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REVIEW OF LABOR LEGISLATION OF 1920.

BY LINDLEY D. CLARK.

INTRODUCTION.

Besides the second and third sessions of the Sixty-sixth Federal Congress, legislating for the United States and locally for the District of Columbia, 12 legislative bodies met in regular session during the year 1920, one of these (Maryland) also meeting in extra session. Extra or special sessions were also held in 19 other States and Porto Rico, the Legislatures of South Dakota, Texas, and West Virginia convening twice during the year in such sessions. A considerable number of extra sessions were for special purposes, as for the ratification of the woman suffrage amendment, or other specific objects, so that no labor legislation was enacted. Possibly also the unsettled industrial conditions following the war influenced the bulk of legislation of this class, so that its volume is less than is customary even for the year of the biennium in which the smaller number of legislatures meet.

The legislation, new and amendatory, enacted in 1920 is printed herewith as a supplement to Bulletin No. 148, which contains labor legislation in force at the close of the year 1913. Bulletins containing the legislation of the years 1914 and subsequent years have been published annually, as Nos. 166, 186, 213, 244, 257, and 277. Each of these 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. One important subject of labor legislation has been omitted from these bulletins—that of workmen's compensation for injuries. Both because of its special interest and of its bulk, the legislation on this subject has appeared in a separate bulletin, No. 272, which includes the legislation up to the close of the year 1919. The text of the compensation legislation for 1920 has not yet been reproduced, but is summarized in the MONTHLY LABOR REVIEW for October, 1920 (pp. 185-191).

Perhaps the most conspicuous item of legislation during the year 1920 is that creating the Industrial Court of Kansas, devised as a means for the determination of rights in the case of industrial disputes. Legislative action on the same subject was taken during the year in other jurisdictions. Vocational rehabilitation through cooperation of the States and the United States was provided for. The child as an industrial factor also continued to receive attention; while a proportionately large number of the laws under consideration addressed

themselves to the subjects of inspection and the safety of work places.

Following is a brief summary of the legislation of the year, grouped under various headings.

REGULATION OF CONTRACT OF EMPLOYMENT.

The laws grouped under this head are of incidental rather than direct effect. One, of Louisiana (No. 108), forbids the gift or receipt of any gratuity to influence the action of employees making purchases for their employers. The use of stop watches and of bonuses in Federal workshops is forbidden, as in the past (chs. 194, 228, 240, 2d sess.; ch. 128, 3d sess.).

The principle of employee representation is recognized in a New Jersey law (ch. 175), which permits the issue of stock to employees to be paid for by labor or money on the installment plan; authorizes profit sharing and the establishment of welfare features, including medical service; and provides that one or more employees may serve on boards of directors. The mode of the establishment of such a system is provided for, and the rights of dissenting stockholders are safeguarded. In Massachusetts (ch. 412) the department of labor and industry in its conduct of a public employment service must notify applicants for work of the existence of any labor difficulty in the place to which they are directed. A like provision appears in the new law of South Dakota on this subject (ch. 54). Other laws of Massachusetts require spool boxes in mercantile factories to be labeled with the number of pounds of thread and the price per pound (ch. 417), and require general opportunity in employment by street railways in which the State has any interest or control, without regard to race, color, or nationality (ch. 376).

An Alabama statute (No. 110) amends section 6850 of the code of the State by penalizing the persuasion or the attempted persuasion of a laborer who has begun a crop to abandon the same before it is made or harvested, to the probable injury of a third person, in addition to the offenses originally provided for.

In New York (ch. 603) the law providing for the physical examination of employees at the time of their entrance into employment is amended so as to require females to be examined by a physician of their own sex, or with a female attendant present, not only at such examinations but at physical examinations held at any time or for any reason.

The employment of aliens on public works is the subject of an Oregon statute (ch. 13) which forbids such employment if the alien claimed and secured exemption from military service during the late war on account of his alienage.

In the absence of other classification, mention may here be made of a law of Louisiana (No. 21), which authorizes municipalities and parishes to own, construct, lease, or otherwise acquire and operate gas plants, natural-gas lands and wells, pipes, etc.

EXAMINATION AND LICENSING OF WORKMEN.

The Georgia law on the subject of the licensing of barbers was amended (p. 109) so as to be applicable to all barbers in cities of 5,000 or more instead of exempting those who had had three years'

previous experience. A New Jersey law (ch. 72) establishes a State board of barber examiners to hold quarterly examinations of all applicants for a barber's license. Applicants must be at least 19 years of age, free from contagious and infectious diseases, and have had three years of apprenticeship or study or practical experience in other States. A fee of \$5 is required. Barbers now practicing in New Jersey may receive a license without examination on the payment of the fee of \$1, and those coming into the State with licenses from other jurisdictions for a fee of \$2. Annual renewals are required of all at a cost of \$1. The board is authorized to provide an employment bureau. Any barber may be examined at any time as to the state of his health, and if it be such as to menace the public welfare he is to be reported to the State board of health and required to discontinue the practice of his trade.

The registration of chauffeurs was considered in Kentucky (ch. 90), Maryland (ch. 506), and Massachusetts (ch. 426). The Kentucky statute applies to chauffeurs rendering service for pay. Registration is required in the county on application made on a blank furnished by the State tax commission with indorsement by two reputable citizens. The fee is \$2 for the original license and for annual renewals. The Maryland act is an amendment reducing the required age of chauffeurs to 16 years, instead of 18 as formerly, while in Massachusetts the annual renewal fee is made \$2 instead of \$1.

In Ohio (p. 1237) the license fee for steam engineers and for persons in charge of stationary steam boilers is made \$5 instead of \$2, though the renewal fee remains at \$2. A New Jersey law (ch. 109) relates to the operators of power boats, amending a law of 1919 so as to allow the issue of a learner's permit valid for not more than 10 days.

WAGES.

Wages due discharged employees must be paid within 24 hours, according to a Louisiana enactment (ch. 150), and in case of failure the wage rate continues until full payment or tender. The Federal law as to seamen's wages was amended (ch. 250) by limiting demands to wages earned and unpaid, only one demand to be made in the same harbor on one entry.

The Mississippi law relative to the payment of wages due deceased employees was amended (ch. 304) so as to allow \$300 to be paid without administration instead of \$200 as before, making the surviving husband a potential payee as well as the widow.

A law of limited application directs that scrubwomen in the state-house of Massachusetts be paid their wages weekly (ch. 221).

Four States considered the subject of the assignment of wages and the business of wage brokerage. The Georgia law (p. 215) is of the standard type, and applies to loans not in excess of \$300 for which more than 8 per cent per annum is charged as interest. Brokers must pay a license fee of \$100 per year for each place of business and keep records open to inspection. Accurate statements must be furnished borrowers, and in the case of the assignment of unearned wages both spouses must sign if the borrower is married. Payments of not more than 10 per cent of the wages due on any pay day may be pledged, and are payable by the employer after verified notice to him. Interest must be on balances only and may not exceed $3\frac{1}{2}$ per cent per

month. The license fee for wage brokers is fixed by a Louisiana act (No. 233) at amounts ranging from \$300 per year on a capital of less than \$25,000 to \$3,000 per year where the capital is \$250,000 or more. The New York statute (ch. 703) is amendatory and allows loans up to \$300 instead of \$200 as formerly; it makes a charge of \$3 instead of \$2 for the examination of security, drawing papers, etc.; allows 15 per cent per annum instead of 12 per cent; and also permits 15 per cent profits on the capital instead of 12 per cent yearly as before. The Virginia statute (ch. 299) is also amendatory and allows as much as 5 per cent per month on loans not over \$50 in amount, but does not permit the splitting of loans. Section 17 of chapter 402, Acts of 1918, the original act, is changed by substituting the word "if" for the word "unless" in a provision that "if given as security for a loan" 10 per cent of the salary or wages may be applied to discharge the debt.

A law of special application was passed by the New Jersey Legislature (ch. 304), which forbids the garnishment of wages or salary for the discharge of debts of soldiers or sailors contracted prior to the late war.

The Tennessee Legislature redrafted its general corporation law, retaining the earlier provision as to liability of stockholders of corporations for the wage debts of employees (ch. 15).

Mechanics' lien laws of Kentucky and Massachusetts were amended or extended, the former by giving jewelers and watch repair men a lien on watches, clocks, jewelry, etc., on which work or material were expended (ch. 119); by the Massachusetts law (ch. 590) a form of procedure is prescribed for the recovery of personal property in excess of \$20 in value held under a lien.

The laws of Massachusetts and New Jersey relating to the security of wages of employees on public works by the means of contractors' bonds were the subject of minor changes. In Massachusetts (ch. 210) the claimant must file his demand within 60 days after he ceases to furnish labor, and not after the completion of the work, and in the office of the local official instead of with the contracting officer. The amount and conditions of the contractor's bonds are the subject of amendment by the New Jersey law (ch. 110).

The Massachusetts minimum wage law was amended by two acts of the legislature of 1920, one (ch. 48) rewriting the section relative to the selection of members of wage boards, while the other (ch. 387) authorizes the commission to reconvene wage boards to revise decrees, acting on its own motion instead of only by petition. The Legislature of Texas (third special session) by resolution requested the State minimum wage commission not to proceed with the establishment of wages until there was opportunity for a revision of the law (Senate concurrent resolution No. 5). Rates of wages paid on railroads on March 1, 1920, were to be continued to September 1 of the same year by the act of Congress returning the roads to private control (ch. 91).

HOLIDAYS AND REST DAYS.

A Massachusetts law providing for leave of absence for public employees "regularly employed" received definition by an act (ch. 143) which describes regular employment as being that in which

there was an aggregate of 32 weeks' service during the preceding calendar year. In Virginia, State employees who are on duty for 7 days per week must have at least 2 Sundays per month holidays, and the responsible officials are directed to make the necessary arrangements therefor (ch. 251).

The Maryland Legislature (ch. 522) proposed to submit to the people of Baltimore the question of whether or not motion-picture theaters should be operated on Sundays, but through some legal difficulty the question was not submitted, so that they remain under the general restriction.

November 30 was added to the list of legal holidays to be observed in the Philippine Islands (No. 2946).

HYGIENE AND SAFETY.

Relating to the entire field of industrial hygiene and safety is a proposal of the New Jersey Legislature to establish an industrial safety museum (ch. 334). The commissioner of labor is to appoint, and himself be a member of, an administrative committee, representative of various interests and organizations, to have charge of the installation and maintenance of exhibits for the establishment of safety standards, teaching methods of first aid, training for safety, and the like. The law is of broad scope, designating 16 specific classes of exhibits, adding also a general blanket clause. Another act (ch. 335) sets aside for the purposes of this museum the amount of \$25,000 per year "whenever included in any annual appropriation bill."

FACTORIES.

An Ohio law (p. 1121) requires a fire drill in factories, etc., three or more stories in height, such drill to be held once a month. In order that uniformity may be observed throughout the State, the industrial commission is authorized to fix rules, and less frequent drills may be required in fireproof buildings. The Rhode Island law relative to the installation of sanitary conveniences in factories, etc., is amended so as to place upon the owner of the building in which any factory, manufacturing or mercantile establishment exists the duty of such installation instead of placing it on the owner, agent, or lessee of the factory, etc. (ch. 1907). A law of broad application is an Oregon statute (ch. 48) which directs that employers must provide safe places for their employees to work, prescribing certain regulations as to mutual duties of employers and employees, and authorizing the industrial accident commission of the State to make and enforce the necessary rules and regulations for the carrying out of the general purposes of the act.

A law of Massachusetts applying to bakeries only (ch. 418) prescribes ventilation, sanitation, a supply of toilets, washbasins, dressing rooms, etc., and forbids the employment of diseased persons. Local health officials may require all employees to be examined without expense to them.

Failure to pay inspection fees within 30 days after notice entails a penalty in an amount equal to the delinquent fees under an Oregon amendment (ch. 25).

In New York (ch. 604) and Rhode Island (ch. 1849) the salaries of factory inspectors are advanced—in New York in the first, second, and third groups by \$300 per annum, in the fourth by \$400, and in the sixth by \$500. Similar increases were made affecting the salaries of mercantile inspectors. In Rhode Island the chief factory inspector receives \$3,000 instead of \$2,500, and has a deputy at \$2,500 and three assistants at \$2,000 each, instead of four assistants at \$1,500 each.

Boiler inspection is provided for by a Maryland statute (ch. 676), a board of boiler rules being created to formulate rules and regulations for the construction and installation of steam boilers of over 15 pounds pressure, the same to be in effect January 1, 1921, without further legislative action. The salaries of the boiler inspector and deputy are advanced \$500 each under a Rhode Island law (ch. 1902).

MINES.

A Kentucky statute (ch. 20) prescribes the construction of wash rooms at coal mines, foundries, and places of similar occupation where grease, smoke, grime, and perspiration endanger the health or make the condition of the workers offensive to the public. The act applies where 30 or more persons are at work and 30 per cent or more of the employees request such accommodations. Two or more employers may unite in the supply of the prescribed conveniences. Mines that will be worked out within two years and places where the cost of water supply is prohibitive are exempt. In Maryland the governor is authorized to appoint a commission to draw up a code of laws to govern mine operators, one member representing the operators, one the miners, and one the public (ch. 715). Laws of Ohio (pp. 1111 and 1278) relate, the former to the use of electricity in mines, permitting the use of alternating currents under certain conditions, and the latter to the establishment of five rescue stations in the mine district of the State at State expense. Qualified superintendents are to have charge, giving their entire time to the work, which includes the training of crews to render the necessary aid.

RAILROADS.

The New York law (ch. 430) designating certain standards of construction and equipment of coal jimmies and caboose cars was made compulsorily effective July 1, 1921, instead of in 1920. Another law of the State (ch. 867) amended the act relative to the inspection of locomotive boilers, providing for six inspectors acting under the direction of the public service commission, serving at salaries fixed by it, in lieu of a single inspector at a salary of \$3,000.

The State corporation commission of Virginia is authorized (ch. 281) to require the erection of shelters over railroad repair tracks where heavy repair work is carried on.

WOMEN AND CHILDREN.

In Massachusetts children under 16 may not operate, clean, or repair any freight elevator (ch. 298). Under a Virginia law (ch.

390) children over 12 years of age may work not over 8 hours per day in canneries when schools are not in session—a provision that raises the question of the sales of the products of such canneries in view of the Federal tax law, which fixes the minimum age at 14. Another act of the same legislature (ch. 507) amends the general regulation act for children by reducing the hours of labor for children under 16 to 8 per day instead of 10 and forbidding night work between 9 p. m. and 7 a. m. instead of 7 p. m. and 6 a. m. as formerly.

The law of New York relative to the physical examination of children entering employment was amended (ch. 601) so as to apply to those in mercantile establishments as well as to those in factories.

The Kentucky law relative to employment certificates was amended (ch. 152) by limiting the prescribed requirements to children under 16 years of age, though minors over 16 may apply for and secure certificates. The present law requires medical certificates to be procured in all cases of applicants under 16 years of age.

The Maryland law formerly permitted boys over 14 years of age who are mentally retarded so as not to be able to attain the normal standard of advancement in school to secure temporary work permits. This privilege was extended to children of both sexes by the recent legislature (ch. 434). Another law of this State (ch. 667) permits minors to appear in theatrical performances for one week under a license procurable by payment of \$5 if they are licensed for such employment by certificates issued by other States.

The Delaware Legislature (ch. 48) reenacted the code of laws governing the public schools of the State, retaining the provisions of the Act of 1919 with regard to compulsory school attendance and the issue of work certificates. The Kentucky law as to school attendance was amended (ch. 43) with regard to the attendance of children from 14 to 16 years of age. Attendance is compulsory to 16, but if steadily and lawfully employed, children of 14 may receive employment certificates and be exempt. However, if they have not completed 8 years of school work they must attend a continuation school. A New York law (ch. 852) contemplates continuation schools in factories, etc., in which foreign-born and native adults and minors over 16 may receive instruction in English, history, civics, etc., for the promotion of good citizenship and to increase vocational efficiency; \$100,000 is appropriated therefor.

Covering the broad field of the employment of children, the Alabama Department of Child Welfare will hereafter receive \$30,000 per annum instead of \$12,400 as formerly (No. 4). A house resolution of Kentucky (ch. 193) authorizes the appointment of a children's code commission by the governor. This is to consist of 5 members serving without compensation, though expenses are allowed, to "survey the entire field of child welfare" in the State and report to the next regular session of the legislature. In New York also (ch. 699) a commission was appointed to collate and study all laws of the State relating to child welfare, eliminate duplications, and propose amendments. Three members of the senate, 3 of the assembly, 5 representatives of the public appointed by the governor, and 5 representatives of State departments make up the commission. In Louisiana (No. 36) the commission of 1918 to investigate the conditions

of employment of women and children received an appropriation of \$400 for its expenses.

The New Jersey statute fixing the hours of labor of women was amended (ch. 236) by eliminating the amount of the minimum fine for first and second offenses, leaving the maximum unchanged. Failure to post the law or to keep records are added as violations subjecting to penalty.

The New York statute of 1919 fixing the hours of labor of women employed on street railroads was restricted in its application so as to apply only to those women employed as conductors and guards, other occupations falling within the general law (ch. 284).

EMPLOYMENT OFFICES.

The Congress appropriated \$225,000 to enable the Secretary of Labor to foster the welfare of wage earners by coordinating the public employment service of the country and publishing information as to opportunities for employment (ch. 161, third session).

A system of free employment offices was established in Kansas (ch. 62), an office to be maintained in Topeka and not more than four outside. In South Dakota also (ch. 54) a free public employment service was established, under the immigration commissioner, who is also to seek to prevent frauds and to aid in the collection of wage debts. The employment commission of Indiana was abolished (ch. 3) and its powers and duties with regard to public employment agencies transferred to the industrial board of the State.

Private employment agencies in Massachusetts may have their licenses revoked by the local licensing authorities for violations of the laws controlling them (ch. 216). The amendment designates the agency authorized to make the revocation, the law formerly stating simply that "licenses shall be revoked." In Georgia (p. 118) private agencies must secure licenses and make reports to the labor commissioner whether they charge a fee or not, instead of only those charging fees as formerly. Daily reports must be made by emigrant agents, instead of monthly reports as formerly, and a new regulation applies to persons hiring workers for their own employment outside the State. Another act (p. 87) defines emigrant agents as persons procuring laborers to work outside the State, this definition being added to section 632 of the Penal Code.

Texas statutes (chs. 13, 14) also relate to emigrant agents. Such agents are defined as in the Georgia law and must be licensed by the State commissioner of labor statistics on indorsement by "at least 3 credible men." A license fee of \$100 is required for each county, and an office must be maintained in which complete records of the business done are kept subject to examination by the commissioner of labor statistics. The second act requires an annual occupation tax of \$500 in addition to the license fee. Penalties of fine or imprisonment are provided for violation.

BUREAUS OF LABOR.

Except for the creation of a women's bureau in the United States Department of Labor (ch. 248, 2d sess.), only minor changes are to

be noted under this heading. In New York (ch. 242) a bureau of industrial codes was added to the bureaus existing in the department of labor; an additional deputy commissioner to assist in hearing compensation cases was provided for (ch. 539), and a minor provision added as to publication of variations of the labor law authorized by the industrial board (ch. 602). In Rhode Island the salary of the deputy commissioner of labor was advanced from \$1,800 to \$2,300 (ch. 1865).

MOTHERS' PENSIONS.

The Delaware law on this subject was amended (ch. 54) by increasing considerably the appropriations that may be made annually for each of the three counties of the State. A new law was enacted in Louisiana (No. 209) to be administered by the juvenile courts, or, if none in the county, by the district courts. Payments are to be made to the wives of husbands who are permanent invalids or prisoners in State institutions as well as to the widows of residents. Payments are fixed at \$15 per month for each child under 16 years of age, the total not to exceed \$50. All funds are to be raised locally.

Not quite in this field is the provision of maternity relief. A resolve of the Massachusetts Legislature (Res., ch. 85) establishes a commission to investigate the subject of aid for mothers and infants and report to the legislature as to the extent of participation that should be made by the cities or towns of the State for medical and other prenatal and postnatal care. The commissioner of public health and the commissioner of public welfare are to act on this commission with three other persons, one of whom must be a physician and one a woman. No provision is made for salaries, but reimbursement for expenses is contemplated.

RETIREMENT FUNDS.

Congress provided (ch. 195, 2d sess.) for the retirement of civil-service employees of the United States, on a contributory system, at rates ranging from \$360 to \$720 per annum after 30 years' service to \$180 to \$360 after 15 years. Ages of eligibility range from 62 to 70 years in the different branches of the service.

The retirement of public employees continues to receive the particular attention of the legislatures of Massachusetts and New York. In Massachusetts (ch. 179) the term "laborer" as used in the law providing for the retirement of employees of cities and towns is defined to include foremen, inspectors, mechanics, draw tenders, and storekeepers. The maximum amount of annual pension payable is advanced to \$400. Another act (ch. 416) amends the law relative to the retirement association of State employees, clarifying the status of those in employment at the time the law became operative and fixing the minimum annual payment at \$300 instead of \$200. A like allowance is made payable to State employees permanently disabled. A third act (ch. 539) amends the same law, leaving the minimum as fixed by chapter 416, but making the maximum one-half the average salary or wages during the 5 years prior to retirement instead of during 10 years.

In New York the commission on retirement of public employees created in 1918 had the time for its report extended one year, i. e., to February 1, 1921 (ch. 4). A system of retirement for the civil-service employees of the State was established (ch. 741), contributory in its support. Retirement is optional at the age of 60 and required at the age of 70, though, until 1925, extensions are possible. The annuities are based on the amounts contributed by the individual employee, plus one-one hundred and fortieth of the annual salary multiplied by the years of service, plus one-seventieth of the annual salary multiplied by the years of service prior to last becoming a member of the association.

Other acts relate to the retirement of employees of Greater New York, one (ch. 244) adding to the list of employees eligible for retirement, the other (ch. 427) establishing a general retirement system superseding old systems, but not applicable to the police, fire, and street-cleaning departments and to teachers, which have separate systems. The system is contributory, and employees are divided into three general classes: (1) Laborers and unskilled workers; (2) mechanics and skilled workers; and (3) clerical and administrative employees. Retirement for age is made at 70 with options at 58 years for class 1, 59 years for class 2, and 60 years for class 3. The amount of the annuity is based on service fractions and terms of service, the fraction varying for each group. Provision is also made for ordinary disability and accident disability; also for benefits in case of death, ordinary or accidental.

EMPLOYERS' LIABILITY.

Two acts of Congress, second session (chs. 111, 250), relate to recovery for injuries or death of seamen. The first creates a survival of right in case of the death of any person at sea due to wrongful act, neglect, etc., for the benefit of the wife, husband, parent, child, or dependent relative of the deceased. "Just compensation for the pecuniary loss" is contemplated, the principle of comparative negligence is incorporated, and a limitation of two years fixed. The second act gives injured seamen the same rights against their employers as are given railroad employees by the Federal law covering interstate commerce.

OCCUPATIONAL DISEASES.

The only reference under this heading is an Ohio statute (p. 1129) relating to reports of occupational diseases by physicians. The existing law is amended so as to cover any occupational disease or ailment required by the State department of health to be reported. A new section containing penal provisions is added.

For lack of a better classification, mention may be made here of a provision by Congress for the medical treatment of diseased alien seamen in hospitals designated by the immigration official of the port, but at the expense of the vessel (ch. 4, 3d sess.).

VOCATIONAL EDUCATION.

Mississippi last year made its first move in the acceptance of the Federal act, creating a State board of vocational education and pro-

viding for appropriations in accordance with the Federal law (ch. 157). Amendments to existing laws were made in Kentucky (ch. 78) and Virginia (ch. 479).

VOCATIONAL REHABILITATION.

As in the case of vocational education, the act of Congress in offering a cooperative system of vocational rehabilitation of disabled persons (ch. 219, 2d sess.) has been effective in securing action in this field. Costs are to be equally shared by the States, plans, etc., to be approved by the Federal board. The Legislature of Georgia (p. 279) accepted the Federal provision, making the State treasurer custodian of all moneys. The board of vocational education is also made the board of vocational rehabilitation, the purpose of the law being to restore the industrial capacity of all persons injured in industry or otherwise. The maximum amount allowed by the Federal law was accepted by making a general appropriation. In Alabama also (No. 86) cooperative action in this field was provided for under the general direction of the State educational authorities. Similar action was taken in New Jersey (ch. 359), administration devolving upon the State board of education in cooperation with the workmen's compensation bureau and the State commission on rehabilitation. New York also accepted the provisions of the Federal law (ch. 760), making the commissioner of education, a member of the State industrial commission, and the commissioner of health an advisory commission in regard to the undertaking. The existing law was amended by authorizing increased compensation to persons undergoing rehabilitation under the provisions of the State workmen's compensation law. The Legislature of Virginia likewise accepted the act in anticipation of its enactment, placing its administration under the industrial commission of the State and limiting its scope to employees coming under the State compensation act (ch. 392).

The Legislature of Oregon in 1919 set aside the sum of \$400,000 from the State industrial accident fund for the building of an "industrial and reconstruction hospital." This act was repealed in 1920 (ch. 4), and a fund of \$100,000 set aside for the rehabilitation of injured workmen, the work to be carried on by the industrial accident commission in cooperation with public schools having vocational departments.

In Massachusetts (Res., ch. 70) a commission was created to investigate and report upon the subject of the rehabilitation and vocational training of persons victims of industrial injuries. Expenses are provided for but no compensation for services.

LABOR ORGANIZATIONS AND LABOR DISPUTES.

A Kansas statute (ch. 24) provides for the incorporation of labor organizations. Five or more persons may form a corporation to promote the interest and welfare of labor and industry, no fees or taxes except filing and recording fees being provided for, the corporation being not for profit. The status otherwise is the same as other corporations. In Rhode Island (ch. 1833) insignias and badges of labor unions and other organizations are protected against unauthorized use after registration with the secretary of state.

Powers of conciliation were conferred upon the industrial commissioner of South Dakota (ch. 61); while in New York (ch. 894) a labor board was created to be appointed by the governor, with the function of preventing or adjusting strikes and lockouts. The sum of \$25,000 was appropriated for expenses. Experts employed by the Massachusetts board of conciliation and arbitration (ch. 361) may receive \$10 per day instead of \$7 as formerly.

Congress, in returning the railroads to private ownership, established a system of boards for the adjustment of labor disputes (ch. 91, 2d sess.). A Federal board of nine members, representing labor, management, and the public is provided for besides boards of labor adjustment of adjunct jurisdiction.

Perhaps the most notable legislation in this field is the establishment of the court of industrial relations by a Kansas statute (ch. 29). This court consists of three judges appointed for terms of three years each, and has jurisdiction of industries "affected with a public interest." Interference with these interests by any party is forbidden, and the court has full control and jurisdiction over their operation to prevent interference therewith or their cessation by action of either employers or employees. Other acts (chs. 2, 61) make appropriations and fix salary rates for the officers and employees of this court.

The so-called "antistrike" law of Texas (ch. 5) applies only to the interruption of the free movement of commerce by either individual or collective action. Another statute (ch. 9) creates an industrial commission of 5 members to be appointed by the governor, representing employers, employees, and the public for the adjustment of controversies between employers and employees on reference made to them by the governor. This commission may hold hearings and summon witnesses and is to make recommendations to the governor besides reporting to the legislature. Services are uncompensated but expenses are allowed.

SYNDICALISM AND SABOTAGE.

A Kansas law (ch. 37) defines criminal syndicalism and sabotage and provides penalties therefor. The owner of a building knowingly permitting the assemblage therein of persons violating this act is himself guilty of a misdemeanor. A Kentucky statute (ch. 100) provides for the punishment of criminal syndicalism, but is limited entirely to political agitations, with no reference to industrial matters.

COOPERATIVE ASSOCIATIONS.

Agricultural, dairy, and horticultural associations may be cooperatively organized by five or more persons engaging therein not for profit under a New Jersey law (ch. 154). In New York (ch. 591) the buying, selling, etc., of houses and farms, the building of homes, and the conducting of eating places are added to the list of activities that may be carried on by cooperative associations. A new article is added to the business law providing for cooperative associations of consumers (ch. 166). Five or more persons not dealers, except in their own products, may organize for the production and handling

of foods, supplies, etc., for the families of members. The hiring of labor, instruction in home economics, and related activities may be engaged in. In Porto Rico (No. 3) seven or more persons may form cooperative associations for any undertaking, commercial, agricultural, manufacturing, mining; etc. No member may hold more than \$1,000 in stock nor have more than one vote. The Virginia law on this subject (sec. 3855, Code of 1919) was amended generally, but with no special change in principle (ch. 382). The matter of the division of profits is the subject of an amendment to the law of South Dakota on this subject (ch. 37).

CIVIL RIGHTS OF EMPLOYEES.

In New Jersey (ch. 349) employers are forbidden to interfere with the franchise right of their employees by any sort of duress or constraint or to convey expressions of opinion in pay envelopes or by posters about the place. The law applies to corporations as well as to individuals. An absent voter's law was enacted in New York (ch. 875) in accordance with an amendment to the constitution adopted in 1919. Persons absent from home on account of their duties may vote by mail if anywhere in the United States, on compliance with the prescribed conditions.

CONVICT LABOR.

A law of Kansas (ch. 65) provides for pay to convicts engaged in the mining of coal where their production exceeds 9 tons per week per man, the excess to be credited at rates paid miners under like conditions in the same district. Sums earned may be paid either to the miner or his dependents under regulations adopted by the State board of administration. Laws of Kentucky (ch. 159) and New York (ch. 170) provide for the employment of convicts on highways, the first carrying over the provisions of chapter 36, Acts of 1916, repealed in 1920; while the second adds a new section relative to the employment of inmates of State reformatories. An amendment to the law of South Dakota permits the employment of convicts at any place in the State on any work in which the State is interested, instead of only on the State farm, or about the penitentiary (ch. 90).

HOUSING.

Porto Rico has a law under which homes for workingmen are to be built and leased or sold under prescribed conditions. This act was amended in 1920 by providing that income in excess of expenses shall go for the purchase of new land and the erection of new houses instead of being turned into a sinking fund. Areas of farm land are to be determined according to the quality and the crops to be raised thereon instead of being absolutely limited to "not over two hectares" (No. 2). Another act (No. 19) applies the principles of the original law to the development of public lands owned by the municipality of San Juan by establishing city improvements and erecting homes for workingmen and laborers.

A law of New Mexico (ch. 6) provides for the establishment of a land-settlement board, to provide homes for soldiers, sailors, marines, and nurses of the late war.

In Louisiana (ch. 19) a commission of nine persons is to be appointed by the governor to recommend definite plans for the promotion of home building and such changes in the laws and the constitution of the State as will bring about better and more adequate housing for wage earners. The commission is directed to make a report to the governor and is authorized to have necessary printing done, but no appropriation was made for its use.

A broader field is covered by a Massachusetts law (ch. 628) extending the activities of the commission on the necessaries of life, created by an act of 1919. This commission is to investigate complaints and make a survey of the housing situation, and may cooperate with Federal, municipal, and other agencies dealing with the necessaries of life.

LAWS OF VARIOUS STATES RELATING TO LABOR
ENACTED SINCE JANUARY 1, 1920.

ALABAMA.

ACTS OF 1920—EXTRA SESSION.

ACT No. 4.—*Employment of children—Department of child welfare.*

[This act amends section 9 of act No. 457, Acts of 1919, so as to read as follows:]

SECTION 9. For the maintenance of the department including the payment of salaries and all expenses not provided for under the special provisions herein provided, the sum of thirty thousand dollars (\$30,000) is hereby appropriated, and a continuing annual appropriation of said sum is hereby made.

Approved September 27, 1920.

Appropriation.

ACT No. 86.—*Vocational rehabilitation—State and Federal co-operation.*

SECTION 1. The State of Alabama hereby accepts all of the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," (H. R. 4438, Approved June 2, 1920).

Acceptance.

SEC. 2. The State treasurer is hereby designated and appointed custodian of all moneys received by the State from the appropriations made by said act of Congress, and he is authorized to receive, and to provide for the proper custody of the same and to make disbursements thereof in the manner provided in the act and for the purpose therein specified. He shall pay out any moneys appropriated by the State of Alabama for the purpose of carrying out the provisions of this act upon the order of the State board of education.

Custodian.

SEC. 3. The State superintendent of education shall designate by and with the advice and consent of the State board of education such assistants as may be necessary to properly carry out the provisions of this act. The State superintendent of education shall also carry into effect such rules and regulations as the State board of education may adopt and shall prepare such reports concerning the conditions of vocational rehabilitation of persons disabled in industry or otherwise as the State board of education may require.

Administration.

SEC. 4. The State board of education shall have all necessary authority to cooperate with the Federal Board for Vocational Education in the administration of said act of Congress. It shall cooperate with the State agency in charge of the workmen's compensation act. The State board shall administer any legislation which may hereafter be enacted by the Legislature of the State of Alabama, and shall administer the funds provided by the Federal Government and the State of Alabama under the provisions of this act, for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment. It shall have full authority to formulate plans for the promotion of the training of such persons in such subjects

Board of Education.

essential to their rehabilitation. It shall have authority to fix the compensation of officials and assistants as may be necessary to administer the Federal act and this act of the State of Alabama, and to pay such compensation and other necessary expenses of administration from funds appropriated by this act. It shall have authority to make studies and investigations relating to the rehabilitation of disabled persons; to promote and aid in the establishment of schools, departments or classes giving such necessary training; to cooperate with local boards of education, organizations and communities in the maintenance of such schools, departments or classes; to prescribe qualifications for the teachers, directors and supervisors of such subjects, and to have full authority to provide for the certification of teachers, directors and supervisors.

Local boards. SEC. 5. The board of education of any county, or city or incorporated town having control of its own public school system, or any State institution of higher learning having its own board of control may cooperate with the State board of education in the establishment of schools or classes giving instruction in the training of disabled persons and may use any money raised by public taxation in the same manner as moneys for other school purposes are used for the maintenance and support of public schools.

Appropriation. SEC. 6. The State of Alabama shall, for the purpose of this act, appropriate for the fiscal year 1920-21 the sum of seventeen thousand four hundred ninety-eight dollars and thirty-five cents (\$17,498.35); for the fiscal year 1921-22 the sum of twenty-one thousand eight hundred seventy-two dollars and ninety-three cents (\$21,872.93); and for each of the two succeeding years the sum of twenty-one thousand, eight hundred and seventy-two dollars and ninety-three cents (\$21,872.93).

Use of funds. SEC. 7. The moneys appropriated by the State of Alabama, the funds deposited with the State treasurer under the provisions of the Federal act and any other funds accruing to the State for vocational rehabilitation training of disabled persons shall be used by the State board of education for the purposes set forth in this act, and the moneys appropriated and accruing shall be paid out upon requisition of the State superintendent of education upon the State auditor who shall draw his warrant upon the State treasurer for the amount for which requisition was made.

Report. SEC. 8. The State board of education in its annual report to the governor shall set forth the conditions of vocational rehabilitation education in the State of Alabama, a list of the schools to which Federal and State aid has been given, and a detailed statement of expenditures of Federal fund and the State fund provided in section 6 of this act.

Approved October 6, 1920.

ACT No. 110.—*Enticement of employees.*

Abandoning crop. [This act amends section 6850 of the Code of 1907, penalizing also one who "persuades or induces or attempts to persuade or induce any person to abandon a crop he has begun before it is made or gathered, the natural or probable effect of which will be to injure a third person."]

DELAWARE.

ACTS OF 1920—EXTRA SESSION.

CHAPTER 48.—*Employment of children—School attendance—Certificates.*

[This chapter enacts a code of school laws. Section 187 (compulsory school attendance), and 193 (employment certificates) contain the same provisions as sections 188 and 194, respectively, of chapter 157, Acts of 1919.] Provisions retained.

CHAPTER 54.—*Mothers' pensions—Amounts.*

[The last two paragraphs of sections 3071A of chapter 88 of the Revised Code, added by chapter 227, Acts of 1917, are amended so as to allow payments from the State to New Castle County, \$10,000, and to Kent and Sussex Counties, \$7,500 each, an annual appropriation from State funds being made in the amount of \$28,000.] Sums for each county.

GEORGIA.

ACTS OF 1920.

Emigrant agents—Definition.

[Page 87.]

[Section 632 of the Penal Code of 1910 is amended to read as follows:]

SECTION 632. Any person who shall solicit or procure emigrants, or shall attempt to do so, without first procuring a license as required by law, shall be guilty of a misdemeanor. An emigrant agent is any person who shall solicit or attempt to procure labor in this State to be employed beyond the limits of the same.

License.

Definition.

Approved August 16, 1920.

Department of Commerce and Labor—Free employment bureau—Private offices.

[Page 118.]

[This act amends the act, page 133, Acts of 1911, creating a department of commerce and labor, as the same was amended by act, page 88, Acts of 1917.

Paragraph B relative to supervision by the commissioner of commerce and labor, is made applicable to all private employment offices, whether a fee is charged or not, by striking out the words "for which pay is exacted or received." Reports required by paragraph C are to be made daily instead of monthly as heretofore, and emigrant agents are defined, in contemplation of this act, as "any person who shall solicit or attempt to procure labor in this State to be employed beyond the limits of the same."

Supervision.

Reports.

Paragraph D, as amended, and paragraph E (new), read as follows:]

Paragraph D. Any person desiring to secure labor within the State for the use of himself beyond the boundaries of the State must first notify the commissioner of his intention to secure labor within the State for use outside the State, stating how many laborers are to be secured, where the labor is to be secured, and where said labor is to be transported, the pay to be given said labor, why the labor can not be secured in the State where it is to be used, the average number of laborers employed, and any additional facts concerning the movement of such labor desired by the commissioner. If satisfied that the person desiring to secure such labor is acting bona fide for himself and desires the labor for his sole use and behalf outside the State, the commissioner may issue a permit for the removal of such labor beyond the confines of the State, if in his judgment the labor can be spared by the section from which it is sought to be carried.

Employers of labor.

PARAGRAPH E. Any person, firm, or corporation, or any employee of such person, firm or corporation, who shall fail and refuse to give any information called for by said act, or who shall make any false representation relative thereto, such person or persons shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished as prescribed in section 1065 of the Penal Code of 1910.

Violations.

Approved August 17, 1920.

Assignments of wages—Wage brokers.

[Page 215.]

[This act provides for the licensing of lenders of sums in amounts not to exceed \$300 at rates of interest in excess of 8

Licenses.

per cent per annum. An annual fee of \$100 is required for a license, and only one place of business may be maintained on a single license. The State bank examiner is the licensing official, and investigations may be made by him, and licenses revoked for cause. The law contains the usual provisions as to bonds (\$1,000), records, statements to be furnished borrowers, etc.

Charges. Interest may not be collected in advance nor compounded, is to be on unpaid balances only, and may not exceed 3½ per cent per month.

Sections 16 and 20, relating specifically to the subject of loans on wages, read as follows:]

Assignments. SECTION 16. No assignment of, or order for the payment of any salary or wages, earned or to be earned, given to secure any such loan shall be valid unless such loan is contracted simultaneously with its execution; nor unless in writing signed in person by the borrower; nor, if the borrower is married, unless signed in person by both husband and wife: *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. Under any such assignment or order for the payment of future salary or wages given as security for a loan made under this act, a sum equal to ten (10) per centum of the borrower's salary or wages shall be collectible therefrom by the licensee at the time of each payment of salary or wages from the time that a copy of such assignment, verified by the oath of the licensee, or his agent, together with a verified statement of the amount upon [sic] such loan is served upon the employer.

Notice. SEC. 20. Before any notice of assignment or purchase of wages or salaries shall be binding upon any individual, firm or corporation to whom said notice is directed, said notice shall be accompanied by a copy of the sale or assignment verified by the assignee to be a true and correct copy thereof: *Provided*, That the assignee shall file said notice within five days from the time of the execution of the assignment: *And provided further*, That the contract of assignment shall be made in duplicate, one copy to be retained by the assignor and the other by the assignee. Upon receipt of the notice and verified copy of contract aforesaid, the individual, firm or corporation to whom same is delivered if it or they shall be due the assignor the amount of wages or salary so sold or assigned shall be authority [sic] to hold said wages or salary in its or their possession for the benefit of the assignee and thereafter within a reasonable time after the notice aforesaid pay over to the assignee the amount so assigned upon surrender of the original assignment. Any money earned by the assignor or seller in excess of any assignment or sale of wages or salary shall be paid to said assignor when due.

Approved August 17, 1920.

Vocational rehabilitation—State and Federal cooperation.

[Page 279.]

Acceptance of Federal act. SECTION 1. The State of Georgia does hereby accept the provision of the act of Congress, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employments," approved June 2, 1920 (Public 236, 66th Congress), and will observe and comply with all the requirements of such act.

Treasurer. SEC. 2. The State treasurer is hereby designated and appointed custodian of all moneys received by the State from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry, or otherwise, and is authorized to receive and provide for the proper custody of the same and to make disbursement therefrom upon the requisition of the State board for vocational education.

SEC. 3. The board heretofore designated or created as the State board for vocational education to cooperate with the Federal Board for Vocational Education in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, is hereby designated as the State board for the purpose of cooperating with the said Federal Board in carrying out the provisions and purposes of said Federal act providing for the vocational rehabilitation of persons disabled in industry or otherwise and empowered and directed to cooperate with said Federal Board in the administration of said act of Congress; to administer any legislation pursuant thereto enacted by the State of Georgia; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment; to provide for the supervision of such training, and to direct the disbursement and administer the use of all funds provided by the Federal Government of this State for the vocational rehabilitation of such persons; and to do all things necessary to insure the vocational rehabilitation of persons within the State disabled in industry or otherwise.

Board.

SEC. 4. The State board for vocational education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the said State board are proper and consistent with the provisions of this act. All the moneys received as gifts or donations shall be deposited in the State treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by the said board in carrying out the provisions of this act, or for purposes related thereto. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to the governor of the State by said State board.

Funds.

SEC. 5. There shall be appropriated for the purpose of carrying out the provisions of this act a sum of money available for each fiscal year not less than the maximum sum which may be allotted to the State under the provisions of the said Federal act, and that there is hereby appropriated for such purposes out of the moneys in the treasury not otherwise appropriated for the fiscal year ending July 1, 1921, the sum of \$21,353.29, or so much of this sum as may be used.

Appropriation.

Approved August 16, 1920.

INDIANA.

ACTS OF 1920—EXTRA SESSION.

CHAPTER 3.—*Free public employment offices—Transfer of powers.*

SECTION 1. The rights, powers, and duties conferred by law upon the employment commission of Indiana as prescribed in the act [chapter 192], approved March 15, 1919, are hereby continued in full force and effect and are hereby transferred to and conferred upon the Industrial Board of Indiana and shall be held and exercised by the industrial board under the laws heretofore in force and the Employment Commission of Indiana is hereby abolished.

Transfer.

Commission abolished.

SEC. 2. The industrial board shall from time to time designate one of their members who shall have immediate charge of the free employment service in Indiana and who shall be known as and shall, in addition to any other duties he may be required to perform, act in the capacity of the state director, Indiana free employment service. In establishing and maintaining such sections of the free employment service as will best serve the public welfare, the woman's section of the free employment service as now provided by law shall be consolidated with the department of women and children in the industrial board and all rights, powers and duties of such woman's section shall be exercised and discharged by the director of the department of women and children.

Who to have charge.

SEC. 3. [Transfers books, records, equipment, appropriations, etc., of the employment commission to the industrial board.]

Records, etc.

Approved July 20, 1920.

KANSAS.

ACTS OF 1920—EXTRA SESSION.

CHAPTER 24.—*Labor organizations—Incorporation.*

SECTION 1. Five or more persons may form a corporation for the purpose of promoting the interest and welfare of labor and industry, which corporation shall not engage in business for profit; and no such corporation shall be required to pay any corporation taxes or any fees except filing and recording fees; the affairs of such corporation shall be managed by a board of directors composed of not less than five members.

Who may incorporate.

SEC. 2. Such corporations shall in all other respects be organized in the same manner as other corporations, not formed for profit as now provided by law and when organized shall have all the powers now given by law to such corporations.

General status.

Approved January 26, 1920.

CHAPTER 29.—*Court of industrial relations.*

SECTION 1. There is hereby created a tribunal to be known as the court of industrial relations, which shall be composed of three judges who shall be appointed by the governor, by and with the advice and consent of the senate. Of such three judges first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, said terms to begin simultaneously upon qualification of the persons appointed therefor. Upon the expiration of the term of the three judges first appointed as aforesaid, each succeeding judge shall be appointed and shall hold his office for a term of three years and until his successor shall have been qualified. In case of a vacancy in the office of judge of said court of industrial relations the governor shall appoint his successor to fill the vacancy for the unexpired term. The salary of each of said judges shall be five thousand dollars per year, payable monthly. Of the judges first to be appointed, the one appointed for the three-year term shall be the presiding judge, and thereafter the judge whose term of service has been the longest shall be the presiding judge: *Provided*, That in case two or more of said judges shall have served the same length of time, the presiding judge shall be designated by the governor.

Court created.

SEC. 2. The jurisdiction conferred by law upon the Public Utilities Commission of the State of Kansas is hereby conferred upon the court of industrial relations, and the said court of industrial relations is hereby given full power, authority and jurisdiction to supervise and control all public utilities and all common carriers as defined in sections 8329 and 8330 of the General Statutes of Kansas for 1915, doing business in the State of Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction. All laws relating to the powers, authority, jurisdiction and duties of the public utilities commission of this State are hereby adopted and all powers, authority, jurisdiction and duties by said laws imposed and conferred upon the public utilities commission of this State relating to common carriers and public utilities are hereby imposed and conferred upon the court of industrial relations created under the provisions of this act; and in addition thereto said court of industrial relations shall have such further power, authority and jurisdiction and shall perform such further duties as are in

Public utilities.

this act set forth, and said public utilities commission is hereby abolished. That all pending actions brought by or against the said public utilities commission of this State shall not be affected, but the same may be prosecuted or defended by and in the name of the court of industrial relations. Any investigation, examination, or proceedings had or undertaken, commenced or instituted by or pending before said public utilities commission at the time of the taking effect of this act are transferred to and shall be continued and heard by the said court of industrial relations hereby created, under the same terms and conditions and with like effect as though said public utilities commission had not been abolished.

Employments,
etc., affected.

Sec. 3. (a) The operation of the following named and indicated employments, industries, public utilities and common carriers is hereby determined and declared to be affected with a public interest and therefore subject to supervision by the State as herein provided for the purpose of preserving the public peace, protecting the public health, preventing industrial strife, disorder and waste, and securing regular and orderly conduct of the businesses directly affecting the living conditions of the people of this State and in the promotion of the general welfare, to wit: (1) The manufacture or preparation of food products whereby, in any stage of the process, substances are being converted, either partially or wholly, from their natural state to a condition to be used as food for human beings; (2) The manufacture of clothing and all manner of wearing apparel in common use by the people of this State whereby, in any stage of the process, natural products are being converted, either partially or wholly, from their natural state to a condition to be used as such clothing and wearing apparel; (3) the mining or production of any substance or material in common use as fuel either for domestic, manufacturing, or transportation expenses; (4) the transportation of all food products and articles or substances entering into wearing apparel, or fuel, as aforesaid, from the place where produced to the place of manufacture or consumption; (5) all public utilities as defined by section 8329, and all common carriers as defined by section 8330 of the General Statutes of Kansas of 1915.

(b) Any person, firm or corporation engaged in any such industry or employment, or in the operation of such public utility or common carrier, within the State of Kansas, either in the capacity of owner, officer, or worker, shall be subject to the provisions of this act, except as limited by the provisions of this act.

Office.

Sec. 4. Said court of industrial relations shall have its office at the capitol of said State in the city of Topeka, and shall keep a record of all its proceedings which shall be a public record and subject to inspection the same as other public records of this State. Said court, in addition to the powers and jurisdiction heretofore conferred upon, and exercised by, the public utilities commission, is hereby given full power, authority and jurisdiction to supervise, direct and control the operation of the industries, employments, public utilities, and common carriers in all matters herein specified and in the manner provided herein, and to do all things needful for the proper and expeditious enforcement of all the provisions of this act.

Powers.

Rules and reg-
ulations.

Sec. 5. Said court of industrial relations is hereby granted full power to adopt all reasonable and proper rules and regulations to govern its proceedings, the service of process, to administer oaths, and to regulate the mode and manner of all its investigations, inspections and hearings: *Provided, however,* That in the taking of testimony the rules of evidence, as recognized by the Supreme Court of the State of Kansas in original proceedings therein, shall be observed by said court of industrial relations; and testimony so taken shall in all cases be transcribed by the reporter for said court of industrial relations in duplicate, one copy of said testimony to be filed among the permanent records of said court, and

the other to be submitted to said supreme court in case the matter shall be taken to said supreme court under the provisions of this act.

Sec. 6. It is hereby declared and determined to be necessary for the public peace, health and general welfare of the people of this State that the industries, employments, public utilities and common carriers herein specified shall be operated with reasonable continuity and efficiency in order that the people of this State may live in peace and security, and be supplied with the necessities of life. No person, firm, corporation, or association of persons shall in any manner or to any extent, willfully hinder, delay, limit or suspend such continuous and efficient operation for the purpose of evading the purpose and intent of the provisions of this act; nor shall any person, firm, corporation, or association of persons do any act or neglect or refuse to perform any duty herein enjoined with the intent to hinder, delay, limit or suspend such continuous and efficient operation as aforesaid, except under the terms and conditions provided by this act.

SEC. 7. In case of a controversy arising between employers and workers, or between groups or crafts of workers, engaged in any of said industries, employments, public utilities, or common carriers, if it shall appear to said court of industrial relations that said controversy may endanger the continuity or efficiency of service of any of said industries, employments, public utilities or common carriers, or affect the production or transportation of the necessities of life affected or produced by said industries or employments, or produce industrial strife, disorder or waste, or endanger the orderly operation of such industries, employments, public utilities or common carriers, and thereby endanger the public peace or threaten the public health, full power, authority and jurisdiction are hereby granted to said court of industrial relations, upon its own initiative, to summon all necessary parties before it and to investigate said controversy, and to make such temporary findings and orders as may be necessary to preserve the public peace and welfare and to preserve and protect the status of the parties, property and public interests involved pending said investigation, and to take evidence and to examine all necessary records, and to investigate conditions surrounding the workers, and to consider the wages paid to labor and the return accruing to capital, and the rights and welfare of the public, and all other matters affecting the conduct of said industries, employments, public utilities or common carriers, and to settle and adjust all such controversies by such findings and orders as provided in this act. It is further made the duty of said court of industrial relations, upon complaint of either party to such controversy, or upon complaint of any ten citizen taxpayers of the community in which such industries, employments, public utilities or common carriers are located, or upon the complaint of the attorney-general of the State of Kansas, if it shall be made to appear to said court that the parties are unable to agree and that such controversy may endanger the continuity or efficiency of service of any of said industries, employments, public utilities or common carriers, or affect the production or transportation of the necessities of life affected or produced by said industries or employments, or produce industrial strife, disorder or waste, or endanger the orderly operation of such industries, employments, public utilities or common carriers, and thereby endanger the public peace or threaten the public health, to proceed and investigate and determine said controversy in the same manner as though upon its own initiative. After the conclusion of any such hearing and investigation, and as expeditiously as possible, said court of industrial relations shall make and serve upon all interested parties its findings, stating specifically the terms and conditions upon which said industry, employment, utility or common carrier should be thereafter conducted in so far as the matters determined by said court are concerned.

Continuous operation.

Interference.

Disputes.

Jurisdiction.

Orders.

SEC. 8. The court of industrial relations shall order such changes, if any, as are necessary to be made in and about the conduct of said industry, employment, utility or common carrier, in the matters of working and living conditions, hours of labor, rules and practices, and a reasonable minimum wage, or standard of wages, to conform to the findings of the court in such matters, as provided in this act, and such orders shall be served at the same time and in the same manner as provided for the service of the court's findings in this act: *Provided*, That all such terms, conditions and wages shall be just and reasonable and such as to enable such industries, employments, utilities or common carriers to continue with reasonable efficiency to produce or transport their products or continue their operations and thus to promote the general welfare. Service of such order shall be made in the same manner as service of notice of any hearing before said court as provided by this act. Such terms, conditions, rules, practices, wages, or standard of wages, so fixed and determined by said court and stated in said order, shall continue for such reasonable time as may be fixed by said court, or until changed by agreement of the parties with the approval of the court. If either party to such controversy shall in good faith comply with any order of said court of industrial relations for a period of sixty days or more, and shall find said order unjust, unreasonable or impracticable, said party may apply to said court of industrial relations for a modification thereof and said court of industrial relations shall hear and determine said application and make findings and orders in like manner and with like effect as originally. In such case the evidence taken and submitted in the original hearing may be considered.

Industrial conditions.

SEC. 9. It is hereby declared necessary for the promotion of the general welfare that workers engaged in any of said industries, employments, utilities or common carriers shall receive at all times a fair wage and healthful and moral surroundings while engaged in such labor; and that capital invested therein shall receive at all times a fair rate of return to the owners thereof. The right of every person to make his own choice of employment and to make and carry out fair, just and reasonable contracts and agreements of employment, is hereby recognized. If, during the continuance of any such employment, the terms or conditions of any such contract or agreement hereafter entered into, are by said court, in any action or proceeding properly before it under the provisions of this act, found to be unfair, unjust or unreasonable, said court of industrial relations may by proper order so modify the terms and conditions thereof so that they will be and remain fair, just and reasonable and all such orders shall be enforced as in this act provided.

Notice of hearings.

SEC. 10. Before any hearing, trial or investigation shall be held by said court, such notice as the court shall deem necessary shall be given to all parties interested by registered United States mail addressed to said parties to the post office of the usual place of residence or business of said interested parties when same is known, or by the publication of notice in some newspaper of general circulation in the county in which said industry or employment, or the principal office of such utility or common carrier is located, and said notice shall fix the time and place of said investigation or hearing. The costs of publication shall be paid by said court out of any funds available therefor. Such notice shall contain the substance of the matter to be investigated, and shall notify all persons interested in said matter to be present at the time and place named to give such testimony or to take such action as they may deem proper.

Employees.

SEC. 11. Said court of industrial relations may employ a competent clerk, marshal, shorthand reporter, and such expert accountants, engineers, stenographers, attorneys, and other employees as may be necessary to conduct the business of said court; shall provide itself with a proper seal and shall have the

power and authority to issue summons and subpoenas and compel the attendance of witnesses and parties and to compel the production of the books, correspondence, files, records, and accounts of any industry, employment, utility or common carrier, or of any person, corporation, association or union of employees affected, and to make any and all investigations necessary to ascertain the truth in regard to said controversy. In case any person shall fail or refuse to obey any summons or subpoena issued by said court after due service then and in that event said court is hereby authorized and empowered to take proper proceedings in any court of competent jurisdiction to compel obedience to such summons or subpoena. Employees of said court whose salaries are not fixed by law shall be paid such compensation as may be fixed by said court, with the approval of the governor.

Witnesses, etc.

SEC. 12. In case of the failure or refusal of either party to said controversy to obey and be governed by the order of said court of industrial relations, then and in that event said court is hereby authorized to bring proper proceedings in the Supreme Court of the State of Kansas to compel compliance with said order; and in case either party to said controversy should feel aggrieved at any order made and entered by said court of industrial relations, such party is hereby authorized and empowered within ten days after service of such order upon it to bring proper proceedings in the Supreme Court of the State of Kansas to compel said court of industrial relations to make and enter a just, reasonable and lawful order in the premises. In case of such proceedings in the supreme court by either party, the evidence produced before said court of industrial relations may be considered by said supreme court, but said supreme court, if it deem further evidence necessary to enable it to render a just and proper judgment, may admit such additional evidence in open court or order it taken and transcribed by a master or commissioner. In case any controversy shall be taken by either party to the Supreme Court of the State of Kansas under the provisions of this act, said proceedings shall take precedence over other civil cases before said court, and a hearing and determination of the same shall be by said court expedited as fully as may be possible consistent with a careful and thorough trial and consideration of said matter.

Enforcement of orders.

SEC. 13. No action or proceeding in law or equity shall be brought by any person, firm or corporation to vacate, set aside, or suspend any order made and served as provided in this act, unless such action or proceeding shall be commenced within thirty days from the time of the service of such order.

Action to suspend.

SEC. 14. Any union or association of workers engaged in the operation of such industries, employments, public utilities or common carriers, which shall incorporate under the laws of this State shall be by said court of industrial relations considered and recognized in all its proceedings as a legal entity and may appear before said court of industrial relations through and by its proper officers, attorneys or other representatives. The right of such corporations, and of such unincorporated unions or associations of workers, to bargain collectively for their members is hereby recognized: *Provided*, That the individual members of such unincorporated unions or associations, who shall desire to avail themselves of such right of collective bargaining, shall appoint in writing some officer or officers of such union or association, or some other person or persons as their agents or trustees with authority to enter into such collective bargains and to represent each and every of said individuals in all matters relating thereto. Such written appointment of agents or trustees shall be made a permanent record of such union or association. All such collective bargains, contracts, or agreements shall be subject to the provisions of section nine of this act.

Unions, etc.

SEC. 15. It shall be unlawful for any person, firm or corporation to discharge any employee or to discriminate in any way against any employee because of the fact that any such employee may

Protection of witnesses.

Boycotts.

testify as a witness before the court of industrial relations, or shall sign any complaint or shall be in any way instrumental in bringing to the attention of the court of industrial relations any matter of controversy between employers and employees as provided herein. It shall also be unlawful for any two or more persons, by conspiring or confederating together, to injure in any manner any other person or persons, or any corporation, in his, their, or its business, labor, enterprise, or peace and security, by boycott, by discrimination, by picketing, by advertising, by propaganda, or other means, because of any action taken by any such person or persons, or any corporation, under any order of said court, or because of any action or proceeding instituted in said court, or because any such person or persons, or corporation, shall have invoked the jurisdiction of said court in any matter provided for herein.

Restricting output.

SEC. 16. It shall be unlawful for any person, firm, or corporation engaged in the operation of any such industry, employment, utility, or common carrier willfully to limit or cease operations for the purpose of limiting production or transportation or to affect prices, for the purpose of avoiding any of the provisions of this act; but any person, firm or corporation so engaged may apply to said court of industrial relations for authority to limit or cease operations, stating the reasons therefor, and said court of industrial relations shall hear said application promptly, and if said application shall be found to be in good faith and meritorious, authority to limit or cease operations shall be granted by order of said court. In all such industries, employments, utilities or common carriers in which operation may be ordinarily affected by changes in season, market conditions, or other reasons or causes inherent in the nature of the business, said court of industrial relations may, upon application and after notice to all interested parties, and investigation, as herein provided, make orders fixing rules, regulations and practices to govern the operation of such industries, employments, utilities or common carriers for the purpose of securing the best service to the public consistent with the rights of employers and employees engaged in the operation of such industries, employments, utilities or common carriers.

Violations.

SEC. 17. It shall be unlawful for any person, firm or corporation, or for any association of persons, to do or perform any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act, or to conspire or confederate with others to do or perform any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act, or to induce or intimidate any person, firm or corporation engaged in any of said industries, employments, utilities or common carriers to do any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act, for the purpose or with the intent to hinder, delay, limit, or suspend the operation of any of the industries, employments, utilities or common carriers herein specified or indicated, or to delay, limit, or suspend the production or transportation of the products of such industries, or employments, or the service of such utilities or common carriers: *Provided*, That nothing in this act shall be construed as restricting the right of any individual employee engaged in the operation of any such industry, employment, public utility, or common carrier to quit his employment at any time, but it shall be unlawful for any such individual employee or other person to conspire with other persons to quit their employment or to induce other persons to quit their employment for the purpose of hindering, delaying, interfering with, or suspending the operation of any of the industries, employments, public utilities, or common carriers governed by the provisions of this act, or for any person to engage in what is known as "picketing" or to intimidate by threats, abuse, or in any other manner, any person or persons with intent to induce such person or persons to quit such employment, or for the purpose of deterring or preventing any other person or persons

from accepting employment or from remaining in the employ of any of the industries, employments, public utilities, or common carriers governed by the provisions of this act.

SEC. 18. Any person willfully violating the provisions of this act, or any valid order of said court of industrial relations, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction of this State shall be punished by a fine of not to exceed \$1,000, or by imprisonment in the county jail for a period of not to exceed one year, or by both such fine and imprisonment.

Penalties.

SEC. 19. Any officer of any corporation engaged in any of the industries, employments, utilities or common carriers herein named and specified, or any officer of any labor union or association of persons engaged as workers in any such industry, employment, utility or common carrier, or any employer of labor coming within the provisions of this act, who shall willfully use the power, authority or influence incident to his official position, or to his position as an employer of others, and by such means shall intentionally influence, impel, or compel any other person to violate any of the provisions of this act, or any valid order of said court of industrial relations, shall be deemed guilty of a felony and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine not to exceed \$5,000, or by imprisonment in the State penitentiary at hard labor for a term not to exceed two years, or by both such fine and imprisonment.

Offenses of officers, etc.

SEC. 20. In case of the suspension, limitation or cessation of the operation of any of the industries, employments, public utilities or common carriers affected by this act, contrary to the provisions hereof, or to the orders of said court made hereunder, if it shall appear to said court that such suspension, limitation, or cessation shall seriously affect the public welfare by endangering the public peace, or threatening the public health, then said court is hereby authorized, empowered and directed to take proper proceedings in any court of competent jurisdiction of this State to take over, control, direct and operate said industry, employment, public utility or common carrier during such emergency: *Provided*, That a fair return and compensation shall be paid to the owners of such industry, employment, public utility or common carrier, and also a fair wage to the workers engaged therein, during the time of such operation under the provisions of this section.

Court may assume control.

SEC. 21. When any controversy shall arise between employer and employee as to wages, hours of employment, or working or living conditions, in any industry not hereinbefore specified, the parties to such controversy may, by mutual agreement, and with the consent of the court, refer the same to the court of industrial relations for its findings and orders. Such agreement of reference shall be in writing, signed by the parties thereto; whereupon said court shall proceed to investigate, hear, and determine said controversy as in other cases, and in such case the findings and orders of the court of industrial relations as to said controversy shall have the same force and effect as though made in any essential industry as herein provided.

Submissions.

SEC. 22. Whenever deemed necessary by the court of industrial relations, the court may appoint such person, or persons, having a technical knowledge of bookkeeping, engineering, or other technical subjects involved in any inquiry in which the court is engaged, as a commissioner for the purpose of taking evidence with relation to such subject. Such commissioner when appointed shall take an oath to well and faithfully perform the duties imposed upon him, and shall thereafter have the same power to administer oaths, compel the production of evidence, and the attendance of witnesses as the said court would have if sitting in the same matter. Said commissioner shall receive such compensation as may be provided by law or by the order of said court, to be approved by the governor.

Taking evidence.

- Presumption as to wages.** SEC. 23. Any order made by said court of industrial relations as to a minimum wage or a standard of wages shall be deemed prima facie reasonable and just, and if said minimum wage or standard of wages shall be in excess of the wages theretofore paid in the industry, employment, utility or common carrier, then and in that event the workers affected thereby shall be entitled to receive said minimum wage or standard of wages from the date of the service of summons or publication of notice instituting said investigation, and shall have the right individually, or in case of incorporated unions or associations, or unincorporated unions or associations entitled thereto, collectively, to recover in any court of competent jurisdiction the difference between the wages actually paid and said minimum wage or standard of wages so found and determined by said court in such order. It shall be the duty of all employers affected by the provisions of this act, during the pendency of any investigation brought under this act, or any litigation resulting therefrom, to keep an accurate account of all wages paid to all workers interested in said investigation or proceeding: *Provided*, That in case said order shall fix a wage or standard of wages which is lower than the wages theretofore paid in the industry, employment, utility or common carrier affected, then and in that event the employers shall have the same right to recover in the same manner as provided in this section with reference to the workers.
- Investigations.** SEC. 24. With the consent of the governor, the judges of said court of industrial relations are hereby authorized and empowered to make, or cause to be made, within this State or elsewhere, such investigations and inquiries as to industrial conditions and relations as may be profitable or necessary for the purpose of familiarizing themselves with industrial problems such as may arise under the provisions of this act. All the expenses incurred in the performance of their official duties by the individual members of said court and by the employees and officers of said court, shall be paid by the State out of funds appropriated therefor by the legislature, but all warrants covering such expenses shall be approved by the governor of said State.
- Remedies cumulative.** SEC. 25. The rights and remedies given and provided by this act shall be construed to be cumulative of all other laws in force in said State relating to the same matters, and this act shall not be interpreted as a repeal of any other act now existing in said State with reference to the same matters referred to in this act, except where the same may be inconsistent with the provisions of this act.
- Construction.** SEC. 26. The provisions of this act and all grants of power, authority and jurisdiction herein made to said court of industrial relations shall be liberally construed and all incidental powers necessary to carry into effect the provisions of this act are hereby expressly granted to and conferred upon said court of industrial relations.
- Reports.** SEC. 27. Annually and on or before January first of each year, said court of industrial relations shall formulate and make a report of all its acts and proceedings, including a financial statement of expenses, and shall submit the same to the governor of this State for his information. All expenses incident to the conduct of the business of said court of industrial relations shall be paid by the said court on warrants signed by its presiding judge and clerk, and countersigned by the governor and shall be paid out of funds appropriated therefor by the legislature. The said court of industrial relations shall, on or before the convening of the legislature, make a detailed estimate of the probable expenses of conducting its business and proceedings for the ensuing two years, and attach thereto a copy of the reports furnished the governor, all of which shall be submitted to the governor of this State and by him submitted to the legislature.
- Expenses.**
- Provisions severable.** SEC. 28. If any section or provision of this act shall be found invalid by any court, it shall be conclusively presumed that this

act would have been passed by the legislature without such invalid section or provision, and the act as a whole shall not be declared invalid by reason of the fact that one or more sections or provisions may be found to be invalid by any court.

Approved January 23, 1920.

CHAPTER 37.—*Criminal syndicalism—Sabotage.*

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

Definition.

SEC. 2. "Sabotage" is hereby defined to be malicious, felonious, intentional or unlawful damage, injury or destruction of real or personal property 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.

Same.

SEC. 3. Any person who, by word of mouth, or writing, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively 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 for profit; 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 matter advocating, advising, affirmatively suggesting or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical 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 for profit, or who shall openly, or at all attempt to justify by word of mouth or writing, the commission or the attempt to commit sabotage, or any act of physical violence, or the destruction of or damage to any property, or the injury of any person or the commission of any crime, or unlawful act, with the intent to exemplify, spread, or teach, or affirmatively suggest criminal syndicalism, or organizes, or helps to organize or become a member of, or voluntarily assembles with any society or assemblage of persons which teaches, advocates or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical 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 or for profit, 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 nor more than ten years, or by a fine of not more than \$1,000, or by both such imprisonment and fine.

Offenses.

Assembling.

SEC. 4. 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 3 of this act, or who after notification by authorized public or peace officer 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

Permitting assemblage.

jail for not less than sixty days nor for not more than one year, or by a fine of not less than \$100, nor more than \$500, or by both such imprisonment and fine.

Approved January 27, 1920.

CHAPTER 62.—*Free employment offices.*

Bureau cre- SECTION 1. In order to promote the establishment and maintenance of free employment offices for men, women and juniors who are legally qualified, seeking employment, and for employers desiring workers, there shall be created in the department of labor and industry a free employment bureau. It shall be in charge of the labor commissioner, who shall appoint, with the approval of the governor, an assistant who shall receive a salary of \$2,000 per annum, who shall have supervision of the free employment bureau under the direction of the labor commissioner. There shall also be appointed in said bureau such assistants and other employees as are necessary to carry out the purpose of the act. Other than as above provided, no salary shall be in excess of \$1,800 per annum.

Duties. SEC. 2. It shall be the province and duty of the said bureau, under the direction of the labor commissioner, with the approval of the governor, to establish and maintain a system of free employment offices not exceeding four outside Topeka, provided that from June 1 to August 15 additional offices may be maintained as may be necessary to properly distribute labor necessary for the wheat harvest in the State; maintain a system for clearing labor between the several counties, and adopt such rules and regulations as may be necessary to maintain and conduct such bureau.

Farm labor. SEC. 3. It shall be the further duty of the said director of the State free employment service to secure and list, as far as practicable, from the farm agents of the various counties of the State, or county clerks or such other authority to be designated by the county commissioners, the number of extra laborers required from time to time in each community for the purpose of equally distributing labor to meet such demand and to direct idle labor to employment.

Expenses. SEC. 4. Out of the appropriations made under this act, the labor commissioner, with the approval of the governor, is authorized to employ such assistants, clerks and other persons; to rent suitable offices; to purchase supplies, material, equipment, office fixtures and apparatus, and to incur such travel and other expense as may be necessary to carry out the provisions of this act.

Appropriation. SEC. 5. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of \$10,000 for the fiscal year ending June 30, 1920; \$25,000 for the fiscal year ending June 30, 1921.

A ct cumula- SEC. 6. This act shall be construed as cumulative of all other acts now in force.

Approved January 22, 1920.

KENTUCKY.

ACTS OF 1920.

CHAPTER 20.—Washrooms at coal mines, foundries, etc.

SECTION 1. Every owner or operator of a coal mine, steel mill, foundry, machine shop, or other like business, working thirty (30) persons, or more, in which employees become covered with grease, smoke, dust, grime and perspiration to such extent that to remain in such condition after leaving their work without washing and cleansing their bodies and changing their clothing, will endanger their health or make their condition offensive to the public, shall provide and maintain a suitable and sanitary washroom, within six (6) months after thirty per cent (30%) or more of said employees decide by a vote of the men affected to ask and notify the employer to erect a washhouse, at a convenient place in or adjacent to such mine, mill, foundry, shop or other place of employment for the use of such employees: *Provided*, That where the plants of two or more persons or corporations are situated in such proximity that a joint washroom will serve for the employees of each, then the construction and maintenance of a joint washroom sufficient to accommodate all of said employees shall be considered a compliance with the provisions of this act.

SEC. 2. Such washroom shall be so arranged that employees may change their clothing therein, and shall be sufficient for the number of employees engaged regularly in such employment; shall be provided with double lockers or hangers in which employees may keep their clothing; said lockers shall be equipped with steam pipes if practicable in order that the clothing of the employees may be dried after the day's work has been finished; shall be provided with hot and cold water and sufficient and suitable showers and places and means for using the same; and during cold weather shall be sufficiently heated, it being distinctly understood that the washrooms be maintained at the expense of the coal company, steel mill, foundry, machine shop or other business in which it is necessary for employees to have the use of such washroom, except that each employee shall furnish his individual soap and towels.

SEC. 3. It shall be the duty of the State and assistant State inspectors of mines, steel mills, foundries, and other places where washrooms are required by this act to inspect said washrooms and places of business required by this act to be provided with washrooms and report to the owner or operator the sanitary and physical conditions thereof in writing and make recommendations as to such improvements or changes as may appear to be necessary for compliance with the provisions of this act: *Provided*, This act shall not apply to mines that may be worked out within two (2) years from the date of notification by the employees, to erect said washhouse, nor shall same apply to any owner or operator of any mine, steel mill, foundry, machine shop or like business working thirty (30) persons or more, where the expense of obtaining water to be used in connection with said washhouse is so great as to be prohibitive of the business. It shall be the duty of every employee to make reasonable use of said washrooms.

SEC. 4. Any owner or employer who shall willfully fail or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred (\$100) dollars.

Who to provide.

Arrangement, equipment, etc.

Inspection.

Violations.

Second offense. SEC. 5. Any owner or employer who shall be convicted of a violation of the provisions of this act shall be subject to a conviction for succeeding offenses for each and every day he shall neglect or refuse to comply herewith.

Approved March 17, 1920.

CHAPTER 43.—*Employment of children—School attendance.*

Age limits. [This act amends the school law of the State in regard to compulsory attendance of children between the ages of 7 and 16. Separate but similar provisions are made (Sec. 2) for country and (Sec. 3) city schools, attendance for the full term being required, with a provision for excuse for mental or physical condition. Section 2 permits excuse also if the course of instruction offered in the county schools has been completed.

The new matter follows:]

Who exempt. *Provided, further,* That the provisions of this act shall not apply to any child between fourteen (14) and sixteen (16) years of age to whom an employment certificate shall have been issued in accordance with the provisions of the law regulating the employment of children and who is lawfully and steadily employed.

Continuation schools. *Provided, further,* That every child between fourteen (14) and sixteen (16) years of age to whom an employment certificate shall have been issued and who is lawfully and steadily employed and who has not satisfactorily completed the course of study corresponding to the first eight (8) years of the public schools, shall attend a continuation school when established for not less than four (4) nor more than eight (8) hours each week throughout the regular term of the public schools, between the hours of eight (8) a. m. and five (5) p. m., but in no case on Saturday afternoon or on Sunday.

Approved March 22, 1920.

CHAPTER 152.—*Employment of children—Certificates.*

[This act amends the first paragraph of section 331a-4 of Kentucky Statutes, Carroll's edition, as amended by chapter 102, Acts of 1918, so as to read as follows:]

Who to receive certificates. 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 in case of children under sixteen years of age 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, and a certificate signed by a public health officer or a physician, appointed by the board of education stating that such child has been examined by him and that in his opinion the child is fourteen years of age or upwards, and has reached the normal development of a child of that age, and is in good health and is physically fit for employment at the work which he intends to do, 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:

[The remainder of the section is unchanged.]

LOUISIANA.

ACTS OF 1920.

ACT No. 108.—*Bribery of employees.*

SECTION 1. It shall be unlawful for any person to give, offer or promise to any agent, employee or servant, or to a member of his family, or to anyone for his use or benefit, either directly or indirectly, any gift or gratuity whatever, or any commission, discount or bonus, without the knowledge and consent of the principal, employer, or master of such agent, employee, or servant, with intent to influence his action in relation to his principal's, employer's or master's business. Gifts forbidden.

SEC. 2. It shall be unlawful for an agent, employee or servant, without the knowledge and consent of his principal, employer or master, to request or accept, either directly or indirectly, a gift or gratuity or a promise to make a gift or do an act beneficial to himself, or any commission, discount or bonus under an agreement or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business. Receiving gifts.

SEC. 3. It shall be unlawful for an agent, employee or servant who is authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, to receive either directly or indirectly, for himself or for another, any gift or gratuity, commission, discount or bonus from the person who makes such sale or contract or furnishes such materials, supplies or other articles, or from a person who renders such service or labor. Purchasing agents.

SEC. 4. It shall be unlawful for any person who makes a sale or contract to furnish materials, supplies or other articles or who furnishes or agrees to furnish service or labor, to give or offer to an agent, employee or servant who is authorized to so procure such materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, or to a member of his family, or to anyone for his use or benefit, either directly or indirectly, any gift or gratuity, commission, discount or bonus. Sellers not to make gifts.

SEC. 5. Evidence shall not be admissible in any proceeding or prosecution under this act to show that any such gift, gratuity, commission, discount or bonus as mentioned in this act is customary in any business, trade or calling, nor shall the customary nature of such gift, gratuity, commission, discount or bonus be any defense in such proceeding or prosecution. Custom not a defense.

SEC. 6. In any proceeding or prosecution under this act, no person shall be excused from attending and testifying, or from producing documentary evidence, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, in obedience to a subpoena: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. Witnesses to testify.

SEC. 7. Any person guilty of an offense within the purview of this act who shall report the facts, under oath, within six months Reporting of offenses.

- after committing such offense, to any prosecuting attorney, shall be granted full immunity from prosecution under this act in respect of the particular offense reported.
- Violations.** SEC. 8. Whoever shall violate any provision of this act shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment in the parish prison or jail for not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.
- Definition.** SEC. 9. The word "person" used in this act shall be held to include corporations, partnerships, associations and other organizations.
- Corporations, etc.** SEC. 10. If a corporation, partnership, association or other organization is guilty of a violation of this act, the person or persons through whom the corporation, partnership, association or other organization acts shall also be deemed guilty and punished as herein provided.
- Approved July 7, 1920.

ACT No. 144.—*Bureau of labor and industrial statistics—Salaries.*

- [This act amends section 6 of act No. 155, Acts of 1908, as amended by act No. 186, Acts of 1914, and No. 232, Acts of 1918, so as to read as follows:]
- Amounts to be paid.** SECTION 6. The commissioner of labor and industrial statistics shall receive a salary of three thousand (\$3,000) dollars per annum, and each assistant commissioner shall receive a salary of eighteen hundred (\$1,800) dollars per annum. The commissioner shall employ a secretary who shall receive a salary of twelve hundred (\$1,200) dollars per annum. The commissioner and assistant commissioners shall be allowed not to exceed six hundred (\$600) dollars per annum for office maintenance and not to exceed twenty-five hundred (\$2,500) dollars per annum for traveling and all other necessary expenses incurred in the performance of their duties. All salaries and expenses shall be payable monthly out of the general fund upon the warrant of the commissioner.
- Expenses.**
- Approved July 7, 1920.

ACT No. 150.—*Payment of wages—Discharged employees.*

- Payment required.** SECTION 1. It shall be the duty of every person, individual, firm or corporation employing laborers or other persons of any kind whatever when they have discharged said laborer or other employee, to within twenty-four hours after discharged pay the laborer or employee the amount due him or them under the terms of his or their employment, whether by the day, week or month, upon demand being made by the said discharged laborer or employee, upon his employer, at the place where said employee or laborers is usually paid.
- Violations.** SEC. 2. Any individual, firm, person or corporation employing laborers or others in this State who shall fail or refuse to comply with the provisions of section 1 of this act, shall be liable to the said laborer or other employee for his full wages from the time of such demand for payment by the discharged laborer or employee until the said person, firm or corporation shall pay or tender payment to the amount due such laborer or other employee.
- Approved July 7, 1920.

ACT No. 209.—*Mothers' pensions.*

- Who to receive.** [Provides for wives of invalid or imprisoned husbands, or widows of residents of Louisiana, if resident for one year in the parish and mothers of children under 16 years of age. Benefits are \$15 per month for each such child, no person to receive more than \$50 per month. Payments cease at 16, unless the child is ill
- Amounts.**

or incapable of earning, when they may continue to 18. The usual requirements as to the mother's need, fitness to care for the child, etc., are found. The act is to be administered by the juvenile courts, or if there is none in the parish, by the district courts. Funds are to be entirely of local origin, the State making no contribution.]

Conditions.

Administration.

ACT No. 233.—*Wage brokers—License fees.*

SECTION 7. * * * for each and every money broker, money lender or person, firm or corporation, lending money on or purchasing time, wages or salaries of laborers, clerks or other wage earners or other persons, whether the same be earned or unearned, and whether said business is conducted in an office or otherwise, the license shall be fixed and graded according to the actual capital in use in said business, as follows, to wit:

Who to pay fees.

First class.—Where the capital in use is \$250,000 or more, the license shall be \$3,000.

Amounts.

Second class.—Where the capital in use exceeds \$100,000, and is not more than \$250,000, the license shall be \$2,000.

Third class.—Where the capital in use exceeds \$75,000, and is not more than \$100,000, the license shall be \$1,500.

Fourth class.—Where the capital in use exceeds \$50,000, and is not more than \$75,000, the license shall be \$1,200.

Fifth class.—Where the capital in use is not less than \$25,000, and not more than \$50,000, the license shall be \$600.

Sixth class.—Where the capital in use is less than \$25,000, the license shall be \$300.

Provided, That if any person, firm or corporation carrying on the business designated in this section shall conduct more than one office or place of business, whether in the same or under different names, such person, firm or corporation shall pay a separate license for each and every office or place of business it shall conduct according to the hereinabove classification.

* * * * *

Approved July 8, 1920.

MARYLAND.

ACTS OF 1920.

CHAPTER 434.—*Employment of children—Work permits.*

[Section 36A of article 100 of the Annotated Code of Maryland, added by chapter 495, Acts of 1918, is amended so as to be applicable to children of both sexes, and not to boys only. It now reads as follows:]

SECTION 36-A. The State board of labor and statistics shall have the discretion of issuing temporary permits to children 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 children.

Approved April 9, 1920.

CHAPTER 667.—*Employment of children—Theatrical performances.*

[A new section, section 8-A, is added to article C, Code of Public General Laws, volume 4, which reads as follows:]

SECTION 8-A. Whenever minors engaged in theatrical performances in Baltimore regularly employed and with traveling theatrical companies shall hold certificates permitting their employment from the accredited representatives of other States or cities, then and in that event the bureau of statistics and information, on the payment of the sum of five dollars (\$5.00) in each case and the exhibiting of said certificates, shall issue a certificate permitting the appearance in the theatrical performances of the minor or minors named in said certificate, which said permit shall entitle the minor or minors therein named to appear for one week in the city of Baltimore in said theatrical performances. Certificates of other States.

Approved April 9, 1920.

CHAPTER 715.—*Mining code commission.*

SECTION 1. The governor is hereby authorized and empowered to appoint a commission of three qualified persons, citizens of Maryland, to study the system of mining as practiced in Maryland, the mining legislation of Maryland and of other mining States and counties, and mining experience and upon the information obtained to prepare a report with recommendation for a code of mining laws, which code and report shall be submitted to the General Assembly of Maryland at its next regular session. Commission authorized.

SEC. 2. In appointing such commission the governor shall select one person recommended by the operators, one recommended by the miners, and a third who shall represent the public, who shall have no financial interest in or affiliations with mining, and shall be known to be just, reasonable, and practical. Such commission shall be allowed such reasonable expenses as the governor shall approve. Representation.
Expenses.

Approved April 23, 1920.

MASSACHUSETTS.

ACTS OF 1920.

CHAPTER 48.—*Minimum wages—Selection of boards.*

[This act rewrites section 4 of chapter 706, Acts of 1912, as amended by chapter 368, Acts of 1914 and chapter 72, Acts of 1919. The changes are verbal only, no substantive change being made.]

CHAPTER 179.—*Retirement of public employees.*

[Defines "laborer" as used in laws providing for their retirement by cities and towns (Ch. 503, Acts of 1912; Ch. 413, Acts of 1911, and amendments thereto), as including foremen, inspectors, mechanics, draw tenders, assistant draw tenders, and storekeepers, employed by cities and towns of the State.]

Definition.

CHAPTER 210.—*Security of wages—Contractors' bonds on public works.*

[Section 23, chapter 514, Acts of 1909 is amended to read as follows:]

SECTION 23. Officers or agents who contract in behalf of any county, city or town for the construction or repair of public buildings or other public works shall obtain sufficient security, by bond or otherwise, for payment by the contractor and subcontractors for labor performed or furnished and for materials used in such construction or repair; but in order to obtain the benefit of such security the claimant shall file in the office of the county treasurer or in the clerk's office of the city or town a sworn statement of his claim within sixty days after the claimant ceases to perform labor or ceases to furnish labor or materials.

Bond required.

Claim within sixty days.

Approved March 27, 1920.

CHAPTER 216.—*Private employment offices—Revocation of licenses.*

[Section 28, chapter 102, Revised Laws, is amended to read as follows:]

SECTION 28. Licensing authorities may suspend or revoke the license of any keeper of an intelligence office who violates any provision of the three preceding sections, and in addition thereto he shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each offense.

Who may suspend.

Approved March 30, 1920.

CHAPTER 221.—*Payment of wages—Weekly pay day—Scrubwomen in statehouse.*

SECTION 1. The scrubwomen employed in the statehouse by the superintendent of buildings shall be paid weekly.

Payment weekly.

Approved March 30, 1920.

CHAPTER 298.—*Employment of children—Operation of elevators forbidden.*

SECTION 1. No minor under sixteen years of age shall be employed or permitted to operate, clean or repair a freight elevator.
SEC. 2. Violation of the provisions of this act shall be punished by a fine of not more than one hundred dollars.

Acts forbidden.

Penalty.

Approved April 9, 1920.

CHAPTER 361.—*Conciliation and arbitration—State board.*

Allowance. [Section 14, chapter 514, Acts of 1909, is amended by increasing the amount per day allowed for the compensation of experts appointed to assist the board from \$7 to \$10.]

CHAPTER 376.—*Employment of labor—Equality of opportunity.*

Discrimination forbidden. SECTION 1. The application of a citizen of the Commonwealth for employment in any department of the Commonwealth or of any political division thereof or in any department of a street railway company, operated, owned, controlled or financially aided in any way by the Commonwealth, or by any political subdivision thereof, shall not be affected by the applicant's national origin, race or color.

Approved April 30, 1920.

CHAPTER 387.—*Minimum wages—Revision of decrees.*

Commission may act. [This act amends section 8 of chapter 706, Acts of 1912, by adding a provision authorizing the minimum wage commission to proceed with a revision of rates on its own motion, as well as on petition.]

CHAPTER 412.—*Free employment service—Notice of strike.*

Notice to be given. SECTION 1. The department of labor and industries in directing applicants for employment to any employer in whose establishment a strike is in progress shall inform the applicant of the existence of the strike.

Approved May 6, 1920.

CHAPTER 417.—*Employment of labor—Specifications for weavers.*

[Section 116, chapter 514, Acts of 1909, as amended, is further amended by adding the following sentence:]

Data to be shown. "In spooling rooms the boxes shall bear a ticket stating the number of pounds the box contains and the price per pound."

Approved May 6, 1920.

CHAPTER 418.—*Inspection and regulation of bakeries, etc.*

Definition. SECTION 1. The word bakery is defined, for the purposes of this act, as a building or part of a building wherein is carried on the production, preparation, packing, storing, display or sale of bread, cake, pies or other bakery products, including any separate room or rooms used for the convenience or accommodation of the workers: *Provided*, That sections three, four, six, seven and eight shall not apply to retail stores where bakery products are sold, but not produced.

Enforcement. SEC. 2. The standards and requirements hereinafter prescribed shall conform to such rules and regulations as may be adopted by the department of public health, and the provisions of this act and of said rules and regulations shall be enforced by said department and by the boards of health of the several cities and towns, acting under the supervision of said department: *Provided*, That the provisions of this act relating to industrial health shall be enforced by the department of labor and industries in accordance with such rules and regulations as it may prescribe.

Sanitary requirements. SEC. 3. Every bakery shall be constructed, drained, lighted, ventilated and maintained in a clean and sanitary condition, and when and where necessary screened against flies, shall have plumbing and drainage facilities together with suitable wash basins, wash sinks and toilets or water closets, which shall be

kept in a clean and sanitary condition. The said toilets or water closets shall be in rooms having no direct connection with any room in which bakery products or ingredients are prepared, stored, handled or displayed.

SEC. 4. In connection with every bakery a suitable room or rooms shall be provided for the changing and hanging of the wearing apparel of the workers or employees, which shall be separate and apart from the work, storage and sales rooms, and shall be kept in a clean and sanitary condition. Dressing rooms.

SEC. 5. No person shall sit, lie or lounge or be permitted to sit, lie or lounge upon any of the tables, shelves, boxes or other equipment or accessories used in connection with the production, preparation, packing, storing, display or sale of bakery products. No animals or fowls shall be kept in or permitted to enter any bakery. Sitting, etc.,
on tables, etc.

SEC. 6. Before beginning the work of preparing, mixing or handling any ingredients used in the production of bakery products, every person engaged in such work shall wash the hands and arms, and after using toilets or water closets, every person therein engaged shall wash the hands and arms thoroughly and then rinse in clean water; and for this purpose the owner or operator of the bakery shall provide sufficient facilities. Workers to
wash hands.

SEC. 7. No owner or operator of a bakery shall require or permit any person affected with any contagious, infectious or other disease or physical ailment which may render such employment detrimental to the public health, or any person who refuses to submit to the examination required in section eight, to work therein. Infectious, etc.,
diseases.

SEC. 8. The commissioner of public health or the commissioner of health or the chief health officer in the several cities and towns, may require any person intending to work, or working, in a bakery, to submit to thorough examination for the purpose of ascertaining whether he is afflicted with any contagious, infectious or other disease or physical ailment. All such examinations shall be made without charge to the person examined and at the expense of the department or board making the same. Any person so examined may have his physician present at the examination, which may be made by any competent physician duly registered and licensed under the laws of the Commonwealth. Physical exam-
inations.

SEC. 19. In case a bakery is unfit for the production and handling of food or dangerous to the health of its employees, the department of public health or local board of health may order it closed: *Provided*, That any aggrieved person or corporation shall have the right to be heard before said department, or board, as the case may be, and shall also have a right of appeal, before or after the execution of such order, but within thirty days of its issuance, to the superior court. Bakery closed,
when.

Approved May 6, 1920.

RESOLVE 70.—*Rehabilitation and vocational training of injured persons—Commission.*

A special commission to consist of the chairman of the industrial accident board, the commissioner of labor and industries and the commissioner of education is hereby established to consider what action, if any, should be taken by the Commonwealth to improve or extend the work of rehabilitation and vocational training of disabled soldiers, sailors and marines within the Commonwealth which is now in charge of the Federal Government, and to report its conclusions and recommendations to the next general court on or before January fifteenth. The said commission shall also consider and report upon the practicability and advisability of extending the work of the industrial accident board to provide industrial training and such aid as can be given by mechanical appliances for all persons in the Commonwealth who have been injured while at work in any industrial or commercial Commission es-
tablished.

Duties.

Expenses. establishment. The commission shall serve without compensation, but shall be allowed such sums for its necessary expenses as may be approved by the governor and council.
Approved May 26, 1920.

RESOLVE 85.—Aid for mothers and children—Commission.

C o m m i s s i o n
created. An unpaid special commission is hereby created to consist of the commissioner of public health, the commissioner of public welfare, and three persons to be appointed by the governor, one of whom shall be a physician and one of whom shall be a woman, to investigate the question of participation by the Commonwealth and the cities and towns thereof in medical and other prenatal and postnatal aid and care for mothers and their children, including the subject-matter of Senate document No. 1, House document No. 306, Senate document No. 200, House document No. 1174, Senate document No. 506 and Senate document No. 572, and among other things the question of the expense involved, the form and nature of the aid, if any, which should be furnished, what the functions and powers of the Commonwealth should be, to what extent if at all the cities and towns should participate and whether and to what extent it is advisable that the cities and towns should share in the expense. Said commission shall report its recommendations to the special session of the general court not later than November fifteenth, nineteen hundred and twenty, with drafts of such legislation, if any, as is recommended, with an estimate of the expense of carrying out its recommendations and may expend for the purposes of said investigation and report such sums as the general court shall appropriate.

Duties.

Report.

Expenses.

Approved June 4, 1920.

MISSISSIPPI.

ACTS OF 1920.

CHAPTER 304.—*Payment of wages due deceased employees.*

[Section 2133 of the Code of Mississippi is amended to read as follows:]

SECTION 2133. When any person, male or female shall die leaving wages due him [or her] to an amount not exceeding three hundred dollars, it shall be lawful for the debtor after sixty days, to pay said wages to the wife or husband, as the case may be, of said deceased creditor, if he or she leaves a wife or husband, as the case may be surviving him or her; and if he or she shall leave no wife or husband, as the case may be surviving him or her, then to his or her children, if adults; and if he or she shall leave no children and no wife or husband surviving him or her, then to his or her mother, and if [he or she] shall leave no wife or husband or children or mother surviving him or her, then to his or her father; and if he or she shall leave no wife or children or husband or mother or father surviving him or her, then to his or her brothers and sisters, if adults; and if such creditor shall have left no wife, husband, or children nor brothers nor sisters, nor father nor mother surviving him or her, or if any of his or her children surviving him or her shall be minors, or if any of his or her brothers or sisters surviving him or her entitled to inherit shall be minors, then it shall be lawful for said debtor to pay said wages to the chancery clerk of the county in which said creditor resided at the time of his or her death, or of the county where he or she died.

Amount of wages.
Payee.

SEC. 2. After the sixty days referred to in section one of this act have passed the parties hereinbefore designated as being the person to whom the wages so due the deceased creditor may be paid shall have the right, if they be adults, to maintain a suit to recover the amount due to the deceased creditor; and when the party or parties entitled to receive said amounts are minors, suit may be brought and maintained for them, by and in the name of the chancery clerk who is entitled to receive same.

Suits.

SEC. 3. This act shall not apply in cases where the estate of deceased creditor is administered upon.

Exemption.

Approved March 27, 1920.

NEW JERSEY.

ACTS OF 1920.

CHAPTER 175.—*Employee representation—Ownership of stock, profit sharing, etc., by employees.*

SECTION 1. Any stock corporation formed under any law of this State may, upon such terms and conditions as may be determined in the manner hereinafter designated provide and carry out a plan or plans for any or all of the following purposes:

(a) The issue or the purchase and sale of its capital stock to any or all of its employees and those actively engaged in the conduct of its business or to trustees on their behalf, and the payment for such stock in installments or at one time with or without the right to vote thereon pending payment therefor in full, and for aiding any such employees and said other persons in paying for such stock by contributions, compensation for services, or otherwise.

(b) The participation by all or any of its employees and such other persons in the profits of the corporate enterprise or of any branch or division thereof. Such share in such profits shall be regarded as a part of the corporation's legitimate expenses.

(c) The furnishing to its employees wholly or in part at the expense of such corporation of medical services, insurance against accident, sickness or death, pensions during old age, disability or unemployment, education, housing, social services, recreation or other similar aids for their relief or general welfare.

(d) The nomination and election by its employees of one or more thereof as a member or members of its board of directors, such member or members to have the same rights and authority and be subject to the same duties and responsibilities as the directors to be elected by the stockholders. Every such corporation may determine and provide the manner of making any such nominations and calling and conducting any such election, the time or times, the place or places where it shall be held, what number of years of service or other qualifications shall entitle its employees to one or more votes, whether said votes shall be cast personally or by proxy, what number of votes shall be required to elect, and such other restrictions and conditions as may be deemed expedient and proper: *Provided, however,* That the voting at all such elections shall be by secret ballot, and that if less than a majority of employees entitled to vote participate in the election, such election shall be inoperative and void. Any vacancy occurring in any such office by reason of a failure to elect or otherwise, shall be filled in the manner provided for in the plan, and in the absence of such provisions such vacancy shall be filled from among the employees or stockholders by the board of directors.

SEC. 2. Any of the privileges and powers hereinbefore granted may be exercised in the manner following:

(a) By including appropriate clauses therefor in the original articles of incorporation or by-laws at the time of organizing the corporation.

(b) Where the corporation has been formed without the said charter or by-law provisions the board of directors shall first formulate such plan or plans and pass a resolution declaring that in its opinion the adoption thereof is advisable, and shall call a meeting of the stockholders to take action thereon. The stockholders' meeting shall be held upon such notice as the by-laws

Purposes authorized.

Stock.

Profit sharing.

Benefits.

Members of board.

How accomplished.

provide, and in the absence of such provision upon ten days' notice given personally or by mail. If two-thirds in interest of each class of stockholders present at said meeting and voting shall vote in favor of any such plan or any modification thereof, the said plan shall thereupon become operative.

Dissenting
stockholders.

(c) In case any corporation shall hereafter adopt a plan providing for the issue of new stock under subdivision (a) of section one of this act, or any plan provided for in subdivision (d) of such section one, any stockholder holding stock issued by such corporation before the enactment of this law, not voting in favor of such plan, may, within thirty days after the adoption thereof, file with the secretary of the company, a dissent in writing therefrom. The person so dissenting shall, within ten days after the filing of such dissent, and upon five days' notice to the corporation apply by petition to the circuit court of the county in which the corporation has its principal office for the appointment of three disinterested appraisers to appraise the fair value of the stock held by such stockholder in said corporation and issued prior to the enactment of this law without regard to any depreciation or appreciation thereof in consequence of the adoption of such plan, whose award (or that of a majority of them) when confirmed by the said court, shall be final and conclusive on all parties, and said corporation shall pay to such stockholder the value of such stock as aforesaid. On receiving such payment, or on a tender thereof, or in case of any legal disability or absence from the State, on the payment of such award into said court, said stock shall be transferred to the said corporation, to be disposed of by the directors thereof or to be retained for the benefit of the remaining stockholders; and in case the said award is not paid within thirty days from the filing of said award and confirmation by said court and notice thereof to be given in the manner aforesaid unto such corporation, the amount of the award shall be a judgment against said corporation, and may be collected as other judgments in said court are by law collected. Such court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The charges and expenses of the appraisers and appraisal as approved by the court shall be paid by the corporation; *Provided, however,* That the corporation may at any time before the proceedings hereinbefore mentioned are instituted or completed elect to permit such dissenting stockholder to subscribe for his proportionate share of such new stock issued under section one, subdivision (a), in which event the said proceedings shall not be instituted, or, if instituted, shall be terminated upon the payment of the appraisal expenses as aforesaid by the corporation.

Recall, etc., of
plans.

SEC. 3. Any plan adopted as aforesaid may be recalled, abolished, revised, amended, altered or changed in the same manner as herein provided for its adoption; subject, however, to the restoration by the corporation of any moneys contributed by employees or those actively engaged in the conduct of the corporate business, and for which no stock or other equivalent has been issued.

Act construed.

SEC. 4. The privileges and powers conferred by this act shall be deemed to be in addition to and independent of any and all powers and authority conferred by any other law or laws, and not in restriction or limitation of any of the powers now permitted to corporations of this State.

Provisions sev-
erable.

SEC. 5. If any part or parts of this act shall be declared to be invalid or unconstitutional, the other parts shall not thereby be affected or impaired.

Approved April 15, 1920.

CHAPTER 236.—*Employment of women—Hours of labor.*

[Section 4 of chapter 216, Acts of 1912, is amended to read as follows:]

Violations.

SECTION 4. Whoever employs any female or permits any female to be employed in violation of any of the provisions of this act,

or fails to carry into effect the requirements as to posting, pursuant to section three, and keeping the record designated in and by said section three of this act, shall be punished for the first offense by a fine of not more than fifty dollars, and for a second offense by a fine of not more than two hundred dollars.

Approved April 20, 1920.

CHAPTER 304.—*Protection of wages—Garnishment.*

SECTION 1. No order shall hereafter be issued upon any judgment obtained against any soldier or sailor who was in the service of the United States of America during the war between the United States of America and Germany, for any debts contracted by him prior to the beginning of the war, and if there are any judgments hereafter recovered against any soldier or sailor, for debts contracted prior to said war, it shall be illegal to garnishee, attach, lien or in any way interfere with the collection by him of any salary, compensation, wages or moneys due him for work, labor or services.

What wages protected.

SEC. 2. Any order, writ, process, proceedings of garnishment, attachment, lien or any action preventing payment of any moneys due to any person who served in the United States Army or Navy during the war between the United States of America and Germany, now or hereafter due as wages or salary, or payment for services, made or entered in any court of this State shall be void and for nothing holden.

Process void.

SEC. 3. If at the time of the passage of this act there is outstanding any order, writ, process or proceedings whereby any soldier or sailor who served in the Army or Navy of the United States during the war between the United States and Germany, shall be estopped from collecting any moneys due him for wages or salary or for work or services, the said order, writ, process, proceedings, order of garnishment, attachment or otherwise, shall be void and of no effect, and the said soldier or sailor shall have the right to receive said sum or sums of money due him or to become due to him for work, services, or as wages or salaries.

Outstanding orders, etc.

SEC. 4. If any person, firm or corporation, refuses or neglects to pay any sum of money now or hereafter due as wages or salary, or for services, to any person who has served in the army or navy during the war aforesaid, because of any order of garnishment or any order in discovery founded on any judgment for a debt contracted prior to the war aforesaid, such person, firm or corporation shall be guilty of a misdemeanor.

Violations.

Approved April 21, 1920.

CHAPTER 334.—*Industrial safety museum—Department of labor.*

SECTION 1. The department of labor may establish in the building known as 571 Jersey Avenue, Jersey City, now under lease by the said department of labor, or at any other location it may deem advisable, a State industrial safety museum in which may be installed such exhibits as said department of labor shall approve to further the standardization of safety and economic stability in manufactories.

Museum authorized.

SEC. 2. Said museum shall furnish information by means of said exhibits, which may include practical equipment appliances and devices, photographs, blue prints, engineering data, reports, statistics and lectures on the production and personnel standards now successfully operative in this country and abroad, covering the problems of

Purposes.

- Factory construction and plant layout;
- Fire prevention and protection;
- Elevator installation and protection;
- Electrical equipment;
- Elimination of boiler room hazards;
- Natural and artificial lighting methods;
- Machine safeguarding and accident reduction;

Natural and mechanical ventilation;
 Fan removal of dusts, fumes and excessive humidity;
 Shop hygiene;
 The installation of betterment provisions, including toilet, wash, dressing and lunch room facilities;
 First aid and hospital equipment;
 Industrial training in vestibule schools and shops;
 The development of technical and shop library service;
 The reduction of the labor turnover by means of approved employment methods, shop relations, Americanization activities and insurance benefits;
 The stabilizing of working forces through improved transportation and housing facilities;
 and such other safety and industrial problems as the said department of labor shall from time to time determine.

Administration.

SEC. 3. The commissioner of labor shall appoint and be an ex officio member of an administrative committee consisting of the director of the museum as chairman and at least one representative each of a chamber of commerce, a compensation insurance company, an accident insurance company, a life insurance company, a fire insurance company, a representative of labor and such additional representatives of the manufacturers and safety and conservation organizations of the State as may be deemed expedient for insuring the greatest usefulness of said museum, all of whom excepting the director shall serve without salary, who shall conduct said museum within the jurisdiction of said department of labor.

Approved April 21, 1920.

CHAPTER 349.—*Protection of employees as voters.*

Influencing employees.

SECTION 43. Any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person whosoever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm or loss against any person or persons in his employ, in order to induce or compel such employee or employees to vote or refrain from voting for any particular candidate or candidates at any election, or on account of such employee or employees having voted or refrained from voting for any particular candidate or candidates at any election, or who shall, by any sort of duress, constraint or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce or prevail upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and, being thereof convicted, shall be punished by a fine not exceeding two thousand dollars, or imprisonment not exceeding five years, or both, at the discretion of the court before which conviction is had.

Use of pay envelopes.

SEC. 46. It shall not be lawful for any employer, in paying his employees the salary or wages due them, to enclose in their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor shall it be lawful for any employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the

Handbills, etc.

salaries or wages of his workmen or employees be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees.

Sec. 47. The foregoing sections shall apply to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter.

Violations.

Passed May 5, 1920.

CHAPTER 359.—*Vocational rehabilitation—State and Federal cooperation.*

SECTION 1. The provisions of the act of Congress, approved June second, one thousand nine hundred and twenty, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," are hereby accepted by the State of New Jersey.

Act accepted.

Sec. 2. The State board of education is hereby designated as the State board for the purposes of said act of Congress, and is hereby empowered and directed to cooperate, as in said act provided, with the Federal Board for Vocational Education in the administration of the provisions thereof. Said State board of education is hereby empowered and directed to do all that is or may be required to secure for the State of New Jersey the benefits of the appropriations under said act of Congress for each and every purpose specified therein.

State board to cooperate.

Sec. 3. In order to provide for the support and supervision of courses for vocational rehabilitation, the State board of education and the State commission for the rehabilitation of physically handicapped persons are hereby empowered and directed to prepare jointly a plan of cooperation between said State board and said State commission for the establishment and maintenance of courses in rehabilitation for which joint Federal and State funds in the hands of the State board and State commission respectively may be used. The State board of education and the commission for the rehabilitation of physically handicapped persons are further empowered and directed to prepare a plan of cooperation between the State board of education and the workmen's compensation bureau of the State department of labor for carrying out the provisions of the Federal rehabilitation act, said plan to be effective when approved by the governor.

Plans to be formed.

Sec. 4. The State treasurer is hereby appointed custodian for all money paid to the State from appropriations under said act of Congress. He shall receive and provide for the proper custody of same. He shall disburse same upon the warrant of the State comptroller when such disbursement has been certificated by the State board of education.

Custody of funds.

Approved September 17, 1920.

NEW YORK.

ACTS OF 1920.

CHAPTER 242.—*Department of labor—Bureaus.*

[This chapter amends section 42, chapter 31, Consolidated Laws, as previously amended, by adding a bureau of industrial codes to the list of bureaus provided for.] Bureau added.

CHAPTER 284.—*Employment of women on street railroads.*

[This chapter amends subdivisions 2, 3, and 6 of section 161—d of chapter 31, Consolidated Laws, added by chapter 583, Acts of 1919. Subdivision 2 is amended so as to be limited in its application to work as a conductor or guard only. The changes in subdivisions 3 and 6 are only such as to bring them into harmony with this restriction.] Limitation of act.

Subdivision 2 now reads as follows:]

2. No female over twenty-one years of age shall be employed, permitted or suffered to work as a conductor or guard in the operation of any street, surface, electric, subway or elevated railroad car or train more than six days or fifty-four hours in any one week, nor more than nine hours in any one day, nor before six o'clock in the morning, nor after ten o'clock in the evening of any day. Hours of labor.

Became a law April 11, 1920.

CHAPTER 430.—*Railroads—Coal jimmies and caboose cars.*

[This chapter amends section 78, chapter 49, Consolidated Laws, as amended by chapter 497, Acts of 1913, by making the structural requirements for coal jimmies and caboose cars obligatory from and after July 1, 1921, instead of 1920.] Act in effect.

CHAPTER 539.—*Department of labor—Deputy commissioner.*

[This chapter amends section 41, chapter 31, Consolidated Laws, as previously amended, by adding thereto the following:] Added commissioner.

The commission shall also appoint and may remove a deputy commissioner to assist the second deputy commissioner in hearing and disposing of claims for compensation in death cases. He shall perform such other duties as the commission may prescribe and shall receive an annual salary of five thousand dollars.

Became a law May 5, 1920.

CHAPTER 601.—*Employment of children—Physical examination.*

[This chapter amends section 76—a of chapter 31, Consolidated Laws, added by chapter 200, Acts of 1913, by making the provisions as to examination apply to children in mercantile establishments, as well as in factories. The term "industrial commission" is also substituted for the words "department of labor" where they occurred.] Act extended.

CHAPTER 602.—*Industrial commission—Variations.*

[This chapter amends section 52—a of chapter 31, Consolidated Laws, added by chapter 719, Acts of 1915, renumbering it as section 52—d, and directing that variations from the labor law Publication.

allowed by the commission shall be published in the bulletin of the department; and where they affect premises or conditions in the city of New York, also in the City Record of New York City. The term "commission" is substituted for the term "board" where it occurred.]

CHAPTER 603.—*Employment of labor—Physical examinations.*

[Section 23, Chapter 31, Consolidated Laws, is amended to read as follows:]

Female em- SECTION 23. 1. Whenever an employer shall require a physical
ployees. examination by a physician or a surgeon as a condition of employment, or an annual or periodical examination or an examination for physical disability or for leave of absence, or on account of illness or supposed illness, or for any other cause whatsoever, the party to be examined, if a female, shall be entitled to have such examination before a physician or surgeon of her own sex or, in lieu thereof, before a male physician or surgeon if a female attendant shall be present.

Notice. 2. Whenever any such examination is made, the employer requiring the same shall post a notice which shall inform the party to be examined of her rights under section twenty-three of the labor law.

If an employer shall require or attempt to require a female to submit to an examination in violation of the provisions of this section, he shall be guilty of a misdemeanor.

Became a law May 10, 1920.

CHAPTER 604.—*Factory inspectors—Salaries.*

Increases. [Section 54, chapter 36, Laws of 1909, is amended so as to increase the salaries of factory inspectors of the first, second, third, fourth, and sixth grades from \$1200, \$1500, \$1800, \$2000, and \$2500 to \$1500, \$1800, \$2100, \$2400, and \$3000, respectively, and to increase the number of grades of mercantile inspectors from three to four and to increase their salaries from \$1200, \$1500 and \$1800 in the first three grades to \$1500, \$1800, and \$2100 and fixing the salary in the fourth grade at \$2400. The following sentence is added to subdivision 1 of section 54:]

In effect. *Provided, however,* That any such advancement from one grade to another shall not take effect, nor shall the resultant increase of salary begin, until the first day of July or of January, as the case may be, which occurs next after the expiration of such two years of service in the lower grade, unless such period of service expires on one of such days, in which case such advancement and increase shall take effect on the day of such expiration.

Safety inspect- [The following new subdivision (3) is also added to section 54:]
ors. 3. The foregoing provisions as to grades, salaries and salary increases of factory inspectors of the first, second, third and fourth grades, respectively, contained in subdivision one, shall apply also to safety inspectors heretofore or hereafter appointed by the commission to inspect plants and establishments insured in the State fund. Safety inspectors whose salaries until this subdivision goes into effect are less than fifteen hundred dollars per annum shall be deemed inspectors corresponding to factory inspectors of the first grade; safety inspectors whose salaries until this subdivision goes into effect are less than eighteen hundred dollars but not less than fifteen hundred dollars shall be deemed inspectors corresponding to factory inspectors of the second grade.

Became a law May 10, 1920.

CHAPTER 703.—*Assignments of wages—Wage brokers.*

Scope. [This chapter amends chapter 2 of the Consolidated Laws, increasing the amount that may be loaned by small loan brokers from \$200 to \$300, the maximum charge for examination of

security, drawing papers, etc., from \$2 to \$3, and the interest rate from 12 per cent to 15 per cent per annum. Annual profits on permanent capital may amount to 15 per cent instead of 12 per cent as formerly.]

Returns.

CHAPTER 760.—*Rehabilitation of injured persons.*

[Section 15 of chapter 816, Laws of 1913 (the workmen's compensation law), is amended by adding a new subdivision (8) by which increased compensation is allowed to persons undergoing vocational rehabilitation treatment. Chapter 16 of the Consolidated Laws (the education law), is amended by adding thereto the following new article, the former article 47 being renumbered 48:]

Allowances.

ARTICLE 47.—*Rehabilitation.*

SECTION 1200. This article shall be known and may be cited as "The Rehabilitation Law."

Title.

SEC. 1201. As used in this article the terms:

1. "Physically handicapped person" shall mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for remunerative occupation.

Definitions.

2. "Rehabilitation" shall mean the rendering of a person physically handicapped fit to engage in a remunerative occupation.

3. "Residing in the State of New York" shall mean any citizen of the United States or any person who has declared his intention of becoming a citizen who is and has been domiciled within the State for one year or more.

4. "Commission" shall mean the advisory commission for the rehabilitation of physically handicapped persons.

SEC. 1202. This article shall not apply to:

1. Aged or helpless persons requiring permanent custodial care, or blind persons under the care of the State commission for the blind; or

Exceptions.

2. Any person in any State institution or confined in any correctional or penal institution; or

3. Epileptic or feeble-minded persons or to any person who, in the judgment of the commissioner of education, may not be susceptible of rehabilitation; or

4. Persons of the age of fourteen years and under.

SEC. 1203. There is hereby created an advisory commission for the rehabilitation of physically handicapped persons, to be composed of the commissioner of education, who shall be chairman, of a member of the State industrial commission to be designated annually by the governor, and of the commissioner of health. Any member of the commission may designate an officer in his department to represent him on the commission and the acts of such officer shall be deemed to be the acts of the person who designated him. The commissioner of education shall designate the officer of the department of education charged with the administration of this act to act as secretary to the commission.

Advisory commission.

SEC. 1204. The commission shall have power:

Powers.

1. To prepare a plan for cooperation between the industrial commission and the department of education which shall be submitted to the industrial commission and to the board of regents of the university.

2. To arrange any differences that may arise between departments charged with any duties under this act.

3. To arrange for such therapeutic treatment as may be necessary for the rehabilitation of any physically handicapped persons who have registered with the department of education, except persons who are entitled to such treatment under the workmen's compensation law.

4. To provide maintenance cost during actual training for physically handicapped persons registered for rehabilitation, except persons entitled to maintenance under the workmen's compensation law: *Provided*, That when the payment of maintenance costs is authorized by the commission, it shall not exceed ten dollars per week, and the period during which it is paid shall not exceed twenty weeks, unless an extension of time is granted by unanimous vote of the commission.

5. To arrange for cooperation between the bureau of employment of the department of labor and the department of education in securing employment for handicapped persons to the end that duplication be avoided.

6. To make all necessary rules and regulations for the purpose of carrying out this article which affect more than one department.

Duties. SEC. 1205. The industrial commission shall:

1. Report to the department of education all reports made to it of cases of injuries received by employees which may result in rendering the person, in the judgment of the industrial commission, in need of rehabilitation.

2. Cooperate with the department of education in carrying out this article.

Department of health. SEC. 1206. The department of health shall:

1. Arrange with all public private hospitals, clinics, and dispensaries and with practicing physicians to send to the department of education prompt and complete reports of any persons under treatment in such hospitals, clinics, or dispensaries, or by such physicians, for any injury or disease that may render them physically handicapped.

2. Arrange with health officers to send to the department of education prompt and complete reports to any persons who in the course of their official duties they find to be suffering from any injury or disease that may render them physically handicapped, if such persons have not already been reported.

3. Make physical examinations of any persons applying for or reported as needing rehabilitation, except persons reported by the industrial commission.

Who may apply. SEC. 1207. Any physically handicapped person residing within the State may apply to the department of education for advice and assistance regarding his rehabilitation.

Board to investigate. SEC. 1208. It shall be the duty of the department of education:

1. To provide that all persons reported to it or making application to it as physically handicapped shall be promptly visited by its representative who shall report upon their condition to the department, which shall then determine whether the person is susceptible of rehabilitation. Any person found susceptible shall be acquainted with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any person who chooses to take advantage of the rehabilitation facilities shall be registered with the department and a record kept of every such person and the measures taken for his rehabilitation. The education department shall proffer to any such person counsel regarding the selection of a suitable vocation and an appropriate course of training, and shall initiate definite plans for beginning rehabilitation as soon as the physical condition of the person permits.

Procedure. 2. To arrange for special training courses in the public schools in the State, in selected occupations for physically handicapped persons.

3. To arrange with any private or commercial educational institution for training courses in selected occupations for physically handicapped persons.

4. To arrange with any public or private establishment or any employer for training courses in selected occupations of physically handicapped persons.

5. To arrange for social service for the visiting of physically handicapped persons and of their families in their homes during

the period of treatment and training and after its completion, to give advice regarding any matter that may affect rehabilitation.

6. To aid physically handicapped persons in securing such employment as will facilitate their training or will be suitable to their condition.

7. To procure and furnish at cost to physically handicapped persons artificial limbs and other orthopedic and prosthetic appliances, to be paid for in installments, when such appliances cannot be otherwise provided. The proceeds of the sale thereof shall be paid to the treasurer of the State and shall be held by him in a special fund for the purposes of this subdivision. Payments from this fund shall be made at the direction of the commissioner of education.

8. To make surveys with the cooperation of the industrial commission and the department of health, to ascertain the number and conditions of physically handicapped persons within the State.

9. To make such studies as may be helpful for the operation of this act.

10. To cooperate with any department of the government of the State of New York or with any county or other municipal authorities within the State, or with any private agency, in the operation of this act.

SEC. 1209. The department is authorized to receive gifts and donations for the purpose of this article which may be offered unconditionally. All money received as gifts or donations shall be paid to the State treasurer and shall constitute a special fund to be used under the direction of the department for the purpose of this act. A full report of all such gifts and donations, together with the names of the donors, the amounts contributed by each and all disbursements therefrom shall be submitted annually to the legislature as part of the report of the department.

Gifts.

SEC. 1210. The State of New York, through its legislative authority:

Federal law.

1. Accepts the provisions of any law of the United States making appropriation to be apportioned among the States for vocational rehabilitation of disabled persons;

2. Empowers and directs the board of regents of the university, hereby designated the New York State Board for Vocational Education, to cooperate with such agency as the Federal Government shall designate to carry out the purposes of such law;

3. Appoints the State treasurer as custodian of all money given to the State by the United States under the authority of such law, and such money shall be paid out in the manner provided by such act for the purposes therein specified;

4. Authorizes the board of regents of the university as the State board for vocational education and the industrial commission to formulate a plan of cooperation in accordance with this act, which shall be effective when approved by the governor of the State.

SEC. 3. The sum of seventy-five thousand dollars (\$75,000) is hereby appropriated to the department of education for the purposes of this act, which shall be in addition to any moneys allotted to the State for a similar purpose by the Government of the United States. The appropriations may be used for the payment of salaries, reasonable traveling and other expenses, including purchase of necessary office furniture and stationery and tuition fees; books and supplies and traveling expenses of persons receiving training.

Appropriation.

Became a law May 13, 1920.

CHAPTER 867.—*Railroads—Inspection of locomotive boilers.*

[This act amends section 73 of chapter 49, Consolidated Laws, so as to read as follows:]

SECTION 73. The office of State inspector of locomotive boilers is continued. Not less than six equipment inspectors shall be ap-

Inspectors.

pointed by the public service commission, five of whom shall be familiar with the construction and operation of locomotive engines and their appurtenances, and one of whom shall be familiar with the construction of electric locomotives and the operation of electrical multiple unit trains, whose salaries shall be fixed by the commission. They shall, under the direction of the commission, inspect boilers or locomotives used by railroad corporations operating steam railroads within the State, and may cause the same to be tested by hydrostatic tests and shall perform such other duties in connection with the inspection and test of locomotive boilers as the commission shall direct. But this section shall not relieve any railroad corporation from the duties imposed by the preceding section.

Became a law May 21, 1920.

CHAPTER 894.—*Labor board—Industrial relations.*

Appropriation. SECTION 1. The sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby appropriated for expenses of the labor board, as the same has been or may be constituted by appointments by the governor, and representing
 Uses. employers, employees and the public, to promote better relations between workers and their employers and, so far as possible, to prevent or adjust strikes and lockouts; which board was created pursuant to a resolution adopted at a conference of citizens interested in the solution of industrial problems, which was held in Albany on August twentieth, nineteen hundred and nineteen. The governor shall certify to the comptroller the name of the chairman of such board, and the moneys hereby appropriated shall be paid out by the State treasurer on the warrant of the comptroller, on the order of such chairman. Such moneys shall not be available for expenses incurred after the governor shall have certified to the comptroller that the emergency for which such board was created has ceased.

Became a law May 21, 1920.

OHIO.

ACTS OF 1919 (RECONVENED SESSION, 1919-1920).

Factory regulations—Safety provisions—Fire drills.

(Page 1121.)

SECTION 1. In every factory and loft building in the State devoted to manufacturing purposes three or more stories in height a fire drill of all the employees of such building shall be conducted at least once in every month and shall be subject to the approval and supervision of the Industrial Commission of Ohio. A fire drill shall be arranged so as to conduct every employee of such building within five minutes after the sounding of the alarm to the street, or to an open court having direct means of egress to the street by means of an alley or fireproof passage, or to any portion of the same or an adjoining building which has independent means of egress to the street and which is separated vertically from the section of the building in which the alarm is first sounded, by means of a standard fire wall, the only openings in which are guarded by self-closing fire doors.

When required.

SEC. 2. That such fire drill may be uniform in all factories and loft buildings in the State devoted to manufacturing purposes; it shall be the duty of the industrial commission to prepare an outline for such fire drills. This outline shall be printed at the expense of the State under the direction of the industrial commission, and shall be distributed in quantities sufficient to provide a copy for every factory and loft building devoted to manufacturing purposes three or more stories in height located in any city or village in the State.

Regulations.

SEC. 3. *Provided, however,* That when such building is of fireproof construction, and when the necessary means of egress therefrom has been provided, and the proper precautions have been taken for the prevention and extinguishment of fire therein, the Industrial Commission of Ohio may in its discretion prescribe the conduct of fire drills in such buildings at intervals less frequent than hereinabove set forth.

Fireproof buildings.

SEC. 4. Any person, firm, or corporation who fails to comply with this act, or who fails to put same into effect on or after the passage of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars for the first offense, and not less than one hundred dollars nor more than one thousand dollars for subsequent offenses.

Violations.

Filed in the office of the secretary of state at Columbus, Ohio, on the 29th day of January, A. D. 1920.

Occupational diseases—Reports by physicians.

[Page 1129.]

[This act amends sections 1243-1, 1243-2, and 1243-4 of the General Code, as added by an act, p. 184, Acts of 1913, by requiring reports of not only the diseases named, but also "such other occupational diseases and ailments as the State department of health shall require to be reported." A new section, 1243-5, provides penalties for violations. The term "department" (of health) is substituted for "board" throughout.]

Act enlarged.

Mine regulations—Rescue stations.

[Page 1278.]

[The following new section is added to the General Code:]

- Stations.** SECTION 915-1. The Industrial Commission of Ohio shall provide and maintain at the expense of the State, five rescue stations, each station to be equipped with not less than five approved breathing devices complete, one recharging or refilling pump for recharging oxygen cylinders, five extra oxygen cylinders, one resuscitating outfit, five approved mine safety lamps, five approved electric mine safety lamps complete, one lamp-testing cabinet, not less than one thousand feet of three-inch hose with standard connection and nozzles complete, one anemometer, one first-aid cabinet and supplies, six stretchers with woolen blankets for each, and one automobile truck of sufficient capacity to transport equipment from station to any mine located within the district in which the rescue station is located.
- Equipment.**
- Location.** Such rescue stations shall be centrally located within the coal-producing counties, so as to cover the largest number of mines within the shortest period of time, and each rescue station shall be continually in charge of a superintendent who shall be appointed by the Industrial Commission of Ohio with the approval of the governor who shall receive a salary in a sum equal to that provided for district inspectors of mines, together with all necessary expenses incurred in the discharge of his duties.
- Superintendents.** The qualifications of superintendents of rescue stations shall be the same as that of district inspector of mines, namely, that no person shall be appointed superintendent of rescue stations unless he has been a resident of the district for which he is appointed for at least two years, has had at least five years' actual practical experience in mining in this State, has a practical knowledge of the best methods of working and ventilating mines of the nature and properties of noxious and poisonous gases, particularly fire damp, of the best means of detecting the presence of and preventing accumulation of such gases and the best means of removing the same, and has a practical knowledge of the uses and dangers of electricity as applied at, in and around mines.
- Duties.** Each superintendent of a rescue station shall devote his entire time to the duties of his office, and shall at all times keep the equipment of such station in constant state of repair and be ready to meet any emergency that may arise at any mine at any time, either day or night. He shall teach and train first-aid and rescue crews in the use of first-aid and rescue equipment and shall be required to keep his station at all times in a clean and sanitary condition, and subject to such rules and regulations as the Industrial Commission of Ohio may from time to time establish.

Approved February 18, 1920.

Hours of labor on public works—Eight-hour day.

[Page 1286.]

- Exemptions.** [This act amends section 17-1 of the General Code by changing the last sentence, which reads: "This section shall not be construed to include policemen or firemen," so as to read: "This section shall be construed not to include policemen and firemen." A new section, numbered 17-1a, is also added, relating to firemen in city fire departments.]

OREGON.

ACTS OF 1920—EXTRA SESSION.

CHAPTER 4.—*Industrial and reconstruction hospital.*

SECTION 1. Chapter 435, general laws of Oregon 1919, entitled "An act empowering and directing the State industrial accident commission to set aside the sum of \$400,000 from the industrial accident fund, and empowering said commission to construct and equip an industrial and reconstruction hospital with said money, or so much thereof as may be necessary," is hereby repealed.

Approved by the governor January 16, 1920.

CHAPTER 6.—*Rehabilitation of injured workmen.*

SECTION 1. There is hereby created a fund to be known as the "rehabilitation fund." The State treasurer shall transfer one hundred thousand (\$100,000) dollars from the industrial accident fund to the rehabilitation fund and there shall also be transferred to such fund, monthly, two and one-half per cent of the total monthly receipts of the State industrial accident commission from all sources. All interest earnings of the rehabilitation fund shall be credited to the industrial accident fund.

SEC. 2. The said commission is hereby authorized to provide under uniform rules and regulations, for the vocational rehabilitation of men and women injured by accident arising out of and in the course of their employment while working under the protection of the workmen's compensation law.

SEC. 3. The said commission is hereby authorized to expend as much of the said rehabilitation fund as may be necessary to accomplish the vocational rehabilitation of men and women injured as aforesaid: *Provided, however,* That nothing in this act shall be construed to amend or repeal the authority of the said commission under section 23, chapter 112, general laws of Oregon for 1913, as amended, to expend from the industrial accident fund money for the rent of buildings, the purchase of equipment and supplies, the payment of such doctors and nurses as may be necessary for the purpose of physical rehabilitation of injured workmen under said section 23.

SEC. 4. Every school board of every school district maintaining vocational instructors or departments of any kind, shall upon application of the State industrial accident commission, and when its facilities will permit, furnish to any person or persons designated by said commission, such vocational instruction as is provided for the pupils of said district and said commission shall cause to be paid to said district the actual cost of such instruction as nearly as may be estimated by said school board.

SEC. 5. Upon application of the State industrial accident commission, the State board of control shall provide for any person or persons designated by said commission, such vocational instruction at the Oregon State schools for the blind and the deaf as is furnished to the other pupils of said school and said commission shall cause to be paid therefor, to the State board of control, such tuition charges as may be fixed by said board which amount may be expended by said board for the support and maintenance of said school.

Approved by the governor January 17, 1920.

CHAPTER 13.—*Employment of aliens on public works.*

What aliens barred. SECTION 1. It shall be unlawful for any officer or agent of, or any contractor with, the State of Oregon, or any county, city or town or municipal corporation knowingly to employ any alien, whether a declarant or otherwise, who claimed and was granted exemption from military service in the war with Germany and her allies, under the provisions of the "Act of Congress, May 18, 1917," or any acts amendatory thereof, on the ground that he was not a citizen of the United States.

Accepting employment. SEC. 2. It shall be unlawful for any such alien to accept employment with any officer or agent of, or any contractor for, the State of Oregon, or any county, city, town or municipal corporation thereof.

List of employees. SEC. 3. Every contractor shall, upon demand of the executive officer of the State or municipal corporation with which he has contracted, furnish a list of his employees, which shall set forth whether they are citizens of the United States.

Violations. SEC. 4. Any person found guilty of violating the provisions of this act shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months in the county jail, or by both such fine and imprisonment.

Approved by the governor January 20, 1920.

CHAPTER 25.—*Inspection and regulation of factories, etc.*

[Section 5050 of Lord's Oregon laws is amended so as to read as follows:]

Fee a debt. SECTION 5050. The payment of such annual inspection fee by every such person, firm, corporation and association, shall constitute an obligation in favor of the State and shall be a debt due and owing by every such person, firm, corporation and association, to the State from and after the time of the first inspection, herein provided for and annually thereafter, and the collection of the same shall be enforced by the labor commissioner, or his duly appointed deputy.

Recovery. If any such person, firm, corporation or association, shall fail to pay in full within thirty days of the service of a written demand therefor from the labor commissioner or his duly appointed deputy and [any] such inspection fee or fees due and owing to the State of Oregon, such person, firm, corporation or association, shall be liable to a penalty equal to the amount of such lawful fee or fees. Said penalty shall be in debt due and owing by such person, firm, corporation or association, to the State of Oregon and shall be collected in the same action in which the fees upon which said penalty is based are collected. The prosecuting attorney of any county, upon request of the labor commissioner, shall immediately institute or prosecute an action or proceeding for the collection of such annual inspection fees and penalties from any such person, firm, corporation or association, upon whom service of summons may be had within the county in which such prosecuting attorney was elected.

Filed in the office of the secretary of state January 20, 1920.

CHAPTER 48.—*Inspection and regulation of factories, etc.—Provisions for safety.*

Duty of employers. SECTION 1. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing

reasonably necessary to protect the life and safety of such employees.

Sec. 2. No employer, owner or lessee of any real property in this state shall construct or cause to be constructed or maintained, any place of employment that is not safe.

Unsafe places.

Sec. 3. No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees.

Removing guards.

Sec. 4. The commission is vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment. The commission is vested with full power and authority to make, establish, promulgate and enforce all necessary and reasonable rules, regulations and provisions for the purpose of carrying into effect the provisions of this act and in reference to the investigation of all violations hereof and fixing and setting the time and place for all hearings which may be necessary or expedient for the purpose of carrying into effect the provisions hereof, and shall have the power to issue and subpoena witnesses, to administer oaths, to take depositions and fix the fees and mileage of witnesses and to compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the State, and the commission shall provide for defraying the expenses thereof. The commission, or any member thereof, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the circuit court in and for the county in which the proceeding is pending, by petition setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers and that the witness has been subpoenaed in the manner prescribed and that the witness has failed and refused to attend or produce the papers required by the subpoena or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court to compel the witness to attend and testify or produce said papers before the commission.

Power of commission.

The court, upon the petition of the commission or any member thereof, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission or any member thereof. A copy of said order shall be served upon said witness. If it is apparent to the court that said subpoena was regularly issued by the commission or member thereof, the court shall thereupon enter an order that said witness appear before the commission or member thereof at a time and place to be fixed in such order, and testify and produce the required papers and upon failure to obey said order said witness shall be dealt with as for contempt of court.

Duty of court.

The commission is hereby vested with full power, authority and jurisdiction to do and perform any and all things whether herein specifically designated or in addition thereto which are necessary or convenient in the exercise of any power or authority or jurisdiction conferred upon it under this act.

- Fixing stand-
ards. SEC. 5. The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules and regulations, or otherwise:
- (1) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.
 - (2) To fix reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employment and places of employment.
 - (3) To fix and order such reasonable standards for the construction, repair and maintenance of places of employment and equipment as shall render them safe.
 - (4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may demand.
- Hearings. SEC. 6. Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders as authorized by section 5 hereof, the commission shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation published and circulated in the city of Portland, Multnomah County, Oregon, and in such other papers of general circulation in the State of Oregon and published therein as the commission may deem expedient. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the commission after hearing had.
- Orders. SEC. 7. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any employment or place of employment is not safe or that the practices or means or methods or operations or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employments and places of employment, the commission shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employees in such employment and places of employment, and may in said order direct that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished, provided and used, as are reasonably required to render such employment or place of employment safe, in the manner and within the time specified in said order.
- Time for com-
pliance. SEC. 8. The commission may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.
- Orders, etc., to
be obeyed. SEC. 9. Every employer, employee and other person shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the commission in connection with the matters herein specified, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employees in such employments or places of employment, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation.
- Rehearings. SEC. 10. (a) Any party or person aggrieved directly or indirectly by any final order, decision, rule or regulation of the commission, made or entered under any provision contained in this act, may apply to the commission for a rehearing in respect to

any matters determined or covered by such final order, decision, rule or regulation and specified in the application for rehearing within the time and in the manner hereinafter specified, and not otherwise.

(b) No cause of action arising out of any such final order, or decision, shall accrue in any court to any person until and unless such person shall have made application for such rehearing and such application shall have been granted or denied: *Provided*, That nothing herein contained shall be construed to prevent the enforcement of any such final order, decision, rule or regulation in the manner provided in this act.

(c) Such application shall set forth specifically and in full detail the grounds upon which the applicant considers said final order, decision, rule or regulation is unjust or unlawful, and every issue to be considered by the commission. Such application must be verified upon oath in the same manner as required for verified pleadings in the courts of record and must contain a general statement of any evidence or other matters upon which the applicant relies in support thereof. The applicant for such hearing shall be deemed to have finally waived all objections, irregularities and illegalities concerning the matter upon which such rehearing is sought other than those set forth in the application for such rehearing.

(d) A copy of such application for rehearing shall be served forthwith on all adverse parties, if any, and any such adverse party may file an answer thereto within ten days thereafter. Such answer must likewise be verified. If there are no adverse parties, such application may be heard *ex parte* or the commission may require the application for rehearing to be served on such parties as may be designated by it.

(e) Upon filing of an application for a rehearing, if the issues raised thereby have theretofore been adequately considered by the commission, it may determine the same by confirming, without hearing, its previous determination, or if a rehearing is necessary to determine the issues raised, or any one or more of such issues, the commission shall order a rehearing thereon and consider and determine the matter or matters raised by such application. Notice of the time and place of such rehearing shall be given to the applicant and the adverse parties, if any, and to such other persons as the commission may order.

(f) If after such rehearing and a consideration of all the facts, including those arising since the making of the order, or decision involved, the commission shall be of the opinion that the original order, or decision or any part thereof, is in any respect unjust or unwarranted, or should be changed, the commission shall abrogate, change or modify the same. An order, or decision, made after such rehearing, abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission. An application for a rehearing shall be deemed to have been denied by the commission unless it shall have been acted upon within thirty days from the date of filing: *Provided, however*, That the commission may upon good cause being shown therefor, extend the time within which it may act upon such application for rehearing for not exceeding thirty days.

Sec. 11. The orders of the commission, general or special, its rules or regulations, findings and decisions, made and entered under the safety provisions of this act, may be reviewed by the courts specified in sections 11 and 12 of this act and within the time and in the manner therein specified and not otherwise.

Sec. 12. (1) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, any party affected thereby may appeal to the circuit court of this

Changes.

Review by courts.

Appeals.

State for the county in which is situated the place of employment complained of for the purpose of having the lawfulness of the original order or decision on the order or decision on rehearing inquired into and determined.

(b) It shall be sufficient to give the circuit court jurisdiction that a notice be filed with the clerk of said court to the effect that an appeal is taken to the circuit court from the order or decision of the commission and describing same sufficient for purposes of identification, the said notice to be signed by the party appealing or his attorney, and a copy thereof to be served by registered mail on the commission. Within ten days after the receipt of such notice the commission shall file with the clerk of said court the record of proceedings before the commission, including a transcript of the evidence and all evidence adduced upon the hearing and rehearing, if any, before the commission. The circuit court on application for good cause shown may extend the time within which the commission shall file such record, transcript and evidence. The cause shall be tried before the court in the same manner and as a suit in equity: *Provided, however*, That no new or additional evidence may be introduced in such court, but the cause shall be heard on the record to the commission as certified to by it. The appeal shall not be extended further than to determine whether or not:

(1) The commission acted without or in excess of its powers, or in violation of law.

(2) The order or decision was procured by fraud.

(3) The order, decision, rule or regulation is unreasonable.

(4) If findings of fact are made, whether or not such findings of fact support the order or decision under review.

(c) An appeal may be taken from the decree of the circuit court to the supreme court as in other civil cases.

General powers.

SEC. 13. The commission shall have further power and authority:

(1) To cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of employers and their employees and the general public in regard to the causes and prevention of industrial accidents, occupational diseases and related subjects.

(2) To appoint advisers who shall, without compensation, assist the commission in establishing standards of safety, and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers.

Orders as evidence.

SEC. 14. Every order of the commission, general or special, its rules and regulations, findings and decision, made and entered under the safety provisions of this act shall be admissible as evidence in any prosecution for the violation of any of the said provisions and shall, in every such prosecution, be conclusively presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety, unless, prior to the institution of the prosecution for such violation or violations, proceedings for a rehearing thereon or a review thereof shall have been instituted as provided in section 11 of this act and not then finally determined.

Violations.

SEC. 15. Every employer, employee or other person who, either individually or acting as an officer, agent or employee of a corporation or other person, violates any safety provision contained in sections 1, 2 and 3 of this act, or any part of any such provision, or who shall fail or refuse to comply with any such provision or any part thereof, or who, directly or indirectly, knowingly induces another so to do is guilty of a misdemeanor.

Separate offenses.

SEC. 16. Every violation of the provisions contained in sections 1, 2 and 3 of this act, or any part or portion thereof, by any person, firm or corporation is a separate and distinct offense, and, in case of a continuing violation thereof, each day's continuance thereof shall constitute a separate and distinct offense. Any person violating any of the provisions contained in sections 1, 2

and 3 of this act, or any part or portion thereof, or any lawful order, rule or regulation of the commission adopted or promulgated in accordance with the provisions of this act shall be punished by a fine of not more than \$100, or by imprisonment in the county jail for not more than six months; or by both such fine and imprisonment, in the discretion of the court. Justice and district courts shall have concurrent jurisdiction with the circuit court for the prosecution and punishment of all crimes committed pursuant to or contrary to the provisions of this act.

Penalties.

Sec. 17. All expenses incurred by the commission under the provisions of this act shall be paid out of the industrial accident fund, and all fines imposed and collected under prosecutions for violations of the provisions of this act shall be paid into the industrial accident fund.

Expenses and fines.

Sec. 18. It shall be the duty of the commissioner of labor statistics and inspector of factories and workshops to see that the general and special orders, rules and regulations of the commission are enforced, and he shall at any and all times give said commission any information that would assist said commission in carrying out the purposes of this act.

Enforcement.

Sec. 19. Whenever in this act the term "commission" is used, it shall be understood to mean the State industrial accident commission.

Definition.

Sec. 20. The various sections, subsections, subdivisions, sentences, clauses and phrases of this act shall be deemed severable and independent to the end that if any of them shall be held void or unconstitutional by any court of competent jurisdiction, then all other sections, subsections, subdivisions, sentences, clauses and phrases of this act which are not expressly held to be void or unconstitutional shall continue in full force and effect and be deemed operative and valid.

Provisions severable.

Approved by the governor January 20, 1920.

PORTO RICO.

ACTS OF 1920.

ACT No. 2.—Homes for workingmen.

[This act amends Act No. 28, Acts of 1917. Sections 9 and 16 are amended so as to read as follows:]

SECTION 9. All moneys received as rental or other income from the said houses shall be administered by the treasurer of Porto Rico, and shall constitute a special fund in the treasury of Porto Rico, which moneys are hereby appropriated for expenditure by the commissioner of the interior, with the approval of the homestead commission, for the payment of expenses of repairs and maintenance of the said houses and for the construction of new houses and for the purchase of lands, when permissible by the amount therein.

Use of funds.

SEC. 16. Lots of land to be leased for dwelling purposes with the right of ownership in accordance herewith, shall be of such area as the commissioner of the interior and the homestead commission shall determine, but shall not exceed five hundred square meters. Lots of land to be leased for dwelling and farming purposes with the right of ownership in accordance herewith, shall be of such areas as the commissioner of the interior and the homestead commission shall determine, in accordance with the quality of the land and the crops to which it is to be devoted.

Areas.

[Sections 19, 20, 21 and 22 are amended by inserting the words "lot and house" or "lots and houses," as the case may be, after the word "lot" or "lots," where it occurs.]

Approved May 6, 1920.

ACT No. 19.—Homes for workingmen—City of San Juan.

[This act provides for the improvement for city dwellings for workingmen of certain lands belonging to the people of Porto Rico in the municipality of San Juan, in accordance with the provisions of Act No. 28, Acts of 1917, the building, leasing, maintenance, etc., of dwellings, and the financing of the project by the issue of bonds amounting to \$500,000. An appropriation for expenses in the amount of \$5,000 is made, and the undertaking is declared to be a public purpose, and all works authorized by the act to be of public utility.]

City homes.

RHODE ISLAND.

ACTS OF 1920.

CHAPTER 1833—*Labor organizations, etc.—Unauthorized wearing of insignia and badges.*

[Section 31 of chapter 349 of the General Laws is amended so as to read as follows:]

"SECTION 31. Any person not a member, * * * of any labor union which shall have registered in the office of the secretary of state a facsimile or duplicate or description of its name, badge, decoration, insignia, button, emblem or rosette, who shall use or wear, respectively, the name, badge, decoration, insignia, button, emblem or rosette thereof, unless he or she shall be entitled to use or wear the same, respectively, under the constitution, by-laws, or rules and regulations of said societies or orders, respectively, shall be fined twenty dollars for each offense." Only members to wear.

Approved January 28, 1920.

CHAPTER 1849.—*Factory inspectors.*

[This act amends section 3, chapter 78 of the General Laws, by providing for a deputy chief inspector at \$2,500, and three assistant inspectors at \$2,000, instead of four assistants at \$1,500. The salary of the chief inspector is made \$3,000 instead of \$2,500. Annual reports on factories need no longer include the number of hours worked per week.] Salaries.

CHAPTER 1907.—*Factory, etc., regulations—Sanitation.*

[This act amends section 8, chapter 78 of the General Laws, by placing on the owner of any building in which a factory, manufacturing or mercantile establishment is located, the duty of installing water closets, instead of on the owner, agent, or lessee of any factory, etc.] Owner's duty.

SOUTH DAKOTA.

ACTS OF 1920—SECOND EXTRA SESSION.

CHAPTER 54.—Free public employment offices.

SECTION 1. The State employment service department of the State of South Dakota is hereby established. The State immigration commissioner shall also be the executive officer of the State employment service department, and the management of such department shall be under his supervision. He shall have authority to appoint agents who shall be under the direction of the commissioner of immigration as may be required in carrying out the provisions of this act. Such agents being located at convenient points in the State for the handling of the movements of labor of all classes, with the view that labor will not be congested at any one point to an extent as to disturb the best interests of the State, and to use their endeavors to keep the supply of labor filled at the places where it is desired and in seasonable time: *Provided*, That the county commissioners of any county may appropriate money to aid in maintaining of free employment agents in connection with the State free employment service not to exceed the sum of five hundred dollars in any one year.

Service department established.

Agents.

Such agents may be located at points in the State which will best serve to carry out the provisions and intent of this act, and the commissioner in charge has power to enter into agreements with governing bodies of cities or counties which desire such service to use portion of the fund provided by the State to assist in maintenance of any such service put into effect by such governing bodies, or he may establish offices at points where he deems to be of the best interest of employment and maintain the same.

Locations.

The commissioner of immigration in his capacity of head of the State employment service department is empowered to employ such clerical assistance as is necessary to carry out the provisions of this law and fix their compensation; to secure and distribute the necessary books and forms for keeping a record of the movements of labor, and those placed in positions through such department, and all reports required to be made to that end.

Clerical aid.

SEC. 2. The agents in charge of any of the employment offices established under the provisions of this act, and under the direction of the commissioner of immigration, shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the immigration commissioner.

Registry.

SEC. 3. Each such agent shall make the commissioner of immigration such periodic reports of applications for labor or employment and all other details of the office work of each office, and the expense of maintaining the same as the commissioner may require.

Reports.

SEC. 4. The commissioner shall render all aid and assistance necessary for the enforcement of any claim by an employee against his employer which the commissioner finds reasonable and just and for the protection of the employee from frauds, extortions, exploitations or other improper practices on the part of persons public or private, and shall investigate such claims for the purpose of presenting the facts to the proper authorities and of inducing action thereon by the various agencies of the State possessing the requisite jurisdiction.

Claims.

SEC. 5. An employer, or a representative of employers or employees may file at a public employment office a signed statement

Strikes or lock-outs.

with regard to a strike or lockout affecting their trade. Such statement shall be posted in the employment office, but not until it has been communicated to the employers affected if filed by employees, or to the employees affected, if filed by the employers. In case a reply is received to such a statement, it shall also be posted in the employment office with the same publicity given the first statement. If an employer affected by a statement notifies the public employment office of a vacancy or vacancies, the officer in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

Advertising.

SEC. 6. The commissioner of immigration shall have power to solicit business for the public employment offices established under this act by advertising in newspapers and in any other way he may deem expedient, and take other steps that he may deem necessary to insure the success and efficiency of such offices: *Provided*, That the expenditure under the provisions shall not exceed five per cent of the total expenditure for the purpose of this act.

Fees.

SEC. 7. No fees direct or indirect shall in any case be charged or received from those seeking the benefits of this act.

Violations.

SEC. 8. Any agent or clerk, subordinate or appointee, appointed under the provisions of this act who shall accept directly or indirectly any fee, compensation or gratuity from any one seeking employment or labor under this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred (\$100) dollars or by imprisonment in jail not to exceed three months, or both, and shall thereafter be disqualified from holding any office or position in such department.

Bulletin.

SEC. 9. The department shall publish a bulletin in which shall be made public all possible information with regard to the state of the labor market, including reports of the businesses of the various public employment offices.

Registers.

SEC. 10. For the purposes specified in the foregoing section every employment office or agency established under this act, shall keep a register of applicants for work and applicants for help in such form as may be required by the commissioner of immigration in order to afford the same information as that supplied by State offices. Such register shall be open to inspection by the commissioner of immigration and information therefrom shall be furnished to him at such times and in such form as he may require.

Approved July 3, 1920.

CHAPTER 61.—*Conciliation of labor disputes—Industrial commissioner.*

Duty of commissioner.

SECTION 1. In case of strikes, lockouts or other controversies between employers and employees, the industrial commissioner, whenever he deems it advisable in the interest of the public or either party, shall endeavor to conciliate the parties to the controversy and induce them to confer with each other and compose their differences. If his efforts as conciliator prove unsuccessful,

Investigation.

he shall thereupon impartially investigate the matters in difference between the parties giving each ample opportunity for presentation of the facts and shall thereupon make his report of the issues involved and his recommendation for settlement of the controversy and furnish a copy thereof to each of the parties and to the local newspapers for publication for the information of the public. The industrial commissioner shall have the right, if he so desires, or if requested by either party, to call in two capable and disinterested citizens to assist in the investigation and advise with him as to his recommendations.

Approved June 30, 1920.

TEXAS.

ACTS OF 1920—THIRD SPECIAL SESSION.

Senate concurrent resolution No. 5—Minimum wage—Request for postponement.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that, unless said minimum wage law is amended by the present special session of this legislature so as to cure the defects in same and make same practical, workable and just, the industrial welfare commission provided for in said act, be, and it is hereby, requested and earnestly solicited not to fix, or attempt to fix, any wage for females and minors at this time, but that the same be deferred until after another regular session of the Legislature of the State of Texas shall have had an opportunity to correct the deficiencies in said law and to make it possible for the passage of an act which will not seriously be to the injury and detriment of both the employers and employees of this State.

Nonaction requested.

Approved June 12, 1920.

ACTS OF 1920—FOURTH SPECIAL SESSION.

CHAPTER 5.—*Interference with employment—Commerce.*

SECTION 1. The words "common carrier" for the purposes of this act are defined and shall be construed to mean any railway corporation, any express company, any interurban railway company, any street-car company, any ship, dock, wharf company, any pipe-line company, engaged in the transportation of freight, express or passengers.

Common carrier.

SEC. 2. The word "commerce" for the purposes of this act is defined and shall be construed to mean any freight, express or passengers being handled or transported by any common carrier as herein defined.

Commerce.

SEC. 3. The uninterrupted management, control and operation of the common carriers of this State is declared to be of vital importance to the welfare of the people of this State. It is therefore declared to be the policy of this State that the same shall not be impeded or interfered with by any person, association of persons, individually or collectively, or by any corporation, its agents or employees.

Policy declared.

SEC. 4. It shall be unlawful for any person or persons by or through the use of any physical violence or by threatening the use of any physical violence, or by intimidation or threatening destruction of his property to interfere with or molest or harass any person or persons engaged in the work of loading or unloading or transporting any commerce within this State.

Interference forbidden.

SEC. 5. It shall be unlawful for any two or more persons to conspire together to prevent or attempt to prevent by the use of physical violence or intimidation or by threats of physical violence or by abusive language spoken or written to any person engaged in loading or unloading or transporting any commerce within this State or performing the duties of such employment.

Conspiracy.

SEC. 6. Every person who shall through any act or written communication or conversation with any person or persons engaged in loading, unloading or transporting any commerce by any common carrier in Texas or with the father, mother, wife, sister, brother, child or children of such person or persons while so engaged or during the hours of day or night while not en-

Putting in fear.

- gaged in such work and when employed for such work which is reasonably calculated, intended or designed to cause such person or persons so engaged to desist from performing such work through fear of physical violence or destruction of his property shall be deemed to have intimidated, molested or harassed such person or persons engaged in the work of loading or unloading or transporting commerce within this State.
- Person engaged in work.** SEC. 7. The term "person or persons engaged in the work of loading or unloading or transporting commerce in this State" as used in this act shall be construed as including any person or persons employed in any way in the docks, wharves, switches, railroad tracks, express companies, compresses, depots, freight depots, pipe lines, or approaches or appurtenances to or incident to or used in connection with the handling of commerce by common carriers within this State. This section by naming certain occupations and work shall not be construed to exclude any other occupation or work not named, but reasonably incident to and necessary for the transportation of commerce in this State by common carriers.
- Exemption.** SEC. 8. The provisions of this act shall not apply to peace officers in the discharge of their lawful duties.
- Penalties.** SEC. 9. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than thirty days nor more than one year, or by both such fine and imprisonment: *Provided, however,* Should any person violating any of the provisions of this act use any physical violence upon, or threaten the life of any person engaged in the work of loading or unloading, or transporting any commerce, as defined in this act, he shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than one year or more than five years.
- Governor to act.** SEC. 10. If at any time the movement of commerce by common carriers of this State or any of them is interfered with in violation of the provisions of this act, and the governor of this State, after investigation, becomes convinced that the local authorities were failing to enforce the law, either because they were unable or unwilling to do so, the governor shall, in order that the movement of commerce may not be interfered with, forthwith issue his proclamations declaring such conditions to exist and describing the area thus affected.
- Powers.** SEC. 11. Upon the issuance of the proclamation provided for in the preceding section, the governor shall exercise full and complete police jurisdiction of the area described in the proclamation whether the same be all within or partly within, or partly without the limits of any incorporated city or county; the exercise of said police jurisdiction by the governor, as above set out, shall supersede all police authority by any and all local authority, provided that the governor shall not disturb the local authorities in the exercise of police jurisdiction, at any place outside the district described in his proclamation.
- Arrests.** SEC. 12. No peace officer of the State of Texas shall be permitted to make arrests after the governor's proclamation has become effective, in the territory embraced by such proclamation, except officers acting under the authority of the governor under the provisions of this act. Persons arrested within the district shall be delivered forthwith to the proper authorities for trial.
- Prosecutions.** SEC. 13. Indictment for violation of the provisions of this act may be returned by the grand jury of the county in which the violation occurs, or by the grand jury of any county adjoining the county in which the territory embraced in the governor's proclamation is situated. Any person indicted may be prosecuted and tried in the county in which the indictment is returned, but no indictment shall be returned in any county except where the offense occurred, until after the governor has issued his proclama-

tion as provided for herein. Provided that nothing in this act as to change of venue shall in any manner abridge the right of the defendant to apply for and secure a change of venue under the existing laws of this State, the same as if the indictment had been returned to the county where the offense is alleged to have been committed.

Sec. 14. When the provisions of this act have been violated by any person or persons and the grand jury of the county in which the offense was committed have returned an indictment the district judge in whose court the indictment may be returned shall grant a change of venue upon motion made by the attorney general representing this State, or at his direction, or by the local prosecuting attorney. The motion for a change of venue shall be sufficient if it sets out that the offense charged is prohibited by the provisions of this act, and that on account of local conditions, preferences, prejudices or influence, it is the opinion of the attorney general that a fair and impartial trial can not be had in the county where the indictment is found. Upon the filing and presenting of such motion it will be the duty of the district judge in whose court such case may be pending to immediately issue a proper order changing the venue of such case to such other county as the court may select not subject in the opinion of the attorney general to like conditions and objections.

Venue.

Sec. 15. The attorney general, when directed by the governor, shall assist the district or county attorney in the prosecution of all offenses committed within the territory embraced by said proclamation for all violations of the provisions of this act.

Attorney general.

Sec. 16. The provisions of this act shall be effective without a declaration of martial law. The State Rangers may be used in the enforcement of the provisions of this act; if a sufficient number of rangers are not available, the governor is authorized to employ any number of men to be designated as special rangers and such men shall have all the power and authority of the regular rangers, and shall be paid the same salary as the rangers are paid, and such salaries shall be paid out of the appropriation made to the executive office for the payment of rewards and the enforcement of the law.

Enforcement.

Sec. 17. Nothing in this act shall be construed as limiting the power and authority of the governor to declare martial law and to call forth the militia for the purpose of executing the law, when in the judgment of the chief executive it is deemed necessary so to do. This act shall be construed as cumulative of existing laws of this State, and shall not be held to repeal any of the same except where in direct conflict herewith.

Construction of act.

Approved October 2, 1920.

CHAPTER 9.—*Industrial commission—Labor disputes.*

SECTION 1. There is hereby created an industrial commission, composed of five members, one of said members to represent employers of labor, one to represent the employees or laborers, and three to represent the general public. The members of this commission shall be appointed by the governor, to hold office for a term of two years, or until their successors shall be appointed and qualified. The members of this commission shall serve without pay or salary, but the actual expenses incurred during hearings had by or before the commission and railway fare and hotel bills incurred by them shall be paid out of appropriations made to the executive office for the payment of rewards and the enforcement of the law, until such time as the legislature may make appropriations to cover such items.

Commission created.

Sec. 2. By a majority vote the members of this commission shall elect one of their members as chairman of the commission, to preside at all hearings had under the provisions of this act, with power and authority usually exercised by chairman in such capacity; and said commission shall have authority to employ a competent stenographer to act as secretary of such commission,

Organization.

- and to pay said secretary and stenographer a reasonable salary. The salary shall be paid out of the fund or funds described in section 1 of this act.
- Duty of gov-
ernor.** SEC. 3. When the governor of Texas becomes convinced or has reason to believe that controversies between employers and employees are of such nature and character as to be of public concern or interest he shall refer, by proclamation, such controversy or controversies to the commission here created for hearing and report.
- Procedure.** SEC. 4. The commission, and the members thereof, shall forthwith proceed to the place where the employees in the controversy may be located, or to such other place as may appear best to said commission for the purpose of making investigation and report; and said commission shall make investigation and hear testimony concerning the controversy between the employers and employees; and after said investigation shall have been completed a full report shall be made to the governor, covering the facts established by the investigations made and hearings had. Said commission shall make recommendations to the governor as to what action should be taken in reference to the controversy or the settlement thereof.
- Hearings.** SEC. 5. All hearings had by this commission shall be open to the public; and the findings and recommendations of the commission shall be furnished to the news agencies and newspapers of the State, to be published by the several papers of this State as news items.
- Reports.** SEC. 6. The commission shall also make full report to the legislature, if in session, and if not in session, then to the succeeding session of the legislature, setting forth the findings and recommendations, accompanied by a transcript of the testimony taken at the hearings provided for herein.
- Powers.** SEC. 7. The commission shall have power to summon witnesses, to issue subpoenas, to compel attendance of witnesses, to compel production of books and records by witnesses, to punish for contempt, to hold sessions and to take testimony in or out of the State of Texas, and to pay witnesses as paid in felony cases, to administer oaths; and to have all powers now given by statutes of Texas to legislative investigation committees.

Approved October 4, 1920.

CHAPTER 13.—*Emigrant agents.*

- License re-
quired.** SECTION 1. No person, firm or private employment agency shall engage in or carry on the business of an emigrant agent in this State without first having obtained a license therefor from the commissioner of labor statistics of the State of Texas.
- Definition.** SEC. 2. The term "emigrant agent" as contemplated in this act shall be construed to mean any person who engages in hiring laborers or soliciting emigrants or laborers in this State to be employed beyond the limit of this State.
- Application for
license.** SEC. 3. Any person, firm or private employment agency desiring to be licensed hereunder as an emigrant agent shall make application to the commissioner of labor statistics on forms to be prescribed by said commissioner, in which he shall state his name, age, place where his business is to be conducted, his previous occupation for the past five years, and the names of the counties of the State in which he expects to engage in hiring laborers or soliciting laborers or emigrants in this State to be employed beyond the limits of the State; such application shall, also, be accompanied by affidavits of at least three credible men that the applicant is of good moral character. The commissioner of labor statistics may require other and additional evidence of the moral character of the applicant, if he deems it necessary; and no license shall be granted to any person except one of good moral character. Such application shall be examined by the commissioner of labor statistics and if he finds that the same in all

respects complies with the law and that the applicant is entitled to a license under this act, then he shall issue a license to the applicant for each county for which application is made, and shall deliver such license to the applicant upon the payment of a license fee of one hundred dollars for each county in which said solicitation or employment shall be engaged in by said agent, and the execution of a good and sufficient bond in the penal sum of five thousand dollars for each such county, to be approved by said commissioner of labor statistics and conditioned that the obligor will not violate any of the duties, terms, conditions and requirements of this act, and will not make any false representation or statement to any person solicited or employed. Said bond shall recite that any person injured by any false or fraudulent statement of such emigrant agent, or by any violation of the provisions hereof by such agent, shall be entitled to sue thereon, and, that service of process on the commissioner of labor statistics as agent for such emigrant agent shall be sufficient to bind the principal on said bond. Said commissioner is authorized to cause action to be brought on said bond by the attorney general for any violation of any of its conditions; and any person aggrieved by any action or conduct or any false representation or statement of any such licensed party may bring action for damages against such party on said bond in the county in which same is filed, and recover thereon and against the bondsmen in any court of competent jurisdiction without the necessity of making the State a party thereto. On a full hearing the commissioner may revoke any license for any violation of the provisions of this act.

Fee.

Bond.

Revocation.

SEC. 4. The commissioner of labor statistics shall promptly upon the issuing of any license by him, notify the comptroller of public accounts of the issuance of such license and of the person to whom same is issued, and of the county or counties in which such emigrant agent will engage in business, and shall likewise notify the collector of taxes of each, and every county in which such emigrant agent shall have been licensed of such facts.

Notice of license.

SEC. 5. It shall be the duty of every party licensed hereunder to keep and maintain an office, at which office a complete record of the business transacted shall be kept; there shall be kept a substantial book in the form prescribed by the commissioner of labor statistics, in which shall be entered the age, sex, nativity, trade or occupation, name and address of every person or laborer hired or emigrant solicited to be employed beyond the limits of this State and where such person or emigrant was directed to go, and the address of such person or emigrant, if known. Such licensed party shall also enter in a register the name and address of every person who shall make application for laborers or emigrants to be employed beyond the limits of this State. All the books and registers, correspondence, memoranda, papers and records of every party licensed hereunder shall be subject to examination at any time by the commissioner of labor statistics, his deputies and inspectors. The fees charged for hiring laborers or soliciting emigrants in this State for employment beyond the limits of this State shall not exceed two dollars for each such person or emigrant; and the fees charged any person who desires to find labor beyond the State or to emigrants beyond the boundaries of the State for the purpose of obtaining employment shall not exceed two dollars for each such person, and in no event shall more than two dollars be collected from any one for the same person who seeks employment beyond the State as a laborer or emigrant: *Provided*, That all cases where the applicant who seeks employment beyond the State does not obtain such employment through the party licensed hereunder, then such party must return all fees collected from such applicant within thirty days after same has been collected.

Records.

Registers.

Fees.

Return.

SEC. 6. It shall be the duty of the commissioner of labor statistics to enforce this act, and when any violation thereof

Enforcement.

comes to his knowledge it shall be his duty to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction.

Violations.

SEC. 7. Any person engaging in the business governed and regulated by this act, except in accordance with the provisions hereof and except he be licensed, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than three hundred dollars for each such offense, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment: *Provided*, That nothing in this act shall be construed to apply to municipal employment bureaus or employment agencies operated purely for charitable purposes.

Funds.

SEC. 8. All appropriations heretofore made for the support and maintenance of the department of the commissioner of labor statistics may be used in the enforcement and administration of this act.

Approved October 19, 1920.

CHAPTER 14.—*Emigrant agents—Tax.*

Occupation tax.

SECTION 1. There is hereby levied, and there shall be collected from each and every person, firm or private employment agency who shall engage in or pursue the business of an emigrant agent, as that term is defined by the statutes of this State, an annual occupation tax in the sum of five hundred dollars, which tax shall be paid in advance by any person, firm or private employment agency before engaging in or pursuing the business of emigrant agent. The tax hereby levied shall be in addition to any license fees which may be otherwise prescribed by statute.

Violations.

SEC. 2. Any person, firm or private employment agency who shall engage in or pursue the occupation or business of emigrant agent, as that term is defined by the statutes of this State, without first paying the occupation tax provided in the foregoing section shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not less than the amount of such taxes due, and not more than double that sum, and in addition thereto may be imprisoned in the county jail for any length of time not more than one year.

Approved October 19, 1920.

VIRGINIA.

ACTS OF 1920.

CHAPTER 251.—*Sunday labor—State employees.*

SECTION 1. Every employee of the State government or of any department thereof, who is required to be on duty seven days in each calendar week, shall on and after the passage of this act be relieved from duty, without any reduction in pay, at least two Sundays in each calendar month. The heads of the various departments are hereby authorized to take such steps as may be necessary to put this act into effect. Days of rest.

Approved March 16, 1920.

CHAPTER 281.—*Railroads—Shelters for repair of trucks.*

SECTION 1. The State corporation commission is empowered in its discretion after due hearings to require persons, firms, corporations or receivers thereof employing men in the construction of heavy repair of railroad cars or car trucks or similar equipment to erect and maintain buildings or sheds for the protection of men employed in such repair or construction work, from inclement weather and to promulgate and enforce rules, regulations and orders concerning such work and the size and construction of such buildings or sheds, and for the regulation of the work to be done under such buildings or sheds, to the end that men so employed may have so much protection as can reasonably be afforded, without an unreasonable interference with the work or system of the institution where such work is being done. Powers of commission.

The State corporation commission shall have power to enforce any such order by a fine, not exceeding twenty-five dollars per day for each day that any such employer shall fail to comply therewith; such fine to be collected by the commission, by its process. Enforcement.

Should the corporation commission decide that the sheds should be built they shall not require exceeding ten per centum to be built in any one year. Rate of compliance.

Approved March 19, 1920.

CHAPTER 390.—*Employment of children—Canneries.*

SECTION 1. Children over the age of twelve years shall be permitted to work in fruit or vegetable canneries for not more than eight hours in any one day, when the public schools are not actually in session. Vacation employment.

Approved March 20, 1920.

CHAPTER 392.—*Vocational rehabilitation—State and Federal cooperation.*

SECTION 1. In order to provide for the vocational training and rehabilitation of employees coming under the provisions of the Virginia Workmen's Compensation Act, whose capacity to earn a living has been destroyed or greatly impaired as a result of accident arising in the course of their employment, there is hereby created and established, under the direction and control of the Industrial Commission of Virginia, a division for vocational rehabilitation. Division of rehabilitation.

SEC. 2. Any such employee who may desire to avail of the benefits of this act, and who is without sufficient means to pro- Applicants.

vide for his or her own rehabilitation, may apply to said division, on blanks to be prepared and furnished by the Industrial Commission of Virginia for that purpose; and said commission shall thereupon examine fully into the merits of each case and make such order thereon as it may seem proper, giving preference, however, to the applicants whose disabilities are the greatest, and who were residents of the State of Virginia at the time of sustaining their injuries.

Appointments. SEC. 3. The said Industrial Commission of Virginia may appoint any such applicants whom they shall consider fit subjects for rehabilitation and education beneficiaries at any suitable institution or school now established, or that may be hereafter established, either within or without the State for such period as they may determine, not to exceed the period of one year: *Provided*, That on the special recommendation of the institution or school to which the beneficiary may be appointed, and with the approval of the governor, the period may be further extended for not exceeding six additional months.

The commission shall have power to revoke any appointment so made at any time for cause.

Awards terminate, when. SEC. 4. Whenever any such employee, as the result of the educational rehabilitation hereby provided shall have been enabled to regularly earn an amount equal to or greater than the amount of his or her "average weekly wage" at the date of injury, his or her right to the payment of future compensation under any existing award, save and except such awards as are provided for by section thirty-two of the Virginia Workmen's Compensation Act, shall thereafter cease and determine, and if, as a result of such educational training the employee is enabled to earn regularly a wage in excess of fifty per centum of the "average weekly wage" that he or she was enjoying at the time of injury (save injuries provided for in said section thirty-two), the existing award and his or her rights thereunder shall be modified in accordance with the provisions of section thirty-one of the Virginia Workmen's Compensation Act.

Appropriation. SEC. 5. For the purpose of carrying out the provisions of this act for the year ending December thirty-first, nineteen hundred and twenty, the sum of ten thousand dollars (\$10,000) is hereby appropriated, to be paid into a separate fund to be known as the State rehabilitation fund, the same to be paid, however, from any surplus amounts now standing to the credit of the "administrative fund" of the Industrial Commission of Virginia, created by section seventy-five (c) and (d) of the Virginia Workmen's Compensation Act. A like sum shall be annually appropriated for the purpose of carrying into effect the provisions of this act from the same fund if so much is available after paying all the expenses incident and necessary to the original purposes for which said "administrative fund" was created; and if so much as ten thousand dollars (\$10,000) is not available for that purpose in any year, then such amount, not in excess of ten thousand dollars (\$10,000), as is so available shall annually be appropriated for the purpose of this act. It being intended hereby to utilize and apply to the purposes of this act annually the sum of ten thousand dollars (\$10,000) from said fund if so much may be available after all expenses incident to the conduct of the business of the industrial commission shall have been fully provided for.

Gifts, etc. SEC. 6. The Industrial Commission of Virginia are hereby created and designated as trustee to receive and accept any gifts, legacies or devices [sic] that may at any time be made for the purpose of carrying out the provisions of this act or in aid thereof. Any funds so received to be paid into the State treasury and to become a part of the industrial rehabilitation fund.

Federal cooperation. The said Industrial Commission of Virginia are hereby authorized and empowered to cooperate with the United States Government in work of a like or similar nature as is hereby provided for, and by and with the approval of the governor to

accept the benefits of any legislation that may hereafter be enacted by the United States Government having for its end the rehabilitation and training of employees injured in the course of their employment.

Approved March 20, 1920.

CHAPTER 507.—*Employment of children—General provisions.*

[Section 1810 of the Code of Virginia (1919) is amended to read as follows:]

SECTION 1810. No child under sixteen years of age shall be employed or permitted to work in any mine or quarry. No child under sixteen years of age shall be employed or permitted to work in, about or in connection with any establishment or occupation named in section eighteen hundred and nine for more than six days in any one week, nor more than eight hours in any one day, nor before the hour of seven o'clock in the morning, nor after the hour of nine o'clock in the evening; nor be employed or permitted to work in, about, or in connection with any establishment or occupation named in section eighteen hundred and nine, 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 section, the employment certificate required in the following section, and keeps two complete lists of the names, together with the ages of all children under sixteen years of age, employed in or for such establishment, or for such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed. On the 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 it, with a statement of the reasons for the termination of said employment.

2. So much of * * * [chapter 204, Acts of] nineteen hundred and eighteen, * * * as is inconsistent with the provisions of the section, is hereby repealed: *Provided*, That this act shall not apply to children between the ages of twelve and sixteen working in vegetable and fruit factories eight hours in any one day when public schools are not actually in session, nor to children of such ages employed in running errands or delivering parcels.

Approved March 25, 1920.

Age limit.
Hours of labor.
Night work.
Certificate.
Repeal.
Exemption.

UNITED STATES.

ACTS OF 1920—SIXTY-SIXTH CONGRESS—SECOND SESSION.

CHAPTER 91.—*Railroads—Adjustment of disputes with employees—Wages—Labor board.*

(41 Stat. 469.)

SECTION 300. When used in this title—

(1) The term "carrier" includes any express company, sleeping car company, and any carrier by railroad, subject to the Interstate Commerce Act, except a street, interurban, or suburban electric railway not operating as a part of a general steam railroad system of transportation;

Definitions.

(2) The term "Adjustment Board" means any Railroad Board of Labor Adjustment established under section 302;

(3) The term "Labor Board" means the Railroad Labor Board;

(4) The term "commerce" means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other Territory, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation; and

(5) The term "subordinate official" includes officials of carriers of such class or rank as the [Interstate Commerce] Commission shall designate by regulation formulated and issued after such notice and hearing as the Commission may prescribe, to the carriers, and employees and subordinate officials of carriers, and organizations thereof, directly to be affected by such regulations.

SEC. 301. It shall be the duty of all carriers and their officers, employees, and agents to exert every reasonable effort and adopt every available means to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof. All such disputes shall be considered and, if possible, decided in conference between representatives designated and authorized so to confer by the carriers, or the employees or subordinate officials thereof, directly interested in the dispute. If any dispute is not decided in such conference, it shall be referred by the parties thereto to the board which under the provisions of this title is authorized to hear and decide such dispute.

Avoidance of interruptions.

SEC. 302. Railroad boards of labor adjustment may be established by agreement between any carrier, group of carriers, or the carriers as a whole, and any employees or subordinate officials of carriers, or organization or group of organizations thereof.

Boards of adjustment.

SEC. 303. Each such adjustment board shall, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon the written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, (3) upon the adjustment board's own motion, or (4) upon the request of the Labor Board whenever such board is of the opinion that the dispute is likely substantially to interrupt commerce, receive for hearing, and as soon as practicable and with due diligence decide, any dispute involving

To act, when.

only grievances, rules, or working conditions, not decided as provided in section 301, between the carrier and its employees or subordinate officials, who are, or any organization thereof which is, in accordance with the provisions of section 302, represented upon any such adjustment board.

Railroad labor board.

SEC. 304. There is hereby established a board to be known as the "Railroad Labor Board" and to be composed of nine members as follows:

(1) Three members constituting the labor group, representing the employees and subordinate officials of the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by such employees in such manner as the Commission shall by regulation prescribe;

(2) Three members, constituting the management group, representing the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by the carriers in such manner as the Commission shall by regulation prescribe; and

(3) Three members, constituting the public group, representing the public, to be appointed directly by the President, by and with the advice and consent of the Senate.

Any vacancy on the Labor Board shall be filled in the same manner as the original appointment.

Appointments.

SEC. 305. If either the employees or the carriers fail to make nominations and offer nominees in accordance with the regulations of the Commission, as provided in paragraphs (1) and (2) of section 304, within thirty days after the passage of this act in case of any original appointment to the office of member of the Labor Board, or in case of a vacancy in any such office within fifteen days after such vacancy occurs, the President shall thereupon directly make the appointment, by and with the advice and consent of the Senate. In making any such appointment the President shall, as far as he deems it practicable, select an individual associated in interest with the carriers or employees thereof, whichever he is to represent.

Eligibility.

SEC. 306. (a) Any member of the Labor Board who during his term of office is an active member or in the employ of or holds any office in any organization of employees or subordinate officials, or any carrier, or owns any stock or bond thereof, or is pecuniarily interested therein, shall at once become ineligible for further membership upon the Labor Board; but no such member is required to relinquish honorary membership in, or his rights in, any insurance or pension or other benefit fund maintained by, any organization of employees or subordinate officials or by a carrier.

Terms

(b) Of the original members of the Labor Board, one from each group shall be appointed for a term of three years, one for two years, and one for one year. Their successors shall hold office for terms of five years, except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Each member shall receive from the United States an annual salary of \$10,000. A member may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

Cases from boards of adjustment.

SEC. 307. (a) The Labor Board shall hear, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions, in respect to which any adjustment board certifies to the Labor Board that in its opinion the adjustment board has failed or will fail to reach a decision within a reasonable time, or in respect to which the Labor Board determines that any adjustment board has so failed or is not using due diligence in its consideration thereof. In case the appropriate adjustment board is not organized under the provisions of section 302, the Labor Board, (1) upon the application of the chief executive of any carrier or organization of employees or

subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions which is not decided as provided in section 301 and which such adjustment board would be required to receive for hearing and decision under the provisions of section 303.

(b) The Labor Board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, all disputes with respect to the wages or salaries of employees or subordinate officials of carriers, not decided as provided in section 301. The Labor Board may upon its own motion within ten days after the decision, in accordance with the provisions of section 301, of any dispute with respect to wages or salaries of employees or subordinate officials of carriers, suspend the operation of such decision if the Labor Board is of the opinion that the decision involves such an increase in wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier. The Labor Board shall hear any decision so suspended and as soon as practicable and with due diligence decide to affirm or modify such suspended decision.

(c) A decision by the Labor Board under the provisions of paragraphs (a) or (b) of this section shall require the concurrence therein of at least 5 of the 9 members of the Labor Board: *Provided*, That in case of any decision under paragraph (b), at least one of the representatives of the public shall concur in such decision. All decisions of the Labor Board shall be entered upon the records of the board and copies thereof, together with such statement of facts bearing thereon as the board may deem proper, shall be immediately communicated to the parties to the dispute, the President, each adjustment board, and the Commission, and shall be given further publicity in such manner as the Labor Board may determine.

(d) All the decisions of the Labor Board in respect to wages or salaries and of the Labor Board or an adjustment board in respect to working conditions of employees or subordinate officials of carriers shall establish rates of wages and salaries and standards of working conditions which in the opinion of the board are just and reasonable. In determining the justness and reasonableness of such wages and salaries or working conditions the board shall, so far as applicable, take into consideration among other relevant circumstances:

- (1) The scales of wages paid for similar kinds of work in other industries;
- (2) The relation between wages and the cost of living;
- (3) The hazards of the employment;
- (4) The training and skill required;
- (5) The degree of responsibility;
- (6) The character and regularity of the employment; and
- (7) Inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments.

SEC. 308. The Labor Board—

- (1) Shall elect a chairman by majority vote of its members;
- (2) Shall maintain central offices in Chicago, Illinois, but the Labor Board may, whenever it deems it necessary, meet at such other place as it may determine;

- Duties.** (3) Shall investigate and study the relations between carriers and their employees, particularly questions relating to wages, hours of labor, and other conditions of employment and the respective privileges, rights, and duties of carriers and employees, and shall gather, compile, classify, digest, and publish, from time to time, data and information relating to such questions to the end that the Labor Board may be properly equipped to perform its duties under this title and that the members of the adjustment boards and the public may be properly informed;
- (4) May make regulations necessary for the efficient execution of the functions vested in it by this title; and
- Reports.** (5) Shall at least annually collect and publish the decisions and regulations of the Labor Board and the adjustment boards and all court and administrative decisions and regulations of the Commission in respect to this title, together with a cumulative index-digest thereof.
- Representation.** SEC. 309. Any party to any dispute to be considered by an adjustment board or by the Labor Board shall be entitled to a hearing either in person or by counsel.
- Witnesses.** SEC. 310. (a) For the efficient administration of the functions vested in the Labor Board by this title, any member thereof may require, by subpoena issued and signed by himself, the attendance of any witness and the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed to by the deponent. Any member of the Labor Board may administer oaths and examine any witness. Any witness summoned before the board and any witness whose deposition is taken shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.
- (b) In case of failure to comply with any subpoena or in case of the contumacy of any witness appearing before the Labor Board, the board may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpoena, or to give evidence touching the matter in question, as the case may be. Any failure to obey such order may be punished by such court as a contempt thereof.
- (c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, as to which in obedience to a subpoena and under oath, he may so testify or produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.
- Access to books, etc.** SEC. 311 (a) When necessary to the efficient administration of the functions vested in the Labor Board by this title, any member, officer, employee, or agent thereof, duly authorized in writing by the board, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the board is authorized to consider or investigate. Any person who upon demand refuses any duly authorized member, officer, employee, or agent of the Labor Board such right of access or copying, or hinders, obstructs, or resists him in the exercise of such right, shall upon conviction thereof be liable to a penalty of \$500 for each such offense. Each day during any part of which such offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the

name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) Every officer or employee of the United States, whenever requested by any member of the Labor Board or an adjustment board duly authorized by the board for the purpose, shall supply to such board any data or information pertaining to the administration of the functions vested in it by this title, which may be contained in the records of his office.

Officers, etc., of
United States.

(c) The President is authorized to transfer to the Labor Board any books, papers, or documents pertaining to the administration of the functions vested in the board by this title, which are in the possession of any agency, or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal Control Act and which are no longer necessary to the administration of the affairs of such agency.

Transfer of
books, etc.

SEC. 312. Prior to September 1, 1920, each carrier shall pay to each employee or subordinate official thereof wages or salary at a rate not less than that fixed by the decision of any agency, or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal Control Act, in effect in respect to such employee or subordinate official immediately preceding 12.01 a. m. March 1, 1920. Any carrier acting in violation of any provision of this section shall upon conviction thereof be liable to a penalty of \$100 for each such offense. Each such action with respect to any such employee or subordinate official and each day or portion thereof during which the offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

Wages to be
maintained.

SEC. 313. The Labor Board, in case it has reason to believe that any decision of the Labor Board or of an adjustment board is violated by any carrier, or employee or subordinate official, or organization thereof, may upon its own motion after due notice and hearing to all persons directly interested in such violation, determine whether in its opinion such violation has occurred and make public its decision in such manner as it may determine.

Violations.

SEC. 314. The Labor Board may (1) appoint a secretary, who shall receive from the United States an annual salary of \$5,000; and (2) subject to the provisions of the civil-service laws, appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment and other supplies and expenses, including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees, as are necessary for the efficient execution of the functions vested in the board by this title and as may be provided for by Congress from time to time. All of the expenditures of the Labor Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the Labor Board.

Appointees.

SEC. 315. There is hereby appropriated for the fiscal year ending June 30, 1920, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to be expended by the Labor Board, for defraying the expenses of the maintenance and establishment of the board, including the payment of salaries as provided in this title.

Appropriation.

SEC. 316. The powers and duties of the Board of Mediation and Conciliation created by the act approved July 15, 1913, shall not extend to any dispute which may be received for hearing and decision by any adjustment board or the Labor Board.

Board of medi-
ation and concili-
ation.

Approved February 28, 1920.

CHAPTER 111.—*Seamen—Actions for injuries causing death.*

[41 Stat. 537.]

SECTION 1. Whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued.

Death on high seas.

SEC. 2. The recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

Recovery.

SEC. 3. Such suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until ninety days after a reasonable opportunity to secure jurisdiction has offered.

Limitation.

SEC. 4. Whenever a right of action is granted by the law of any foreign State on account of death by wrongful act, neglect, or default occurring upon the high seas, such right may be maintained in an appropriate action in admiralty in the courts of the United States without abatement in respect to the amount for which recovery is authorized, any statute of the United States to the contrary notwithstanding.

Foreign laws.

SEC. 5. If a person die as the result of such wrongful act, neglect, or default as is mentioned in section 1 during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted as a party and the suit may proceed as a suit under this act for the recovery of the compensation provided in section 2.

Death during pendency of suit.

SEC. 6. In suits under this act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly.

Contributory negligence.

SEC. 7. The provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this act. Nor shall this act apply to the Great Lakes or to any waters within the territorial limits of any State, or to any navigable waters in the Panama Canal Zone.

State laws. Exemptions.

SEC. 8. This act shall not affect any pending suit, action, or proceeding.

Pending suits.

Approved, March 30, 1920.

CHAPTER 194.—*Use of stop watches, etc.*

[41 Stat. 607, 613.]

[This act, appropriating money for arsenals, carries the usual provision as to the use of stop watches or other time-measuring devices in time studies of the work of employees. Chapters 228 and 240 (pp. 834 and 975) carry like prohibitions, including the employment of bonuses, in navy yards and in arsenals, etc., respectively.]

Use forbidden.

CHAPTER 219.—*Vocational rehabilitation—Cooperation with the States.*

[41 Stat. 735.]

SECTION 1. In order to provide for the promotion of vocational rehabilitation of persons disabled in industry or in any legitimate occupation and their return to civil employment there is hereby appropriated for the use of the States, subject to the provisions of this act, for the purpose of cooperating with them in the maintenance of vocational rehabilitation of such disabled persons, and in returning vocationally rehabilitated persons to civil employment for the fiscal year ending June 30, 1921, the sum of \$750,000; for the fiscal year ending June 30, 1922, and thereafter for a period of two years, the sum of \$1,000,000 annually. Said sums shall be allotted to the States in the proportion which their population bears to the total population in the United States, not including Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall not be less than a minimum of \$5,000 for any fiscal year. And there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section, for the fiscal year ending June 30, 1921, the sum of \$46,000; for the fiscal year ending June 30, 1922, and annually thereafter, the sum of \$34,000.

All moneys expended under the provisions of this act from appropriations provided by section 1 shall be upon the condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: *Provided*, That no portion of the appropriation made by this act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this act as shall be determined by the Federal board; (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used; (b) the plan of administration and supervision; (c) courses of study; (d) methods of instruction; (e) qualification of teachers, supervisors, directors, and other necessary administrative officers or employees; (f) plans for the training of teachers, supervisors, and directors; (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this act; (4) that no portion of any moneys appropriated by this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands; (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty.

SEC. 2. For the purpose of this act the term "persons disabled" shall be construed to mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation; the term "rehabilitation" shall be construed to mean the rendering of a person disabled fit to engage in a remunerative occupation.

SEC. 3. In order to secure the benefits of the appropriations provided by section 1 any State shall, through the legislative au-

Purpose.

Appropriation.

Expenditures.

Persons covered.

Action by States.

thority thereof, (1) accept the provisions of this act; (2) empower and direct the board designated or created as the State board for vocational education to cooperate in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, to cooperate as herein provided with the Federal Board for Vocational Education in the administration of the provisions of this act; (3) in those States where a State workmen's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency, and the State board charged with the administration of this act, such plan to be effective when approved by the governor of the State; (4) provide for the supervision and support of the courses of vocational rehabilitation to be provided by the State board in carrying out the provisions of this act; (5) appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursement of all money paid to the State from said appropriations. In any State the legislature of which does not meet in regular session between the date of the passage of this act and December 31, 1920, if the governor of that State shall accept the provisions of this act, such State shall be entitled to the benefits of this act until the legislature of such State meets in due course and has been in session sixty days.

Federal board.

SEC. 4. The Federal Board for Vocational Education shall have power to cooperate with State boards in carrying out the purposes and provisions of this act, and is hereby authorized to make and establish such rules and regulations as may be necessary or appropriate to carry into effect the provisions of this act; to provide for the vocational rehabilitation of disabled persons and their return to civil employment and to cooperate for the purpose of carrying out the provisions of this act, with such public and private agencies as it may deem advisable. It shall be the duty of said board (1) to examine plans submitted by the State boards and approve the same if believed to be feasible and found to be in conformity with the provisions and purposes of this act; (2) to ascertain annually whether the several States are using or are prepared to use the money received by them in accordance with the provisions of this act; (3) to certify on or before the 1st day of January of each year to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, together with the amount which each State is entitled to receive under the provisions of this act; (4) to deduct from the next succeeding allotment to any State whenever any portion of the fund annually allotted has not been expended for the purpose provided for in this act a sum equal to such unexpended portion; (5) to withhold the allotment of moneys to any State whenever it shall be determined that moneys allotted are not being expended for the purposes and conditions of this act; (6) to require the replacement by withholding subsequent allotments of any portion of the moneys received by the custodian of any State under this act that by any action or contingency is diminished or lost: *Provided*, That if any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not, within one year from the time of said appeal, direct such sum to be paid, it shall be covered into the Treasury.

Payments.

SEC. 5. The Secretary of the Treasury, upon the certification of the Federal board as provided in this act, shall pay quarterly to the custodian of each State appointed as herein provided the moneys to which it is entitled under the provisions of this act. The money so received by the custodian for any State shall be paid out on the requisition of the State board as reimbursement for services already rendered or expenditures already incurred and approved by said State board. The Federal Board for Vocational Education shall make an annual report to the Congress on

or before December 1 on the administration of this act and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money allotted to each State.

Sec. 6. There is hereby appropriated to the Federal Board for Vocational Education the sum of \$75,000 annually for a period of four years for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, 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.

Appropriation.

A full report of all expenses under this section, including names of all employees and salaries paid them, traveling expenses and other expenses incurred by each and every employee and by members of the board, shall be submitted annually to Congress by the board.

No salaries shall be paid out of the fund provided in this section in excess of the following amounts: At the rate of \$5,000 per annum, to not more than one person; at the rate of \$4,000 per annum each, to not more than four persons; at the rate of \$3,500 per annum each, to not more than five persons; and no other employee shall receive compensation at a rate in excess of \$2,500 per annum: *Provided*, That no person receiving compensation at less than \$3,500 per annum shall receive in excess of the amount of compensation paid in the regular departments of the Government for like or similar services.

Salaries.

Sec. 7. The Federal Board for Vocational Education 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 of disabled persons," to be used under the direction of the said board to defray the expenses of providing and maintaining courses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to Congress by said board: *Provided*, That no discrimination shall be made or permitted for or against any person or persons who are entitled to the benefits of this act because of membership or nonmembership in any industrial, fraternal, or private organization of any kind under a penalty of \$200 for every violation thereof.

Gifts, etc.

Approved June 2, 1920.

CHAPTER 248.—*Department of Labor—Women's bureau.*

[41 Stat. 987.]

SECTION 1. There shall be established in the Department of Labor a bureau to be known as the Women's Bureau.

Bureau established.

Sec. 2. The said bureau shall be in charge of a director, a woman, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compen-

Director.

- Duties.** sation of \$5,000. It shall be the duty of said bureau to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The said bureau shall have authority to investigate and report to the said department upon all matters pertaining to the welfare of women in industry. The director of said bureau may from time to time publish the results of these investigations in such a manner and to such extent as the Secretary of Labor may prescribe.
- Assistant director.** SEC. 3. There shall be in said bureau an assistant director, to be appointed by the Secretary of Labor, who shall receive an annual compensation of \$3,500 and shall perform such duties as shall be prescribed by the director and approved by the Secretary of Labor.
- Employees.** SEC. 4. There is hereby authorized to be employed by said bureau a chief clerk and such special agents, assistants, clerks, and other employees at such rates of compensation and in such numbers as Congress may from time to time provide by appropriations.
- Quarters, etc.** SEC. 5. The Secretary of Labor is hereby directed to furnish sufficient quarters, office furniture and equipment, for the work of this bureau.

Approved, June 5, 1920.

CHAPTER 250.—*Seamen—Payment of wages—Actions for injuries.*

[41 Stat. 988, 1006, 1007.]

- Demands.** [This act amends section 4530, Revised Statutes, as amended by the act of March 4, 1915 (38 Stat. 1164), by substituting in the first sentence for the words "wages which he shall have then earned," the words, "wages earned and remaining unpaid at the time when such demand is made"; also by adding to this sentence the words: "nor more than once in the same harbor on the same entry."]
- Section 10 of the act of June 26, 1884, as amended by the same act as above, is further amended so as to fix liability under the act whether the payment of advance wages was made "within or without the United States or territory subject to the jurisdiction thereof."
- Section 20 of the act of March 4, 1915, is amended to read as follows:]
- Injuries.** SECTION 20. Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located.
- Suits.**

Approved June 5, 1920.

ACTS OF 1920-21—SIXTY-SIXTH CONGRESS—THIRD SESSION.

CHAPTER 4.—*Hospital treatment for diseased alien seamen.*

[41 Stat. 1082.]

SECTION 1. Alien seamen found on arrival in ports of the United States to be afflicted with any of the disabilities or diseases mentioned in section 35 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," shall be placed in a hospital designated by the immigration official in charge at the port of arrival and treated, all expenses connected therewith, including burial in the event of death, to be borne by the owner, agent, consignee, or master of the vessel, and not to be deducted from the seamen's wages, and no such vessel shall be granted clearance until such expenses are paid or their payment appropriately guaranteed and the collector of customs so notified by the immigration official in charge: *Provided*, That alien seamen suspected of being afflicted with any such disability or disease may be removed from the vessel on which they arrive to an immigration station or other appropriate place for such observation as will enable the examining surgeons definitely to determine whether or not they are so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed: *Provided further*, That in cases in which it shall appear to the satisfaction of the immigration official in charge that it will not be possible within a reasonable time to effect a cure, the return of the alien seamen shall be enforced on or at the expense of the vessel on which they came, upon such conditions as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall prescribe, to insure that the aliens shall be properly cared for and protected, and that the spread of contagion shall be guarded against.

Approved, December 26, 1920.

CHAPTER 128.—*Use of stop watches, etc., on fortification work, in arsenals, etc.*

[41 Stat. 1082.]

[The customary prohibition. See p. 96.]

CHAPTER 161.—*Free public employment offices—National system.*

[41 Stat. 1367, 1426.]

SECTION 1.

*	*	*	*	*
To enable the Secretary of Labor to foster, promote, to develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment by maintaining a national system of employment offices, and to coordinate the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment and by maintaining a system for clearing labor between the several States, including personal services in the District of Columbia and elsewhere * * * \$225,000 [is appropriated].	Purpose.			
Approved March 4, 1921.	Appropriation.			

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