor after the hour of seven o'clock in the evening.

Work time.

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 to keep 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

Certificate required.

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.

Who to is-
sue.

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 upward, which shall consist of one of the following proofs of age, and shall be required in the order herein designated as follows:

Evidence.

(a) A birth certificate or attested transcript thereof issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(b) A record of baptism or a certificate or attested transcript thereof showing the date of birth and place of baptism of the child.

(c) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the record of the births in the family of the child are preserved, or other documentary evidence satisfactory to the commissioner of labor of such person as he may designate, such as a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy: *Provided*, That such other satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence: *And provided further*, That a school record or a parent's, guardian's or custodian's affidavit, certificate, or other written statement of age shall not be accepted except as specified in paragraph (d).

(d) A certificate signed by a public-health physician or a public-school physician, specifying what, in the opinion of such physician is the physical age of the child; such certificate shall show the height and weight of the child and other facts concerning its physical development revealed by such examination and upon which the opinion of the physician as to the physical age of the child is based. A parent's, guardian's, or custodian's certificate as to the age of the child and a record of age as given on the register of the school which the child first attended or in the school census, if obtainable, shall be submitted with the physician's certificate showing physical age.

Rank.

The officer issuing the age certificate for a child shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file evidence that the evidence of age required by the preceding subdivision or subdivisions can not be obtained.

Messenger
service.

SEC. 4. In cities having a population of five thousand or more, according to the census of nineteen hundred and ten, no boy under the age of fourteen years and no girl under the age of eighteen 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 boy under eighteen years of age, and no girl under twenty-one 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.

Selling news-
papers, etc.

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. Any child violating the provisions of this section shall be deemed delinquent and, on complaint of any person, may be arrested and brought before a court of competent jurisdiction which shall have

the authority to commit or otherwise deal with such child in accordance with the provisions of the law in regard to delinquent children.

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, laundry, mine, bakery, brick or lumber yard, with which he is connected, or any parent or guardian, who allows any such employment of his child or ward, in these occupations or in selling newspapers as in section five, or any notary public who shall issue a certificate, as provided in section three, in violation of the provisions of said section, shall be guilty of a misdemeanor and, upon conviction of such offense, shall be fined not less than \$25 nor more than \$100 for each offense.

Violations.

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.

Work for parents.

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*, That nothing contained in this act shall apply to mercantile establishments in towns of less than two thousand inhabitants or in country districts.

Evidence.

Exemptions.

Approved March 14, 1918.

CHAPTER 214.—*Employment of women—Hours of labor.*

SECTION 1. No female shall work as an operative in any factory, workshop, laundry, mercantile or manufacturing establishment in this State more than ten hours in any one day of twenty-four hours. All contracts heretofore or hereafter made for the employment of any female as an operative in any factory, workshop, laundry, mercantile or manufacturing establishment to work for more than ten hours in any one day of twenty-four hours shall be deemed to be void.

Ten-hour day.

Sec. 2. Any person having authority to contract for the employment of persons as operatives in any factory, workshop, laundry, mercantile or manufacturing establishment, who shall engage or contract with any female to work as an operative in any factory, workshop, laundry, mercantile or 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 \$5 nor more than \$20. But nothing in this section shall be construed to apply to females whose full time is employed as bookkeepers, stenographers, cashiers, or office assistants, nor to persons employed in factories engaged exclusively in packing fruits or vegetables, nor shall this section apply to mercantile establishments in towns of less than two thousand inhabitants, or in country districts: *Provided, however*, That the commissioner of labor shall be, and he is hereby authorized to grant a permit to leaf-tobacco prizeries in towns and cities of less than thirty thousand population to employ women for more than ten hours in a day where it appears to the commissioner that such a permit is necessary to provide for an emergency and where such additional time is voluntary on the part of the employees. Such permit shall state the time and conditions of such employment, and such plant may employ such labor for the time and under the conditions set forth in such permit; and this provision shall terminate February first, nineteen hundred and twenty. [See chapter 414, below.]

Violations.

Exemptions.

Tobacco prizeries.

Approved March 14, 1918.

CHAPTER 260.—*Factory, etc., regulations—Grinding and polishing wheels.*

SECTION 1. All persons, firms, companies, associations and corporations operating, or in charge of, a factory, machine shop, or other place or building where grinding, polishing or buffing wheels

Ventilation.

are used in the course of the manufacture or the working on of articles of the baser metals, shall provide such wheels with a hood connected by means of a pipe to an exhaust fan or other suction device in such manner as to carry away the dust and refuse thrown off by such wheels to some receptacle so placed as to receive and confine such dust or refuse, or in such manner as to discharge the same into the open air outside of such factory or other building: *Provided*, Conditions permit such discharge without injury to persons or property. Every such hood shall be made of metal or other suitable material and be of such form and so located in relation to the grinding surface of the wheel that the dust and refuse therefrom will fall or be drawn into the hood and be carried off by the pipe attached to it, and so as to prevent injury to the operator if the wheel shall burst. But connection of such hood with an exhaust fan or other suction device shall not be required in any of the following cases:

Exemptions. First: When less than five of such wheels are owned or operated by one person or concern.

Second: When such wheel is provided for only occasional use by workmen in grinding the tools used by them.

Third: When water is used upon such wheel at the point of grinding contact.

Construction of hood. Sec. 2. Every hood shall be so constructed as to expose the smallest portion of the wheel consistent with efficient operation, and its free edges shall be turned back or faced to prevent injury to the hands of workmen. Where there is likelihood that the hood may scratch the work, the edges of the hood should be covered with leather or other suitable covering.

Use. Sec. 3. Every such fan or other suction device shall be kept in constant operation while such grinding, polishing or buffing wheels are in operation.

Violations. Sec. 4. Any person who violates or does not comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$50 for the first offense, and by a fine of not less than \$50 nor more than \$100 for each subsequent offense.

Approved March 16, 1918.

CHAPTER 313.—*Factory, etc., regulations—Common drinking cups.*

Cups forbidden. SECTION 1. The use of the common drinking cup on railroad trains and in railroad stations, public hotels, boarding houses, restaurants, clubs, steamboats, schools, factories, stores or publicly frequented places in Virginia is hereby prohibited. No person or corporation in charge of the aforesaid places, and no person or corporation shall permit on the said railroad train, in railroad stations, public hotels, boarding houses, restaurants, clubs, steamboats, schools, factories, stores or any publicly frequented place in Virginia, the use of the drinking cup in common.

Violations. Any person or corporation violating the provisions of this act, shall, upon conviction, be fined in any sum not less than \$1 and not more than \$10, and each day's violation of any of the provisions of this act shall be considered a separate offense, punishable by fine in the amount named above.

Approved March 16, 1918.

CHAPTER 389.—*Payment of wages—Semimonthly pay day.*

[This act amends section 3157d, Code of 1904, so as to read as follows:]

Scope of act. SECTION 1. All persons, firms, companies, corporations or associations in this Commonwealth, engaged in operating railroad shops, maintaining railroad and steamship offices, mining coal, ore, or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their employees engaged in the employments aforesaid as provided in this act.

All persons, firms, companies, corporations or associations, engaged in any of the business aforesaid, shall regularly settle with such employees at least twice in each month, and, at such times, pay them the amounts due them for their work or services, in lawful money of the United States, or by check, or by cash order, as described and required in section three of this act: *Provided*, That nothing herein contained shall affect the right of any employee to assign the whole or any part of his claim against his employer: *Provided, however*, That the semimonthly payment of wages requirement of this act shall not apply to excelsior mills or sawmills; but the employers of labor engaged in such enterprises shall settle with their employees at least once in each month.

Payments re-
quired.

SEC. 2. It shall not be lawful for any person, firm, company, corporation or association, engaged in the business aforesaid, their clerk, agent, officer or servant in this State to issue for payment of such labor at such times any order or other payment whatever, unless the same purports to be payable or redeemable for its face value in lawful money of the United States, such order to be made payable on demand and without condition to employees, or bearer, bearing interest at legal rate, and redeemable by the person, firm, company, corporation or association giving, making or issuing the same. Any such person, firm, company, corporation or association engaged in any of the business aforesaid, at other times than at such regular settlements upon the faith and credit of labor to be performed or performed but not to be paid for under the contract of hiring until a future date, may in payment or in part payment therefor, upon request of any employee, issue to such employees nontransferable orders upon himself or itself, or upon another, payable in merchandise only or nontransferable coupons or tokens payable or redeemable in merchandise only: *Provided*, That upon or in the face of each such order or upon or in the holder or container to which such coupons or tokens are attached there is legibly and plainly written or printed the binding promise of such employer to pay such employee in lawful money of the United States or by check the unused portion or part, if any, of such order in his possession or the unused coupons or tokens, if any, in such holder or container in his possession, upon demand and upon surrender thereof by him, at such regular settlement date, not later than one month from the date thereof. Any person, firm, company, corporation or association, engaged in the business aforesaid, their clerks, agents, officers or servants, who shall issue for payment of labor any paper or order, other than the ones herein specified, or who shall, upon demand and surrender thereof by an employee refuse to pay for or issue check to such employee for such unused part or portion of such nontransferable order or unused nontransferable coupon or token at such regular settlement date, in violation of this section, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding \$100, in the discretion of the court.

Orders.

SEC. 3. It shall be unlawful for any person, firm, company, corporation or association engaged in operating railroad shops, maintaining railroad and steamship offices or mining or manufacturing, or either of them, as aforesaid, and who shall likewise be either engaged or interested directly or indirectly, in merchandising, as owner or otherwise, in any money per centum profit or commission arising from the sale of any such merchandise, their clerks, servants, officers or agents to knowingly or willfully sell, or cause to be sold, to any such employees any goods, merchandise or supplies whatever for a greater per centum of profit than merchandise and supplies of like character, kind, quality and quantity are sold to other customers, buying for cash and not employed by them; and shall any person or member of any firm, company, corporation or association, his or their clerk, agent, or servant violate this act they shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding \$100, in the discretion of the court.

C o m p a n y
stores.

Profits.

Approved March 20, 1918.

CHAPTER 402.—*Assignments of wages—Wage brokers.*

Summary of provisions. [This act embodies the provisions of the uniform law on the subject. It is applicable to persons, partnerships, and corporations making loans not in excess of \$300, and requires an annual license fee of \$50. But one place of business may be maintained under such license, and a bond in the amount of \$1,000 is required. The usual provisions as to records, statements, entries of credit, right of inspection, fees and interest charges, etc., are enacted. A monthly interest rate of three and one-half per cent is allowed, which is to include also all charges for papers, searches, loss margin, etc. The following section relates exclusively to wage loans:]

Loan to be contemporaneous. Spouse to join. Part of wages assignable. SECTION 17. No assignment of, or order for, the payment of any salary or wages, earned or to be earned, given to a licensee to secure a loan, shall be valid unless such loan is contracted simultaneously with its execution; nor unless in writing signed in person by the assignor, and not by attorney; nor when made by a married person, unless the written assent of his or her spouse to the making of such assignment or order is indorsed or attached: *Provided*, That written assent of a spouse shall not be required when husband and wife have been living separate and apart for a period of at least five months prior to such assignment.

(a) Every such assignment or order for the payment of salary or wages earned, or to be earned in the future, unless given as security for a loan under this act, shall be valid for not exceeding ten per cent (10%) of the assignor's salary or wages under any existing or future employment, which ten per cent (10%) shall be collectible therefrom from the employer, by the licensee, at the time each payment of salary or wages becomes due, from the time that a copy thereof, verified by the oath of the licensee, or his agent, together with a verified statement of the amount unpaid upon such loan is served upon the employer, who may demand to have the original of such assignment exhibited to him at the time such copy is served.

Approved March 23, 1918.

CHAPTER 414.—*Hours of labor of women and children.*

[This act amends section 3657b, Code of 1904, which establishes a ten-hour day for women and for children under 14 (but see chapter 204, above), by adding thereto the following:]

Tobacco prizes. *Provided, however*, That the commissioner of labor shall be, and he is hereby authorized to grant a permit to leaf-tobacco prizes in towns and cities of less than thirty thousand population according to the United States census of nineteen hundred and ten to employ women for more than ten hours in a day where it appears to the commissioner that such permit is necessary to provide for an emergency and where such additional time is voluntary on the part of the employees; where such permits are granted, the employees shall be paid for overtime at the rate of one and one-half times. Such permit shall state the time and conditions of such employment, and such plant may employ such labor for the time and under the conditions set forth in such permit; and this provision shall terminate February first, nineteen hundred and twenty.

Approved March 27, 1918.

WISCONSIN.

ACTS OF 1918—SPECIAL SESSION.

CHAPTER 2.—*Employment of children—Illiterates.*

[This act repeals section 1728a-15 of the statutes and renumbers section 1728a-17 to be section 1728a-16. Sections 1728a-11 to 1728a-14 are amended to read as follows:]

Section 1728a-11. No person, firm or corporation shall employ an illiterate minor over seventeen years of age in any city, village or town in which a public evening school or vocational school, is maintained, unless such minor is a regular attendant at the public evening school or vocational school. An illiterate minor within the meaning of this section is a minor who can not read at sight and write legibly simple sentences in the English language. Attendance of four hours per week at the public evening school or vocational school shall be deemed regular attendance within the meaning of this section.

School attendance.

Sec. 1728a-12. No parent, guardian or custodian shall permit a minor over seventeen years of age to be employed in violation of section 1728a-11.

Duty of parents, etc.

Sec. 1728a-13. Any minor required by section 1728a-11 to attend an evening school or vocational school, shall furnish to his employer each week during its session a record showing that he is a regular attendant at the evening school or vocational school. The employer shall file all records of attendance in his office and no minor, subject to sections 1728a-11 to 1728-16, inclusive, shall be employed unless the records of attendance or absence for valid cause, during the previous week be on file.

Records.

Sec. 1728a-14. Upon presentation by a minor of a certificate signed by a registered practicing physician, showing that his physical condition, or the distance necessary to be traveled, would render the required school attendance, in addition to his daily labor, prejudicial to his health, the industrial commission may in its discretion authorize his employment for such period as it may determine.

Physical defects.

Approved February 28, 1918.

[Section 1728a-16 is renumbered to be section 1728a-15 and amended by substituting 1728a-14 for 1728a-15, where it occurs.]

Approved February 28, 1918.

CHAPTER 12.—*Employment of children in street trades.*

[This act amends section 1728s of the statutes by advancing the age from 16 to 17 years for compliance with laws as to children in street trades; also by adding the words "where he resides" to the first sentence as defining what board of education may issue a permit. Sections 1728t, 1728w, and 1728z are amended by substituting 17 for 16 where the age of children under the age is referred to. Section 1728v is amended by adding new matter. The last two sentences now read as follows:]

Age limit.

Such fee shall be refunded upon return of the badge, within one year from the expiration of the permit. All fees remaining after the expiration of such year are hereby appropriated to the board of education with whom they have been deposited to apply upon any expenditures incurred in the administration of sections 1728p to 1728za.

Fees.

[Section 1728y is amended by adding the following:]

The permit of a minor who changes his residence subsequent to its issuance may be revoked in like manner by the officers of the permit district to which he removes.

Change of residence.

[Section 1728za is amended by substituting 17 for 16 where the age of children under the act is referred to. A new sentence is also inserted after the first, as follows:]

Application of act. In any city or other permit district in which compulsory school attendance ends at the age of sixteen years, the educational requirements contained in sections 1728p to 1728za, inclusive, shall not apply to children over sixteen years of age.

[Five new sections are added as follows:]

Effect of permit. SECTION 1728ya. The employment of any minor of the age of twelve years or more, pursuant to the provisions of sections 1728p to 1728za, inclusive, in a "street trade," shall have the same warrant as if his employment was under the permit provided by section 1728a, and such permit shall, within the trade for which it was issued, afford like protection to an employer as would a permit issued pursuant to section 1728a. The permit shall authorize such minor to engage in the specified trade anywhere within the State.

Supervision of street trades. SEC. 1728zb. Except as to cities of the first class the industrial commission is charged with general supervision of minors engaged in a "street trade," as the term is defined in section 1728p to the end that such minors be not required, suffered or permitted to work at or engage in a street trade under conditions or during hours which are dangerous or prejudicial to their life, health, safety or welfare. For such purpose it is made the duty of the industrial commission, and it shall have power, jurisdiction and authority to investigate, ascertain, determine and classify street trades and to issue general or special orders prohibiting the employment or engagement of minors in a street trade dangerous or prejudicial to the life, health, safety or welfare of such minor, and, by like orders, to fix the terms and conditions of permits to such minors and provide for their issuance by the board of education or school board of the city, village or town in which such minor resides, for the revocation of permits, and for such other regulations as may be reasonably necessary to carry out the purpose and intent hereof: *Provided, however,* That no boy under the age of twelve years and no girl under the age of eighteen years shall at any time be permitted to engage in a street trade.

Investigations, etc. SEC. 1728zc. Such investigations, classifications and orders shall have the same force and effect as orders issued pursuant to sections 2394-41 to 2394-70, inclusive, and any action, proceeding or suit to set aside, vacate or amend any such order of the commission, or to join the enforcement thereof, shall be made pursuant to the proceeding authorized in sections 2394-41 to 2394-70, inclusive.

Effect. SEC. 1728zd. Until such time as the industrial commission shall investigate, ascertain, determine and classify street trades for districts other than cities of the first class, as provided in section 1728zb, and by order designate those trades, and the conditions and hours therein, at which a minor shall not be permitted to engage, any engagement or employment of a minor in a street trade in any such district contrary to the limitations provided in sections 1728p to 1728za, inclusive, shall be deemed prejudicial to the life, health, safety and welfare of such minor. Except as the industrial commission may provide ways and means in conflict with the administrative procedure provided in sections 1728p to 1728za, inclusive, the provisions of said sections shall be effective, in so far as applicable in all other cities and in the villages and towns of the State.

Law in force. SEC. 1728ze. In the discharge of any duty put upon boards of education or school boards pursuant to the provisions of sections 1728zb to 1728zd, inclusive, they are authorized to make use of any funds appropriated to their use for general school purposes.

Expenses.

Approved March 5, 1918.

UNITED STATES.

ACTS OF 1918—SIXTY-FIFTH CONGRESS—SECOND SESSION.

No. 135.—*Sabotage—Destruction of war materials, utilities, etc.*

SECTION 1. The words "war material," as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

Definitions.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

The words "associate nation," as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

Sec. 2. When the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall wilfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

Injuring or destroying war material.

Sec. 3. When the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing

Defective production.

for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

Approved, April 20, 1918.

No. 147.—*Seamen.*

Lifeboat men. [This act amends section 4463 of the Revised Statutes by requiring that the complement of officers and crew for vessels coming under the law shall include a suitable number of certificated lifeboat men, who shall be separately stated in the reports. Other sections of the act are as follows:]

Deck officers. SECTION 2. The board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

No such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

Vessels of 200 tons and over; Every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than four hundred miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have two licensed mates.

Under 200 tons. Every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate, but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours, then such vessel shall have two licensed mates.

Variations. Nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States, if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats as defined in the act of June ninth, nineteen hundred and ten, or to wrecking vessels.

Hours of rest. SEC. 3. It shall be unlawful for the master, owner, agent, or other person having authority to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of \$100.

Approved May 11, 1918.

No. 149.—*Housing of workmen—War emergency.*

Purposes. SECTION 1. The President, for the purposes of providing housing, local transportation and other general community utilities for such industrial workers as are engaged in arsenals and navy yards

of the United States and in industries connected with and essential to the national defense, and their families, and also employees of the United States whose duties require them to reside in the District of Columbia, and whose services are essential to war needs, and their families, only during the continuation of the existing war, is hereby authorized and empowered, within the limits of the amounts herein authorized—

(a) To purchase, acquire by lease, construct, requisition, or acquire by condemnation or by gift such houses, buildings, furnishings, improvements, local transportation and other general community utilities and parts thereof as he may determine to be necessary for the proper conduct of the existing war. What President may do.

(b) To purchase, lease, requisition, or acquire by condemnation or by gift any improved or unimproved land, or any right, title, or interest therein on which such houses, buildings, improvements, local transportation and other general community utilities and parts thereof have been or may be constructed: *Provided*, That colleges, museums, libraries, State or municipal buildings, and the furnishings in private dwellings shall not be acquired except by contract, nor shall any occupied dwelling or place of abode be taken under the powers in this act given except by contract unless the necessity thereof shall be determined by a judge of the circuit or district court of the United States exercising jurisdiction in the locality on petition setting forth the reason and necessity for such taking; the hearing on such petition shall be upon notice to the owner and occupant of such dwelling, and the determination of such judge shall be final, but in no event shall any occupied private dwelling house be taken except by contract unless such dwelling be upon lands desired for the construction of a Government structure: *Provided further*, That no existing limitation upon the right of any person to make a contract with the United States shall apply to owners whose property the President determines is necessary for Government purposes and desires to either lease or purchase by contract under this or any other act authorizing the President to acquire property by lease or purchase.

(c) To equip, manage, maintain, alter, rent, lease, exchange, sell, and convey such lands, or any right, title, or interest therein, houses, buildings, improvements, local transportation and other general community utilities, parts thereof, and equipment upon such terms and conditions as he may determine: *Provided*, That no sale and conveyance shall be made hereunder on credit without reserving a first lien on such property for the unpaid purchase money: *Provided, further*, That in no case shall any property hereby acquired be given away, nor shall rents be furnished free, but the rental charges shall be reasonable and just as between the employees and the Government.

(d) To aid in providing, equipping, managing, and maintaining houses, buildings, improvements, local transportation and other general community utilities by loan or otherwise to such person or persons and upon such terms and conditions as he may determine: *Provided*, That no loan shall be made at a less rate of interest than five per centum per annum, and such loan shall be properly secured by lien, mortgage, or otherwise: *And provided further*, That no loan shall be made and no house or money given under this act to any person not an American citizen.

(e) To take possession of, alter, repair, improve, and suitably arrange for living purposes, to be used under the terms of this act all houses on square six hundred and thirty-three except the Maltby Building, owned by the United States, together with any other houses in the District of Columbia owned by the Government and not now occupied. The President shall, in the construction of buildings in the District of Columbia, make use of any lands owned by the Government of the United States deemed by him to be suitable for the purpose and which have not heretofore been dedicated by act of Congress for specific buildings.

The President may exercise any power or discretion herein granted, and may enter into any arrangement or contract incl-

dental thereto, through such agency or agencies as he may create or designate: *Provided*, That houses erected by the Government under the authority of this act shall be of only a temporary character except where the interests of the Government will be best subserved by the erection of buildings of a permanent character: *Provided further*, That whenever it is practicable to use any part of the office or field force of the Office of the Supervising Architect of the Treasury Department in or about any of the work contemplated by this act, the President shall do so.

Adjustment
of payments.

SEC. 2. Whenever the President shall purchase, lease, requisition, or acquire by condemnation or by gift such land or right, title, or interest therein, or such houses, buildings, furnishings, improvements, local transportation and other general community utilities, and parts thereof, he shall make just compensation therefor, to be determined by him, and if the amount thereof so determined is unsatisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to such seventy-five per centum, will make up such amount as will be just compensation therefor in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.

Possession.

SEC. 3. Upon the requisition of or the filing of a petition for the condemnation hereunder of such land, or any right, title, or interest therein, or such houses, buildings, furnishings, improvements, local transportation, and other general community utilities, and parts thereof, immediate possession thereof may be taken to the extent of the interest to be acquired and the same may be occupied, occupant being given ten days' notice in which to vacate, and used, and the provisions of section three hundred and fifty-five of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all real estate acquired hereunder.

Definition.

SEC. 4. The word "person" used herein shall include any person, trustee, firm, or corporation.

Term.

SEC. 5. The power and authority granted herein shall cease with the termination of the present war, except the power and authority to care for, sell, or rent such property as remains undisposed of and to conclude and execute contracts for the sale of property made during the war. Such property shall be sold as soon after the conclusion of the war as it can be advantageously done: *Provided*, That before any sale is consummated the same must be authorized by Congress.

Sale of prop-
erty.

Reports.

SEC. 6. At the beginning of each session of Congress the President shall make to Congress a full and detailed report covering all of the transactions with relation to the subject matter of this act, describing each parcel of land purchased, leased, or otherwise acquired, the improvements made thereon, together with the amount of money spent in connection therewith and the disposition of the same; descriptions of all parcels of property sold, to whom, the terms of sale, and the status of the title at the time of the making of such report; description of each piece of property purchased under the terms of this act and still owned by the Government and the estimated value; a list showing the names of all persons who have been employed in any capacity to aid in carrying out the provisions of this act, the service rendered by each and the amount of compensation, including fees, commissions, allowances, and traveling expenses paid to each, and a full, detailed, itemized statement showing each and every transaction in the execution of the trust herein created, and immediately after the declaration of peace the President shall make a final report to Congress covering in detail all the operations and transactions, under and by virtue of the terms of this act.

Approved May 16, 1918.

No. 174.—*Retirement of employees in Lighthouse Service.*

SECTION 6. All officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices or shops, who shall have reached the age of sixty-five years, after having been thirty years in the active service of the Government, may at their option be retired from further performance of duty; and all such officers and employees who shall have reached the age of seventy years shall be compulsorily retired from further performance of duty: *Provided*, That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the average annual pay received for the last five years of service for each year of active service in the Lighthouse Service or in a department or branch of the Government having a retirement system, not to exceed in any case thirty-fortieths of such average annual pay received: *Provided further*, That such retirement pay shall not include any amount on account of subsistence or other allowance.

Age for retirement.

Rate of pay.

Approved June 20, 1918.

No. 178.—*Vocational rehabilitation of injured soldiers and sailors.*

SECTION 1. This act shall be known as the Vocational Rehabilitation Act. The word "board," as hereinafter used in this act, shall mean the "Federal Board for Vocational Education." The word "bureau," as hereinafter used in this act, shall mean the "Bureau of War-Risk Insurance."

Definitions.

SEC. 2. Every person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department,'" approved October sixth, nineteen hundred and seventeen, hereinafter referred to as "said act," and who, after his discharge, in the opinion of the board, is unable to carry on a gainful occupation, to resume his former occupation, or to enter upon some other occupation, or having resumed or entered upon such occupation is unable to continue the same successfully, shall be furnished by the said board, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the board shall prescribe and provide.

Who to receive instruction.

The board shall have power, and it shall be its duty, to furnish the persons included in this section suitable courses of vocational rehabilitation to be prescribed and provided by the board, and every person electing to follow such a course of vocational rehabilitation shall, while following the same, receive monthly compensation equal to the amount of his monthly pay for the last month of his active service, or equal to the amount to which he would be entitled under Article III of said act, whichever amount is the greater. If such person was an enlisted man at the time of his discharge, for the period during which he is so afforded a course of rehabilitation, his family shall receive compulsory allotment and family allowance according to the terms of Article II of said act in the same manner as if he were an enlisted man, and for the purpose of computing and paying compulsory allotment and family allowance his compensation shall be treated as his monthly pay: *Provided*, That if such person willfully fails or refuses to follow the prescribed course of vocational rehabilitation which he has elected to follow, in a manner satisfactory to the board, the said board in its discretion may certify to that effect to the bureau and the said bureau shall, during such period of failure or refusal, withhold any part or all of the monthly compensation due such person and not subject to compulsory allotment which the said board may have determined should be withheld: *Provided, however*, That no vocational teaching shall be carried on in any hospital until the medical authorities certify that the condition of the patient is such as to justify such teaching.

Courses.

Allotments.

Refusing instruction.

- Funds.** The military and naval family allowance appropriation provided for in section eighteen of said act shall be available for the payment of the family allowances provided by this section; and the military and naval compensation appropriation provided for in section nineteen of said act shall be available for the payment of the monthly compensation herein provided. No compensation under Article III of said act shall be paid for the period during which any such person is furnished by said board a course of vocational rehabilitation except as is hereinbefore provided.
- Cost.** SEC. 3. The courses of vocational rehabilitation provided for under this act shall, as far as practicable and under such conditions as the board may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of said act and who is not included in section two hereof.
- General powers of board.** SEC. 4. The board shall have the power and it shall be its duty to provide such facilities, instructors, and courses as may be necessary to insure proper training for such persons as are required to follow such courses as herein provided; to prescribe the courses to be followed by such persons; to pay, when in the discretion of the board such payment is necessary, the expense of travel, lodging, subsistence, and other necessary expenses of such persons while following the prescribed courses; to do all things necessary to insure vocational rehabilitation; to provide for the placement of rehabilitated persons in suitable or gainful occupations. The board shall have the power to make such rules and regulations as may be necessary for the proper performance of its duties as prescribed by this act, and is hereby authorized and directed to utilize, with the approval of the Secretary of Labor, the facilities of the Department of Labor, in so far as may be practicable, in the placement of rehabilitated persons in suitable or gainful occupations.
- Placement.** SEC. 5. It shall also be the duty of the board to make or cause to have made studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placement in suitable or gainful occupations. When the board deems it advisable, such studies, investigations, and reports may be made in cooperation with or through other departments and bureaus of the Government, and the board in its discretion may cooperate with such public or private agencies as it may deem advisable in performing the duties imposed upon it by this act.
- Medical, etc., treatment.** SEC. 6. All medical and surgical work or other treatment necessary to give functional and mental restoration to disabled persons prior to their discharge from the military or naval forces of the United States shall be under the control of the War Department and the Navy Department, respectively. Whenever training is employed as a therapeutic measure by the War Department or the Navy Department a plan may be established between these agencies and the board acting in an advisory capacity to insure, in so far as medical requirements permit, a proper process of training and the proper preparation of instructors for such training. A plan may also be established between the War and Navy Departments and the board whereby these departments shall act in an advisory capacity with the board in the care of the health of the soldier and sailor after his discharge.
- The board shall, in establishing its plans and rules and regulations for vocational training, cooperate with the War Department and the Navy Department in so far as may be necessary to effect a continuous process of vocational training.
- Gifts.** SEC. 7. The board is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation," to be used under the direction of the said board, in connection with the appropriations hereby made or hereafter to be made, to defray the expenses of providing

and maintaining courses of vocational rehabilitation; and a full report of all gifts and donations offered and accepted, and all disbursements therefrom, shall be submitted annually to Congress by said board.

SEC. 8. There is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, available immediately and until expended, the sum of \$2,000,000, or so much thereof as may be necessary to be used by the Federal Board for Vocational Education for the purposes of this act, to wit, for renting and remodeling buildings and quarters, repairing, maintaining, and equipping same, and for equipment and other facilities necessary for proper instruction of disabled persons, \$250,000; for the preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, \$545,000; for traveling expenses of disabled persons in connection with training and for lodging, subsistence, and other necessary expenses in special cases of persons following prescribed courses, \$250,000; for tuition for disabled persons pursuing courses in existing institutions, public or private, \$545,000; for the placement and supervision after placement of vocationally rehabilitated persons, \$45,000; for studies, investigations, reports, and preparation of special courses of instruction, \$55,000; for miscellaneous contingencies, including special mechanical appliances necessary in special cases for disabled men, \$110,000; and for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses, \$200,000.

Appropriations.

SEC. 9. Said board shall file with the Clerk of the House and the Secretary of the Senate on July first and every three months thereafter, for the information of the Congress, an itemized account of all expenditures made under this act, including names and salaries of employees. Said board shall also make an annual report to the Congress of its doings under this act on or before December first of each year.

Reports.

Approved June 27, 1918.

No. 181.—*Department of Labor—War emergency service.*

[The sundry civil appropriation bill contained the following items for the Department of Labor:]

To enable the Secretary of Labor, during the present emergency, to furnish such information and to render such assistance in the employment of wage earners throughout the United States as may be deemed necessary in the prosecution of the war and to aid in the standardization of all wages paid by the Government of the United States and its agencies, including personal services in the District of Columbia and elsewhere * * * \$5,500,000: *Provided*, That no money now or hereafter appropriated for the payment of wages not fixed by statute shall be available to pay wages in excess of the standard determined upon by the War Labor Policies Board.

Extension of duties.

[The appropriation for the transportation of workers was continued, to be available during the fiscal year 1919.]

To enable the Secretary of Labor, during the present emergency, to carry on the work of war-labor administration, including mediation and conciliation in labor disputes, the working conditions of wage earners in the most essential war industries, the acquiring and diffusing of information on subjects connected with labor, the

employment of women in industry, and the training and dilution of labor, * * *; in all \$1,335,000.

Approved July 1, 1918.

No. 182.—*Commandeering industrial establishments—War emergency.*

[The naval appropriation act for 1919 contained the following provisions:]

- Definitions.** SECTION 5. (a) The word "person" as used in paragraph (b), (c), next hereafter shall include any individual, trustee, firm, association, company, or corporation. The word "ship" shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words "war material" shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word "factory" shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.
- (b) The President is hereby authorized and empowered, within the limits of the amounts appropriated therefor:
- Preferential orders.** First. To place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President, may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships of [or] war materials so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.
- Modifying, etc., contracts.** Second. Within the limit of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified, the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.
- Taking over output.** Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.
- Taking over factory.** Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof, without taking possession of the entire factory, whether the United States has or has not any contract with the owner or occupier of such factory.
- Term.** All authority granted to the President herein or by him delegated shall cease six months after a final treaty of peace shall be proclaimed between this Government and the German Empire.

(d) Whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said seventy-five per centum shall make up such amount as will be just compensation therefor, in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.

Adjustment
of payments.

Approved July 1, 1918.

No. 185.—*Eight-hour day—Sunday labor—Postal Service.*

SECTION 3. Hereafter watchmen, messengers, and laborers in first and second class post offices, and railway postal clerks assigned to terminal railway post offices and transfer offices, shall be required to work not more than eight hours a day, and the eight hours of service shall not extend over a longer period than ten consecutive hours, and that in cases of emergency or if the needs of the service require they may be required to work in excess of eight hours a day, and for such additional services they shall be paid in proportion to their salaries as fixed by law: *Provided*, That hereafter when the needs of the Postal Service require the employment on Sundays and holidays of railway postal clerks assigned to terminal railway post offices and transfer offices, they shall be granted compensatory time in the same manner as provided by law for clerks and carriers in first and second class offices.

Hours of
work.

Compensa-
tion rest day.

Approved July 2, 1918.

No. 191.—*Wages of employees in Government Printing Office.*

SECTION 1.

From and after the passage of this act the compensation of all printer-linotype operators, printer - monotype - keyboard operators, makers-up, proofreaders, and pressmen employed in the Government Printing Office shall be at the rate of 65 cents per hour for the time actually employed, and that the pay of all compositors, bookbinders, and bookbinder-machine operators employed in the Government Printing Office shall be at the rate of 60 cents per hour for the time actually employed: *Provided*, That employees of the Government Printing Office whose wages are increased by the provisions of this act shall be paid at the rates provided for herein during the period of the present war and for six months after the proclamation of peace, when the wages paid such employees shall thereafter be at the rates paid at the time of the passage of this act, unless otherwise provided by law.

Increase of
pay.

Term.

Approved July 8, 1918.

RESOLUTIONS.

No. 37.—*Foundation for the Promotion of Industrial Peace.*

Whereas in compliance with the expressed desire of Theodore Roosevelt Congress passed an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," approved March second, nineteen hundred and seven [ch. 2558, Acts of 1906-7], in which act trustees were created and appointed with power to accept from the said Theodore Roosevelt the money gift carried as a part of the Nobel peace prize awarded him in the year nineteen hundred and six; and

Whereas the trustees, or industrial peace committee, created under said act still has in its custody the moneys represented in the said Nobel prize, and accretions thereto, and has not found it practicable to dispose of the same in accordance with the provisions of said act : Therefore be it

Resolved, That the industrial peace committee, created under an act of Congress entitled "An act to establish the Foundation for the Promotion of Industrial Peace," approved March second, nineteen hundred and seven, be, and they are hereby, authorized and directed to return to the Honorable Theodore Roosevelt the sum of money in its hands, principal and interest, represented in the Nobel peace prize, and placed with it in accord with the expressed desires and purposes of Theodore Roosevelt in nineteen hundred and seven.

Approved July 12, 1918.

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